



Disaster Management and Other Legislation Amendment Bill 2024

Report No. 8, 57th Parliament
Community Safety and Legal Affairs Committee
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Community Safety and Legal Affairs Committee

Chair	Mr Peter Russo MP, Member for Toohey
Deputy Chair	Mr Mark Boothman MP, Member for Theodore
Members	Mr Stephen Andrew MP, Member for Mirani
	Ms Jonty Bush MP, Member for Cooper
	Mr Jason Hunt MP, Member for Caloundra
	Mr Jon Krause MP, Member for Scenic Rim

Committee Secretariat

Telephone	+61 7 3553 6641
Email	cslac@parliament.qld.gov.au
Technical Scrutiny Secretariat	+61 7 3553 6601
Committee webpage	www.parliament.qld.gov.au/cslac

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All web address references are current at the time of publishing.

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Chair's foreword

This report presents a summary of the Community Safety and Legal Affairs Committee's examination of the Disaster Management and Other Legislation Amendment Bill 2024.

The committee's task was to consider the policy to be achieved by the legislation and the application of fundamental legislative principles – that is, to consider whether the Bill has sufficient regard to the rights and liberties of individuals, and to the institution of Parliament. The committee also examined the Bill for compatibility with human rights in accordance with the *Human Rights Act 2019*.

Queensland experiences more natural disasters than any other state in Australia. With the growing impact of climate change, the frequency and intensity of these disasters are expected to rise.

Natural disasters can leave lasting scars on communities, destroying lives and livelihoods. How emergency services prepare for and respond to disasters can significantly impact recovery. It is crucial that our emergency services are managed efficiently and effectively, with cooperation at all levels and across all services.

The core purpose of this Bill is to facilitate this effectiveness – to ensure Queensland's emergency services are structured, administered, and led in a manner that will uplift their ability to respond to the challenges that lie ahead.

This Bill recognises the important work performed by rural fire brigades. Rural fire brigades and their volunteer members are the main line of defence for hundreds of thousands of Queenslanders who live outside of the big cities. The Bill will enhance the effectiveness of rural fire brigades, providing them with greater protections, while maintaining their ability to respond to incidents quickly and effectively.

On behalf of the committee, I thank those individuals and organisations who made written submissions on the Bill. I also thank our Parliamentary Service staff, Queensland Fire and Emergency Services, the Queensland Police Service and the Queensland Reconstruction Authority.

I commend this report to the House.



Peter Russo MP

Chair

Recommendations

Recommendation 1

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The committee recommends the Disaster Management and Other Legislation Amendment Bill 2024 be passed.

Executive Summary

The Bill's stated purpose is to amend Queensland statutes including the *Disaster Management Act 2003*, the *Fire and Emergency Services Act 1990*, and the *Queensland Reconstruction Authority Act 2011*, and make other consequential amendments to relevant subordinate legislation to give effect to structural, administrative and operational reforms recommended by recent reviews of Queensland's disaster response and emergency services arrangements. As part of the implementation of the Government's response to these reviews, the Bill establishes the Queensland Fire Department, consisting of Queensland Fire and Rescue and Rural Fire Service Queensland as separate entities within the Department.

Submitters to the inquiry recognised the need for reform of the current fire services arrangements as set out in the *Fire and Emergency Services Act 1990*. However, a number of stakeholders expressed their concerns with regard to the Bill's proposed reforms, and their dissatisfaction with the consultation process that occurred prior to the introduction of the Bill into the Legislative Assembly and the period of time available to consult with the committee.

The committee acknowledges the valuable services provided by fire service officers throughout Queensland, including Rural Fire Service volunteers, and notes the contributions of stakeholders who submitted their feedback to the committee about the Bill.

The committee identified and considered issues of fundamental legislative principle in the Bill and is satisfied that sufficient regard has been given to the rights and liberties of individuals and the institution of parliament.

Having considered the compatibility of the Bill with human rights, including issues raised by submitters, and the justifications provided in the statement of compatibility, the committee is also satisfied that the Bill is compatible with human rights in accordance with the *Human Rights Act 2019*.

The committee makes two recommendations, that the Bill be passed by the Legislative Assembly, and that the Queensland Government undertake education and awareness programs to effectively engage both Queensland Fire and Rescue and Rural Fire Service Queensland personnel as part of the implementation of the proposed reforms.

1 Introduction

1.1 Policy objectives of the Bill

The objectives of the Bill are to give legislative effect to structural, administrative and operational reforms as part of a wider reform process to the delivery of emergency services in Queensland. The Bill proposes to:

- amend the *Fire and Emergency Services Act 1990* (FES Act) to:
 - establish the Queensland Fire and Rescue (QFR) and the Rural Fire Service Queensland (RFSQ) as 2 separate fire services housed within the Queensland Fire Department (QFD)
 - provide further structure for key positions and their responsibilities within the QFD including the Commissioner; Chief Fire Officer; Deputy Commissioner, QFR; Chief Officer, RFSQ; and other executive and senior officer positions
 - enhance the legal status of rural fire brigades and volunteer protections
 - rename the FES Act to the *Fire Services Act 1990* (FS Act)
- amend the *Disaster Management Act 2003* (DM Act) to enhance Queensland’s disaster management arrangements
- amend the *Queensland Reconstruction Authority Act 2011* to expand the Queensland Reconstruction Authority’s functions
- establish a requirement to install smoke alarms in caravans and motorised caravans.

1.2 Background

Queensland’s disaster management arrangements ‘operate through a tiered system outlined in the DM Act, enabling a progressive escalation of support and assistance to affected communities’.¹

1.2.1 Recent review of emergency services in Queensland

The delivery of emergency services in Queensland has been considered in a series of recent reviews including:

- *Review into Volunteer Rescue Organisations in Queensland*, conducted by Campbell Darby DSC AM, and published in November 2018²
- *Sustaining the SES – Partnering for Change*, conducted by Campbell Darby DSC AM, and published in March 2020³
- *Independent review of Queensland Fire and Emergency Services* (Independent Review), prepared by KPMG for Queensland Fire and Emergency Services (QFES), and final report published in November 2021⁴

¹ Explanatory notes, p 3.

² Campbell Darby DSC AM, *Review into Volunteer Rescue Organisations in Queensland*, conducted by Campbell Darby DSC AM, and published in November 2018, <https://www.qfes.qld.gov.au/sites/default/files/2021-03/Review-into-VMR-Organisations-in-QLD.pdf>.

³ Campbell Darby DSC AM, *SES Review, “Sustaining the SES – Partnering for Change”*, 13 March 2020, <https://www.qfes.qld.gov.au/sites/default/files/2022-10/SES-Review-Report-Sustaining-the-SES-Partnering-for-Change.pdf>.

⁴ KPMG (prepared for Queensland Fire and Emergency Services), *Independent Review of Queensland Fire and Emergency Services*, 2 November 2021, <https://www.qfes.qld.gov.au/sites/default/files/2022-10/Independent-Review-of-QFES.pdf>.

- Inspector-General of Emergency Management (IGEM), *Review of Queensland's Disaster Management Arrangements* (IGEM Review), delivered in April 2023.

The Queensland Government published a response to the Independent Review in October 2022, entitled *Good Jobs and Better Fire and Emergency Services to Support Queensland's Great Lifestyle*.⁵ In the response, the government requested the IGEM conduct a review of the state's disaster arrangements.

The Office of the IGEM worked with the Department of the Premier and Cabinet, the QPS, QFES, Queensland Reconstruction Authority, Department of State Development, Infrastructure, Local Government and Planning, relevant state agencies involved in disaster management, the State Disaster Coordinator (SDC), the Local Government Association of Queensland, and other relevant stakeholders to obtain information necessary to the Review.

The IGEM presented a final review report, *Review of Queensland's Disaster Management Arrangements* (the IGEM Review), to government for consideration on 28 April 2023. The report made 10 recommendations, including that the QPS Commissioner (Police Commissioner) be appointed as the Chief Executive of the DM Act.⁶

On 30 October 2023, a machinery-of-government change allocated the responsibilities of the chief executive under the DM Act from the QFES Commissioner to the Police Commissioner.⁷

1.2.2 Staged reform process

Legislative reform of Queensland's emergency services is being progressed in two stages. Stage one of the reforms consisted of the introduction of three Bills into the Legislative Assembly in November 2023, for consideration by the Community Support and Services Committee (CSSC).⁸

Emergency Services Reform Amendment Bill 2023:
<ul style="list-style-type: none">• introduced 28 November 2023, referred to CSSC• proposes to make the consequential and administrative amendments necessary to transfer responsibility of Marine Rescue Queensland (MRQ) and State Emergency Services (SES) to the QPS and formally establish the State Disaster Management Group within the DM Act• <i>Report No. 40, 57th Parliament, Emergency Services Reform Amendment Bill 2023</i>, tabled 15 March 2024⁹
State Emergency Service Bill 2023:
<ul style="list-style-type: none">• introduced 28 November 2023, referred to CSSC• proposes to establish the SES• <i>Report No. 41, 57th Parliament, State Emergency Service Bill 2023</i>, tabled 15 March 2024¹⁰
Marine Rescue Queensland Bill 2023:

⁵ Queensland Government, *Good Jobs and Better Fire and Emergency Services to Support Queensland's Great Lifestyle*, 2022, <https://documents.parliament.qld.gov.au/tp/2022/5722T1747-83F4.pdf>.

⁶ Explanatory notes, p 2.

⁷ Explanatory notes, p 4.

⁸ As at 9 April 2024, the Emergency Services Reform Amendment Bill 2023, the State Emergency Service Bill 2023 and the Marine Rescue Queensland Bill 2023 are currently on the notice paper for second reading debate in the Legislative Assembly.

⁹ CSSC, *Emergency Services Reform Amendment Bill 2023*, Report No. 40, March 2024, <https://documents.parliament.qld.gov.au/tp/2024/5724T367-7626.pdf>.

¹⁰ CSSC, *State Emergency Service Bill 2023*, Report No. 41, March 2024, <https://documents.parliament.qld.gov.au/tp/2024/5724T368-25A1.pdf>.

- introduced 28 November 2023, referred to CSSC
- proposes to establish the MRQ as a state-wide marine rescue service
- *Report No. 42, 57th Parliament, Marine Rescue Queensland Bill 2023*, tabled 15 March 2024¹¹

The Bill represents stage two of the reforms, proposing to amend the DM Act, FES Act and FES Regulation, as well as implementing consequential amendments to other legislation to give effect to remaining structural, administrative and operational reforms recommended by the Independent Review Report and the IGEM Review.¹²

A Reform Implementation Taskforce was established to oversee and coordinate the implementation of the reforms to the emergency services portfolio over a two-year period.¹³

1.3 Legislative compliance

Our deliberations included assessing whether or not the Bill complies with the Parliament's requirements for legislation as contained in the *Parliament of Queensland Act 2001*, *Legislative Standards Act 1992* (LSA) and the *Human Rights Act 2019* (HRA).

1.3.1 *Legislative Standards Act 1992*

Committee comment

Our assessment of the Bill's compliance with the LSA identified some issues which are discussed in chapter 2 below.

Part 4 of the LSA requires that an explanatory note be circulated when a Bill is introduced into the Legislative Assembly and sets out the information an explanatory note should contain. Explanatory notes were tabled with the introduction of the Bill. We found the notes contain the information required by Part 4 and a sufficient level of background information and commentary to facilitate understanding of the Bill's aims and origins.

1.3.2 *Human Rights Act 2019*

The committee's assessment of the Bill's compatibility with the HRA considered the potential issues and limitations relating to the following human rights raised by the Bill:

- protection from cruel, inhuman or degrading treatment
- right to freedom of movement
- right to peaceful assembly and freedom of association
- property rights
- right to privacy and reputation
- cultural rights – generally
- cultural rights – Aboriginal and Torres Strait Islander People.

¹¹ CSSC, *Marine Rescue Queensland Bill 2023*, Report No. 42, March 2024, <https://documents.parliament.qld.gov.au/tp/2024/5724T369-9112.pdf>.

¹² Explanatory notes, p 3.

¹³ Explanatory notes, p 3.

Committee comment

The committee is satisfied that any potential limitations on human rights proposed by the Bill are demonstrably justified. Any relevant considerations of human rights issues are discussed in section 2 of this report.

A statement of compatibility was tabled with the introduction of the Bill as required by section 38 of the HRA. The statement contained a sufficient level of information to facilitate understanding of the Bill in relation to its compatibility with human rights.

1.4 Consultation on the proposed reforms

The explanatory notes state that consultation was undertaken with relevant government agencies and key stakeholders during preparation of the Bill, and that stakeholder feedback was taken into account in finalising the Bill.¹⁴

In contrast, a number of submissions raised concerns about the consultation process undertaken during the development of the Bill, especially those from stakeholders representing rural fire brigades.¹⁵ Some submitters attested to the Bill differing significantly from previous advice shared by the QFES about the proposed reforms.¹⁶ In the public hearing, Fergus Adrian ASFM noted that:

... there was no consultation with rural fire brigades [RFBs] or volunteer members regarding the 2024 bill. Contrary to the QFES response to the submissions, the only consultations with RFB members were in relation to the outcomes of the KPMG independent review. I was present at one meeting at Caboolture and we were asked what we did good, what we did not so good and what we could improve in. That was all it was about; it was nothing about the bill itself.¹⁷

In response to these concerns, the QFES advised that consultation about the reforms commenced in 2021, with the commissioning of the Independent Review, and that key stakeholders were further consulted by the Reform Implementation Taskforce in 2022.¹⁸ The QFES advised, in relation to consultation on the Bill:

With regard to the legislation, a consultation draft of the bill was provided to key stakeholders, ... in January 2024. Those stakeholders included, for example, the Together union, including Together union RFS, the Rural Fire Brigades Association of Queensland, the United Firefighters Union of Queensland, Queensland Auxiliary Firefighter Association and the QFES Senior Officers Union of Employees. Feedback from those stakeholders was considered in finalising the bill.¹⁹

In addition to concerns raised over the QFES's consultation process, some submissions were critical of the period of time provided by the committee to make a submission.²⁰ For example, stakeholders representing rural fire brigades voiced the difficulties composing a submission with disparate members that meet on a semi-regular basis.²¹

Our 15 March submission made the point that the timetable established by this committee for inviting submissions is, from a volunteer brigade viewpoint, unreasonable. This is why: Dayboro RFB holds its monthly general meeting on the second Wednesday of the month. This month it was held on the 13th. Under general business, we discussed the introduction of the bill, introduced six days earlier, and were alerted to the deadline for submissions of 17:00 hours on 15 March. At that point, no member had read

¹⁴ Explanatory notes, p 20.

¹⁵ Submissions 7, 8, 14, 20, 21, 24, 27, 30, 34, 41, 46, 49, 56.

¹⁶ Submissions 10, 56.

¹⁷ Fergus Adrian ASFM, public hearing transcript, Brisbane, 26 March 2024, p 16.

¹⁸ Queensland Fire and Emergency Services (QFES), correspondence, 22 March 2024, p 36.

¹⁹ Ben Millington, Acting Chief Officer, RFSQ, QFES, public briefing transcript, Brisbane, 26 March 2024, p 8.

²⁰ Submissions 7, 8, 9, 10, 17, 20, 24, 26, 28, 29, 30, 31, 32, 34, 35, 36, 46, 47, 49, 50, 53.

²¹ Submissions 8, 20, 24.

through the complete bill, let alone understood its implications. Nevertheless, we got busy and made the submission by the deadline.²²

Committee comment

Particularly given the constrained timeframe, we would like to place on record how appreciative we are of those stakeholders who made submissions to us.

1.5 Should the Bill be passed?

The committee is required to determine whether or not to recommend that the Bill be passed.

Recommendation 1

The committee recommends the Disaster Management and Other Legislation Amendment Bill 2024 be passed.

²² Kevin O’Sullivan, Chairman, Dayboro and District Rural Fire Brigades, public hearing transcript, Brisbane, 26 March 2024, p 7.

2 Examination of the Bill

This section discusses key issues raised during the committee's examination of the Bill. It does not discuss all consequential, minor or technical amendments.

2.1 Amendments to the *Fire and Emergency Services Act 1990* to establish 2 fire services within the Queensland Fire Department

The Bill proposes to amend the FES Act to establish the QFR and RFSQ as separate fire services within the new QFD. The Bill would also rename the FES Act to the *Fire Services Act 1990*, 'to reflect the sharpened focus on fire service delivery including fire prevention, fire control and fire response'.²³

Other proposed changes to the FES Act include:

- expanding the objectives of the Act to include establishing a framework for the operation, management and administration of the fire services
- expanding the Commissioner's functions to reflect the extent of the role's responsibilities
- consolidating the power of the Commissioner to direct certain persons under the FS Act to ensure the efficient and proper functioning of the fire services
- establishing the role of Chief Fire Officer, to provide operational advice to the Commissioner about the fire services
- establishing an advisory committee, to advise the Chief Officer, RFSQ, on matters relevant to rural fire brigades and volunteer members.²⁴

The proposed membership structure for the Queensland Fire Department, as set out by the Bill, is illustrated in Figure 1 below.

2.1.1 Functions of the Queensland Fire Department

It is intended that the two separate fire services will work cooperatively to deliver effective fire and emergency services to the community. To that end, the Bill would insert new section 2A to set out how the objects of the Act are to be achieved. That is, processes are to be established to ensure on-going operational and strategic collaboration and coordination between the fire services and to recognise the role of volunteers in supporting the delivery of fire and emergency services in the State.²⁵ The Bill would include new section 8 in the FES Act to collectively call the QFR and RFSQ 'the fire services'.²⁶ The Commissioner, as 'the operational and strategic lead of the QFD', would be a member of both services.²⁷

Amendments to section 8B of the FES Act are designed to ensure that both services can continue to deliver existing functions, and allow the fire services to do anything necessary or convenient to be done for the performance of the functions of the services.²⁸ Additional functions of the RFSQ are set out in new section 129.²⁹

²³ QFES, correspondence, 18 March 2024, p 2; Bill, cl 20.

²⁴ QFES, correspondence, 18 March 2024, pp 2-3.

²⁵ Bill, cl 22; QFES, correspondence, 18 March 2024, p 6.

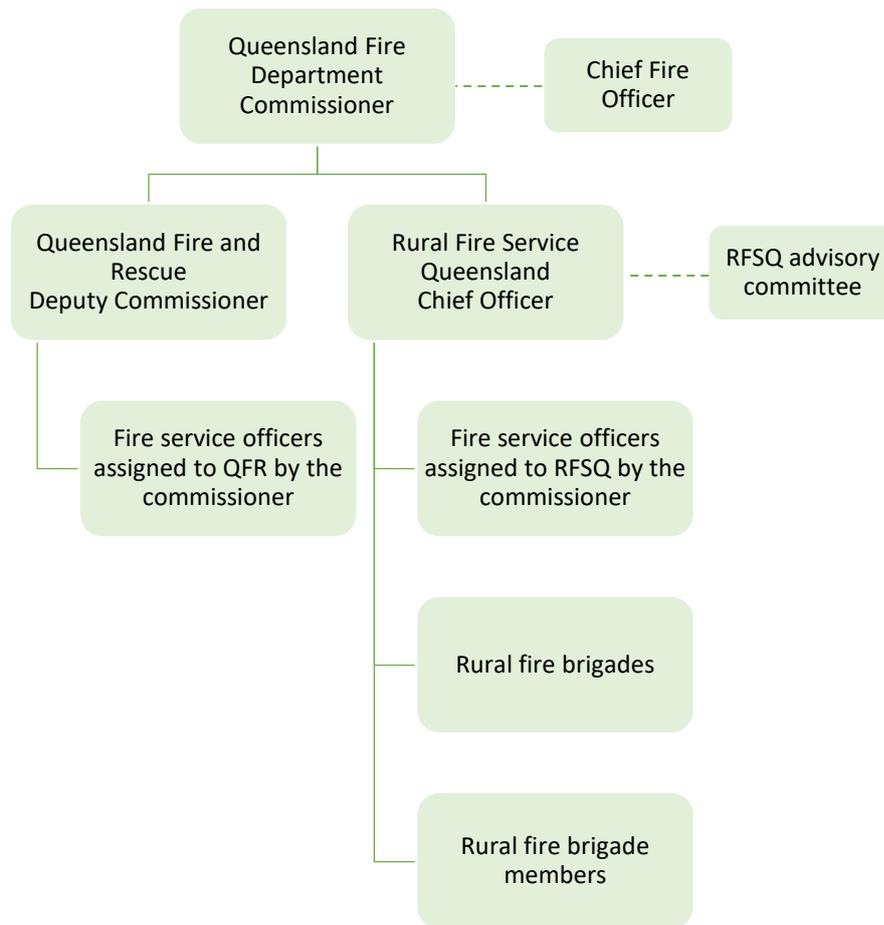
²⁶ Bill, cl 31.

²⁷ QFES, correspondence, 18 March 2024, p 7.

²⁸ QFES, correspondence, 18 March 2024, p 8; Explanatory notes, p 31.

²⁹ Bill, cl 62.

Figure 1 – The fire services membership structure, proposed by the Bill at clauses 31, 28 and 62



2.1.1.1 Stakeholder views and department response

Stakeholders generally acknowledged the need for reform of the FES Act and the structure and administrative arrangements of the QFES.³⁰ Anthony Cooke, Senior Industrial Officer, United Firefighters’ Union Queensland (UFUQ) stated:

The UFUQ has for some years considered reform of the QFES, as it is, or was, necessary. To put it simply, we thought there were too many square pegs in round holes.

...

It is our position that the remainder of the QFES disestablishment process must drive a return to the new Queensland Fire Department focusing on the core business of operations and operational outcomes. Given the department is a fire and rescue and bushfire rural brigade department, operations are the reasons for the department’s existence.³¹

A number of submissions called for an independent rural fire service with its own Commissioner, submitting that the proposed reforms in their current form would:

- fail to value volunteers³²
- change the nature of volunteer rural firefighting to a command-and-control structure³³

³⁰ Submissions 6, 8, 42.

³¹ Public hearing transcript, Brisbane, 26 March 2024, p 19.

³² Submission 30.

³³ Submission 20.

- lead to a further decrease in volunteers³⁴
- disadvantage and lower the profile of the rural fire service in Queensland.³⁵

In response, the QFES referred to the recent reviews, undertaken to assess Queensland's fire and emergency services, and noted that a key outcome of the Independent Review was that 'a model that involved the fire, rescue and emergency related functions of Fire and Rescue Service (FRS) and RFS remaining within a single organisation would be the strongest long-term model'.³⁶

Committee comment

We recognise the proposed reforms within the Bill are part of a wider suite of reform to Queensland's emergency services and disaster management arrangements as part of the implementation of recommendations from the Independent Review and the IGEM review.

We consider the reforms in the Bill to establish both the QFR and RFSQ as separate fire services within the Queensland Fire Department to be an appropriate structural arrangement of fire services across Queensland.

2.1.2 Appointment of Commissioner

Currently, chapter 2 of the FES Act provides for the appointment, conditions of employment and functions of the Commissioner. The chapter also details acting arrangements and provides the authority for the Commissioner to issue codes of practice relating to certain matters.

The Bill amends section 5 of the FES Act (in chapter 2) to provide that a person is eligible for appointment as Commissioner only if the person has professional firefighting experience, incident control expertise, and fire prevention expertise.³⁷

2.1.3 Appointment of executive and senior officers

The Bill proposes to establish the roles of Deputy Commissioner, QFR and Chief Officer, RFSQ. The persons in these roles would have responsibility for managing the day-to-day service delivery of the fire services and their functions would be to:

- support the Commissioner in the delivery of the Commissioner's functions
- manage service delivery to ensure the effectiveness and efficiency of the respective service
- ensure the development of the respective service's capability including the systems, frameworks and resources required to support service delivery
- ensure minimum standards and training for members of the respective service are in place to the satisfaction of the Commissioner
- perform any other function given by the Commissioner.³⁸

Proposed new section 25 of the FES Act would also allow the Commissioner to employ the number of executive officers or senior officers as is considered necessary for the effective administration of the Act and the performance of the fire services' functions.³⁹

³⁴ Submissions 6, 12.

³⁵ Submissions 25, 42, 54.

³⁶ Bill, cl 25; QFES, correspondence, 22 March 2024, p 4.

³⁷ Explanatory notes, p 31.

³⁸ QFES, correspondence, 18 March 2024, pp 9-10.

³⁹ Bill, cl 34.

2.1.4 Eligibility requirements

The Bill stipulates the same eligibility requirements for appointment of the Commissioner, Chief Fire Officer, and executive and senior officers, that is:

- professional firefighting experience, and
- incident control expertise, and
- fire prevention expertise.⁴⁰

The QFES advised that the mandatory eligibility requirements:

... reflect the level of command-and-control proficiency and experience expected for making and overseeing operational decisions, including strategic, operational and tactical decisions for the use of assets and human resources, in a high-risk, dynamic environment.⁴¹

For a person to be employed as Chief Officer, proposed new section 7Q requires the Commissioner to be satisfied the person has rural firefighting experience or rural incident control expertise or rural fire prevention expertise.⁴²

The QFES further advised in relation to the appointment of executive officers in RFSQ:

... the level of experience and expertise required for each role will be assessed at a level appropriate for the role. For example, for a role at a more senior level, the candidate should have the necessary breadth and depth of experience that reflects a high level of command-and-control proficiency and experience and provides the foundations for making and overseeing significant decisions of a strategic nature, including the use of assets and the deployment of people.⁴³

2.1.4.1 *Stakeholder views and department response*

Stakeholders' responses to the Bill's proposed eligibility requirements for senior and executive positions were mixed. A number of submitters, including the Queensland Human Rights Commission (QHRC), considered the requirements to be too prescriptive and limiting,⁴⁴ while others requested the inclusion of additional eligibility requirements, such as management experience or a minimum period of service.⁴⁵ The UFUQ 'wholeheartedly supported' the mandatory eligibility criteria, stating:

Practical work experience in, and knowledge of, the mandatory criteria required to perform the duties of professional firefighting, incident control and fire prevention is fundamental to the safety of those employees performing them. Theoretical, classroom, scenario or other virtual experience is simply inadequate to appreciate the dynamic way the myriad of fire and rescue responses require management (including preparation and planning, resourcing, and funding those responses) of the significant and fluid risks arising from the work.⁴⁶

The Mt Nebo Rural Fire Brigade submitted that the requirement to have 'professional' firefighting experience would favour those in the FRS and would exclude those with volunteer firefighting experience.⁴⁷

⁴⁰ Bill, cls 25, 28 (FES Act, new ss 5, 7C, 7K). Clause 83 of the Bill defines the terms 'professional firefighting experience', 'incident control expertise' and 'fire prevention expertise' in the schedule dictionary.

⁴¹ QFES, correspondence, 18 March 2024, p 11.

⁴² Bill, cl 28. Clause 83 of the Bill defines the terms 'rural firefighting experience', 'rural incident control expertise' and 'rural fire prevention expertise' in the schedule dictionary.

⁴³ QFES, correspondence, 22 March 2024, pp 13-14.

⁴⁴ Submissions 7, 24, 42, 60.

⁴⁵ Submissions 2, 43, 30, 50.

⁴⁶ Submission 42, p 3.

⁴⁷ Submission 52.

Dr Katherine Kirk, Dr Matthew Smith, Dr Damien Reid, Dr Raymond Bott, Dr Bruce Riches, Anneke Dorgelo and the UFUQ raised concerns that scientific officers currently engaged as senior officers within the FRS would be displaced from employment on commencement of the Act as they are not able to meet the eligibility criteria for appointment as a senior officer in QFR.⁴⁸

To the QHRC and other submitters who expressed concern over the prescribed qualifications, the QFES stated:

As outlined in the SoC [statement of compatibility], the prescribed eligibility requirements are considered so fundamental to these roles such that re-evaluating their relevance to a role through a position description for each recruitment or appointment process would be unwarranted.

Including the level of experience and expertise in legislation allows these requirements to be scrutinised by Parliament. If a disconnect becomes apparent over time, the legislative requirements can be reviewed.⁴⁹

The QFES also noted there was no requirement in the Bill for the Commissioner and senior officers to be professional firefighters, instead the requirement is to have professional firefighting experience, incident control expertise and fire prevention expertise.⁵⁰

The mandatory requirements reflect the level of command-and-control proficiency and experience expected for making and overseeing operational decisions, including tactical decisions for the use of assets and human resources, in a high risk, dynamic environment.⁵¹

Responding to concerns about the eligibility of science officers currently engaged as senior officers within the FRS, the QFES advised:

Scientific Officers provide an invaluable capability to QFES. QFES is aware of the issue and is working with Government to address the concerns raised.⁵²

Committee comment

The committee recognises that there are differing views about the proposed eligibility requirements for senior and executive officers but the provisions in the Bill appear reasonable in the circumstances.

We are reassured by the QFES's expression of support for the work of the Scientific Officers and the statement by QFES that it is working with the Government to address concerns about their future arising from the Bill.

2.1.5 Appointment (and removal) of fire service officers and rural fire brigade members

RFSQ and QFR officers currently employed under the FES Act are recognised as 'fire service officers', and the Commissioner may employ persons in this role under section 25 of the FES Act. Fire service officers, who have the functions of fire prevention and fire control, are defined as 'fire officers'. The department advised that the definitions for 'fire service officer' and 'fire officer' are unchanged by the Bill.⁵³

The Bill proposes that fire service officers are assigned to QFR and RFSQ by the Commissioner, and rural fire brigade members may be appointed by the Commissioner.⁵⁴

⁴⁸ Submissions 5, 42.

⁴⁹ QFES, correspondence, 27 March 2024, p 7.

⁵⁰ QFES, correspondence, 27 March 2024, p 16.

⁵¹ QFES, correspondence, 27 March 2024, p 16.

⁵² QFES, correspondence, 27 March 2024, p 15.

⁵³ QFES, correspondence, 18 March 2024, p 10.

⁵⁴ Bill, cls 31, 46 (FES Act, new sections 8A, 80).

The power to appoint fire service officers, and rural fire brigade members, also implies a power to remove or suspend a member.⁵⁵ The explanatory notes state that:

The amendment seeks to create consistency with other emergency service volunteers and remove ambiguity about the relationship of brigades and brigade volunteers with the State, thus enhancing applicable protections.⁵⁶

The explanatory notes further state that the Bill's appointment arrangements are considered justified to ensure that if required the Commissioner can effectively and expediently discharge their duty of care obligations to the community and other rural fire brigade members.⁵⁷

Currently, section 81(5) provides that the Commissioner may dismiss a person from any office held with a rural fire brigade or may disqualify a person from holding any office. The QFES advises that with the Bill introducing recognition of office bearers, section 81(5) would be amended to provide that the Commissioner may:

- dismiss a person from an office held with, or as an office bearer of, a rural fire brigade
- disqualify a person from holding any office with, or being an office bearer of, a rural fire brigade.⁵⁸

2.1.5.1 Stakeholder views and department response

Submissions from rural fire brigade representatives expressed concern that the Commissioner's powers in relation to the appointment and dismissal of office holders would further erode their ability to self-manage.⁵⁹

Volunteering Queensland and the Samford Rural Fire Brigade submitted that individuals should be afforded natural justice when responding to allegations of misconduct and given sufficient avenues for appeal.⁶⁰

In response, QFES confirmed that rural fire brigades will continue to manage the election of their officers and office bearers. QFES stated that it is 'appropriate and necessary' for the Commissioner to be able to both remove a person from holding an office and to also disqualify them from re-applying for the same position or another position within a brigade in some circumstances, especially where the Commissioner has information relevant to the decision that the brigade may not have.⁶¹ QFES added that if the Commissioner decides to dismiss or disqualify an officer or office bearer, 'natural justice is to be observed'.⁶²

2.1.5.2 Matters of legislative principle – administrative power and natural justice

Legislation should make rights and liberties dependant on administrative power only if the power is sufficiently defined and subject to appropriate review.⁶³

⁵⁵ *Acts Interpretation Act 1954*, s 25, powers of appointment to an office imply certain incidental powers, including the power to remove or suspend a person from the office.

⁵⁶ Explanatory notes, p 13.

⁵⁷ Explanatory notes, p 13.

⁵⁸ QFES, correspondence, 18 March 2024, p 16.

⁵⁹ Submissions 20, 23.

⁶⁰ Submissions 23, 44.

⁶¹ QFES, correspondence, 22 March 2024, p 11.

⁶² QFES, correspondence, 22 March 2024, p 11.

⁶³ LSA, s 4(3)(a).

Legislation should also be consistent with principles of natural justice. This includes the right to be heard, being afforded procedural fairness and having an unbiased decision maker.⁶⁴

The Bill would empower the Commissioner to suspend or remove members of rural fire brigades. The power to suspend or remove is not explicit in the Bill, rather it comes from incidental powers in the *Acts Interpretation Act 1954* (AIA). According to the AIA, if a person has the power to appoint a person under an Act, that power includes the power to remove or suspend a person. As the Bill is silent on any requirements for the Commissioner to consider input from the brigade member, or any appeal avenues for the brigade member to consider, the provision potentially has insufficient regard to rights and liberties of individuals.

The explanatory notes advise that the administrative decision to remove or suspend the membership of a rural fire brigade member will be subject to judicial review.⁶⁵

In response to submitters' concerns about whether the Bill is sufficiently consistent with the principles of natural justice, the QFES noted, 'Natural justice will apply to any decision to suspend or remove a brigade member and dismissal will only be considered where other alternatives cannot be identified'.⁶⁶

Committee comment

We consider the Bill's provision that would enable the Commissioner to suspend or remove members of rural fire brigades from duty is justified and appropriate in the circumstances, with sufficient regard to rights and liberties of individuals. We are satisfied with the Queensland Fire and Emergency Services' commitment to apply natural justice processes to any decision by the Commissioner to suspend or remove a member of a rural fire brigade.

2.1.6 Civil Liability Protections

Due to the status of rural fire brigades and the way they are formed, volunteer members of rural fire brigades do not currently have the same protections as, for example, SES volunteers. This includes protections from civil liability that are available under chapter 7, part 1 of the *Public Sector Act 2022* and section 39 of the *Civil Liability Act 2003*. By establishing the RFSQ and including rural fire brigades and rural fire brigade members as part of RFSQ, the Bill would enhance the protections that apply to volunteer members and reduce the risk to the State that exists under the current framework.⁶⁷

The QFES advised:

By providing that rural fire brigades are part of the State, members of rural fire brigades acquire similar protection to QFES fire officers and other emergency service volunteers, noting that all protection from liability provisions require the action or omission to have been performed to a certain threshold (for example, honestly and without negligence). This approach reflects the important role that volunteers serve and creates consistency for volunteer participation, which is essential in establishing a sustainable prevention and response capability for Queensland communities.⁶⁸

⁶⁴ LSA, s 4(3)(b). Office of the Queensland Parliamentary Counsel (OQPC), '*Fundamental legislative principles: the OQPC Notebook*' (Notebook), pp 15, 24-32.

⁶⁵ Explanatory notes, p 13.

⁶⁶ QFES, correspondence, 27 March 2024, p 6.

⁶⁷ Bill, cl 46; explanatory notes, p 18.

⁶⁸ QFES, correspondence, 18 March 2024, p 7.

2.1.6.1 Stakeholder views and department response

Some submitters expressed concern that the Bill does not provide the same civil liability protections to volunteer firefighters as to a paid officer when controlling or responding to an incident.⁶⁹

Noting their concerns, the QFES stated:

Bringing rural fire brigades within RFSQ will provide volunteers with more certainty and address historical concerns regarding protections from liability. The Bill will ensure protections from liability under the *Civil Liability Act 2003* and the *Public Sector Act 2022* are available where volunteers act within the course of their duties and do so carefully and in good faith.⁷⁰

2.1.6.2 Matters of legislative principle – conferral of immunity

The committee notes that to have sufficient regard to rights and liberties of individuals, legislation should not confer immunity from proceeding or prosecution without adequate justification.⁷¹

The Bill proposes to add QFR and the RFSQ to Schedule 1 and 2 of the Civil Liability Regulation 2014.⁷² This in turn provides those entities, and their members, the protections of sections 26 and 27 of the *Civil Liability Act 2003*.

The explanatory notes state that currently volunteer members of the rural fire brigades do not have the same protections afforded to similar volunteers, such as SES volunteers.⁷³ The explanatory notes further state:

The amendments are considered justified on the basis that volunteer members of rural fire brigades perform statutory functions, such as firefighting and fire prevention, and there is a significant public safety benefit in them doing so.⁷⁴

Committee comment

The committee is pleased that volunteer members of rural fire brigades will be better protected under the proposed amendments.

Noting the justifications in the explanatory notes that the members of the rural fire brigade are performing statutory functions with significant public safety benefit, and the limits to the immunity in the *Civil Liability Act 2003*, we are satisfied that the conferral of immunity from civil liability is adequately justified and limited, and that the provision has sufficient regard to the rights and liberties of individuals.

2.1.7 Chief Fire Officer

Clause 28 establishes the role of Chief Fire Officer (CFO) as a statutory position responsible for providing advice to the Commissioner on matters relating to service delivery, integration of the fire services, operational culture, best practice and innovation and research. According to the QFES, provision of advice regarding strategic and operational collaboration and coordination will also be a primary function of the new role of CFO.

The CFO is not a member of the fire services, however, and is subject to the direction of the Commissioner in performing the CFO's functions.⁷⁵ Additionally, the CFO is required to have had significant experience across all aspects relevant to a fire agency. A person is eligible for appointment

⁶⁹ Submissions 17, 26, 28, 35, 36, 54.

⁷⁰ QFES, correspondence, 22 March 2024, p 24.

⁷¹ *Legislative Standards Act 1992*, s 4(3)(h).

⁷² Bill, sch 1.

⁷³ Explanatory notes, p 18.

⁷⁴ Explanatory notes, p 18.

⁷⁵ Explanatory notes, p 10.

as CFO only if the person has professional firefighting experience, incident control expertise, and fire prevention expertise, similar to the qualifications required of the Commissioner and other senior officers.⁷⁶

Proposed new section 71 would require fire services to give the CFO all reasonable assistance required, and provide information held by a fire service if the chief fire officer requests it.⁷⁷

The CFO will be required to prepare a report on the functions performed by the CFO and give the report to the Commissioner on a quarterly basis or another period prescribed by regulation. The Commissioner must provide this report to the Minister.⁷⁸

2.1.7.1 Stakeholder views and department response

Some submitters expressed concern with regard to the CFO's reporting arrangements and whether being subject to the direction of the Commissioner would potentially affect the authoritative advice provided by the CFO to the Commissioner.⁷⁹

In response, the QFES stated:

The Commissioner is both the operational head of the fire services and the chief executive of the QFD in which the Chief Fire Officer is employed. It is appropriate for the Commissioner to have the ability to direct and manage persons within the department. Notwithstanding this, the Act ensures the Chief Fire Officer has clear statutory functions to provide authoritative advice about matters relating to the fire services.⁸⁰

Committee comment

Noting the advice provided by the QFES, the committee is satisfied that the CFO will be able to provide authoritative advice to the Commissioner about matters relating to the fire services.

2.1.8 RFSQ Advisory Committee

The Bill proposes to insert new section 130 to establish an RFSQ advisory committee to provide advice to the Chief Officer on matters relating to the performance of the functions of RFSQ, including the administration and management of rural fire brigades.⁸¹ Members of the advisory body are to be appointed by the Minister in consultation with the Chief Officer. QFES advised that committee members would include volunteers 'from across the State to ensure regional voices inform decision-making that will affect local brigades and volunteers'.⁸²

The Bill explicitly states that the RFSQ advisory committee is not a decision-making body.⁸³

2.1.8.1 Stakeholder views and department response

Some submitters raised concern that the new RFSQ advisory committee would not be a decision-making body.⁸⁴ In contrast, Kevin O'Sullivan, Dayboro and District Rural Fire Brigade, was supportive

⁷⁶ Bill, cl 28.

⁷⁷ Bill, cl 28 (FES Act, new s 71).

⁷⁸ Bill, cl 26 (FES Act, new s 7A(1A)(k)).

⁷⁹ Submissions 28, 32.

⁸⁰ QFES, correspondence, 27 March 2024, pp 11-12.

⁸¹ Bill, cl 62.

⁸² QFES, correspondence, 27 March 2024, p 31.

⁸³ Bill, cl 62, proposed new section 130(5).

⁸⁴ Submissions 8, 17, 26, 28, 29, 35, 36.

of the advisory committee, and suggested that the chair of the committee be one of the volunteer district representatives.⁸⁵

The QFES advised that while the RFSQ advisory committee will not be a decision-making body, 'it will play a pivotal role' in advising on matters relevant to rural fire brigades.⁸⁶ Acting Commissioner Stephen Smith noted that the advisory committee would be another avenue for volunteers 'to participate actively and provide advice through to me, the commissioner and the Minister on the ways in which RFSQ can support them in the work that they do'.⁸⁷

Committee comment

The committee is supportive of the potential role that the RFSQ advisory committee can play in providing advice to the Chief Officer on matters relevant to rural fire brigades.

2.1.9 Financial management and administration of individual fire brigades

The Bill proposes to amend section 82 of the FES Act which specifies the functions of a rural fire brigade.⁸⁸ One function at proposed new section 82(1) is to raise funds to support rural fire brigades in the performance of the brigades' other functions, including activities to help communities prepare for, respond to, and enhance resilience to, an event or a disaster.⁸⁹

2.1.9.1 Stakeholder views and department response

Stakeholders expressed concern that there was uncertainty as to the future of rural fire brigades' finances.⁹⁰ During the public hearing, Mr Justin Choveaux, General Manager, Rural Fire Brigades Association Queensland, stated:

Brigade money can be broken down three ways. There is state money which brigades do not get. There is council money and ... that is money that the brigade is accountable to the council for. When a brigade does fundraising or someone makes a donation to a brigade that is called community money and the brigade, being unincorporated, is responsible to the community for the expenditure of that money. As at 1 July, if this legislation goes through and the unincorporated organisations no longer exist because a brigade will then become part of the state, that money will then belong to the state. How that will actually function we do not know.⁹¹

Acting Commissioner Stephen Smith, QFES, responded to these concerns during the public briefing:

Money that brigades raise from fundraising and other sources will continue to be spent for the benefit of those brigades. Appliances and equipment purchased by brigades prior to the commencement of the new legislation will remain with brigades. Appliances will continue to be placed on the RFSQ asset register and recorded as being state owned, which allows these to be insured and maintained. This arrangement will not change with the introduction of the new legislation and any money held by brigades in their accounts when this legislation commences will remain with the brigades as well. There is no intention for RFSQ to interfere with those funds and it is intended that brigades will be able to spend that money under the existing rules and policies.⁹²

⁸⁵ Public hearing transcript, Brisbane, 26 March 2024, p 8.

⁸⁶ QFES, correspondence, 27 March 2024, p 31.

⁸⁷ Public briefing transcript, Brisbane, 26 March 2024, p 11.

⁸⁸ Bill, cl 48.

⁸⁹ Bill, cl 48, (FES Act, proposed new section 82(1)).

⁹⁰ Kevin O'Sullivan, Dayboro and District Rural Fire Brigade, public hearing transcript, Brisbane, 26 March 2024, p 7.

⁹¹ Public hearing transcript, Brisbane, 26 March 2024, p 3.

⁹² Public briefing transcript, Brisbane, 26 March 2024, p 5.

Committee comment

The committee recognises stakeholders continue to have concerns regarding the future of rural fire brigades' finances. If the Bill is passed, we encourage QFES to work with rural fire brigades to clearly explain the proposed changes and assist with their transition to the new system.

2.1.10 Implementation

The QFES advised that the Reform Implementation Taskforce has committed to implementing the reforms set out in the IGEM Review by 30 June 2024 'without any diminishing of the delivery of emergency services'.⁹³

The explanatory notes advise that the Queensland Government allocated a total funding package of up to \$578 million over 5 years from 2023-2024 and \$142 million per annum ongoing for implementation.⁹⁴

Committee comment

We are encouraged by the commitment to reform as exhibited by the Queensland Government and recognise that the intended reforms in the Bill will recognise the essential services provided by the QFR and RFSQ, as well as the valuable role volunteers play in providing fire services across Queensland.

Noting the disquiet expressed in some submissions and by some stakeholders at the public hearing in relation to the Bill and its intended reforms, we encourage the Queensland Government to continue to deliver appropriate education and awareness programs to effectively engage both Queensland Fire and Rescue and Rural Fire Service Queensland personnel as part of the implementation of the proposed reforms.

2.2 Other key amendments

2.2.1 Smoke alarms in caravans and motorised caravans

New smoke alarm legislation is currently being progressively commenced in Queensland that will require all homes to have interconnected, photoelectric smoke alarms in every bedroom, in hallways, and on every level, from 1 January 2027. Currently, the QFES provides guidance on fire safety in caravans and motorised caravans, but there are mandatory requirements.⁹⁵ The explanatory notes to the Bill state that the Queensland Government has decided to extend obligations for smoke alarms to caravans and motorised caravans 'to account for fire safety in different types of dwellings and places people sleep'.⁹⁶

The Bill proposes to insert a new chapter 3, part 9A, division 5B into the FES Act, and amend the Fire and Emergency Services Regulation 2011, to provide for new requirements for smoke alarms in caravans and motorised caravans.⁹⁷ The Bill also proposes new maximum penalties for failure to comply with the new requirements.⁹⁸

⁹³ QFES, correspondence, 18 March 2024, p 2.

⁹⁴ Explanatory notes, p 13.

⁹⁵ Motorised caravans are also referred to in submissions as recreational vehicles (RVs).

⁹⁶ Explanatory notes, p 5.

⁹⁷ Bill, cls 54 and 84.

⁹⁸ Bill, cls 54 and 91.

2.2.1.1 Stakeholder views and department response

Submissions that spoke to the relevant sections of the Bill were supportive of extending the requirement for smoke alarms to caravans and motorised caravans.⁹⁹

Caravanning Queensland noted that recreational vehicles (RVs) comprise caravans, motorhomes, campervans, slide-ons, camper trailers, tent trailers and 5th wheelers, and submitted that all types of RVs be considered, factoring in size, design and material makeup.¹⁰⁰ The submission recommended the use of smoke alarms that comply with AS3786:2014 and are powered by 9V or lithium-ion batteries. According to Caravanning Queensland, these detection devices are 'reliable, wireless, able to be installed with ease, both retrospectively and at point of manufacture', and compliant with a variety of RV types.¹⁰¹

Caravanning Queensland stressed the importance of an adequate transition period to allow manufacturers, dealers and owners sufficient time to comply with the new requirements. The submission called for clear guidance in regard to those RVs that are not registered but remain 'onsite' as long-term accommodation.¹⁰²

In response to the submission regarding preferred battery type, the QFES stated the amendments require the alarm to be powered by a battery that is 'built into the smoke alarm in a way that prevents the battery being removed' and will power the alarm for at least 10 years. The QFES stated that the batteries that currently meet this requirement are lithium-ion batteries.¹⁰³

Noting the challenge of ensuring fire safety in a range of accommodation types, including unregistered vehicles on private property and in caravan parks, the QFES stated:

QFES, with the assistance of a cross-agency working group, has been undertaking further work to determine options and practical solutions to increase fire safety in vehicles and dwellings being used as accommodation.¹⁰⁴

On transitional considerations, the QFES advised that Hon Nikki Boyd MP, Minister for Fire and Disaster Recovery and Minister for Corrective Services, had written to stakeholders in February 2024 about the amendments and welcomed the assistance of those organisations, including Caravanning Queensland, in working with QFES in the lead up to commencement to ensure communication and education about the reforms.¹⁰⁵

Committee comment

We support extending the obligations for smoke alarms to be installed into caravans and other motorised caravans, recognising the need to improve fire safety in different types of dwellings where people live and sleep.

2.2.2 Clarifying the responsibilities of the Police Commissioner under the *Disaster Management Act 2003*

The Queensland Government accepted in principle recommendations made in April 2023 in the IGEM review of Queensland's disaster management arrangements, including that the Police Commissioner

⁹⁹ Submissions 40, 42 and 57.

¹⁰⁰ Submission 57.

¹⁰¹ Submission 57.

¹⁰² Submission 57.

¹⁰³ QFES, correspondence, 27 March 2024, p 3.

¹⁰⁴ QFES, correspondence, 27 March 2024, p 3.

¹⁰⁵ QFES, correspondence, 27 March 2024, p 5.

be appointed as chief executive of the DM Act.¹⁰⁶ On 30 October 2023, machinery-of-government changes allocated the responsibility of the chief executive of the DM Act from the QFES Commissioner to the Police Commissioner.¹⁰⁷ The Bill clarifies the responsibilities of the Police Commissioner under the DM Act by replacing references to ‘chief executive’ with ‘police commissioner’.¹⁰⁸ QFES noted that the purpose of these amendments is to confirm this arrangement in line with recommendation 1A of the IGEM review.¹⁰⁹

Increasing the involvement of the Police Commissioner and QPS in disaster management may impact human rights. In particular, the committee considered the impact increased QPS involvement may have on disaster management in Aboriginal and Torres Strait Islander communities, given that some members of these communities may have negative perceptions of police.

Committee comment

On balance, the committee is satisfied that the efficiency gains of the proposed amendments outweigh any potential human rights risks posed by the increased involvement of the Police Commissioner and QPS in Queensland’s disaster management.

2.2.3 Expanding the role and functions of the Queensland Reconstruction Authority

The Queensland Reconstruction Authority (QRA) was established following natural disasters in Queensland in 2010 and 2011 and was made a permanent part of the Queensland Government in 2015. Its functions were amended in 2019 to reflect the QRA’s roles and responsibilities for all hazards, and to lead resilience and recovery policy.¹¹⁰ The IGEM review recommended that the QRA should lead state level hazard and risk functions, and should be Queensland’s lead agency coordinating Disaster Recovery Funding Arrangements.¹¹¹

The functions of the QRA are currently set out in section 10 of the *Queensland Reconstruction Authority Act 2011* (QRA Act). One of the QRA’s primary functions is the coordination, development, and implementation of whole-of-government policies for carrying out risk assessments of potential disasters across Queensland. This includes coordinating flood risk, as well as recovery and resilience state-wide policies for all potential disaster types.¹¹²

The Bill would amend section 10 of the QRA Act to expand the QRA’s functions to include:

- coordination of the development and implementation of whole-of-government policies for carrying out risk assessments of potential disasters
- administration of financial assistance for communities in relation to mitigating against, recovering from, or improving resilience for disasters.¹¹³

The QFES noted that these amendments are in line with IGEM recommendation 2.g, and recognise ‘the importance of creating State-wide policy for undertaking disaster risk assessments, ensuring best practice and consistency’.¹¹⁴

¹⁰⁶ Explanatory notes, p 2.

¹⁰⁷ Explanatory notes, p 4.

¹⁰⁸ Explanatory notes, p 6.

¹⁰⁹ Public briefing transcript, 26 March 2024, p 2.

¹¹⁰ Explanatory notes, p 8.

¹¹¹ QFES, correspondence, 22 March 2024, p 3.

¹¹² QFES, correspondence, 22 March 2024, p 5.

¹¹³ Bill, cl 87; QFES, correspondence, 22 March 2024, p 3; Bill cl 87.

¹¹⁴ QFES, correspondence, 22 March 2024, p 5.

The Bill proposes to rectify issues relating to:

- quorum - reaching a quorum for a meeting of the Queensland Reconstruction Board where there are vacancies in membership
- delegation - ensuring that the CEO of the QRA is able to delegate their functions under the QRA Act to an appropriately qualified person appointed under either the *Public Sector Act 2022* or the QRA Act.¹¹⁵

¹¹⁵ Bill, cls 88, 89 (QRA, amend ss 36, 132); QFES, correspondence, 22 March 2024, pp 4-6.

Appendix A – Submitters

Sub #	Submitter
1	Jaime Benjamin
2	Ian Pike AFSM
3	Confidential
4	Confidential
5	Dr Katherine Kirk, Dr Matthew Smith, Dr Damien Reid, Dr Raymond Bott, Dr Bruce Riches and Ms Anneke Dorgelo
6	Name Withheld
7	Steven Daw and supplementary submission
8	Rural Fire Brigades Association Qld
9	Eurong Rural Fire Brigade
10	Maroochy South Group of Rural Fire Brigades
11	Confidential
12	Peter Farmer
13	Name Withheld
14	Beau Clarke
15	Lee Tapper
16	Dave and Billie Morton
17	Bruce McLean
18	Queensland Auxiliary Firefighter Association Inc.
19	Confidential
20	Samford Rural Fire Brigade
21	John Stalker
22	Local Government Association of Queensland
23	Fergus Adrian AFSM
24	Dayboro and District Rural Fire Brigade
25	Dr Ed Boets
26	Mic Gray
27	Joanne Brown
28	Harry Kirk
29	Jim Runham
30	Tony Marks
31	Marc Wall
32	Abbot Point Rural Fire Brigade

Sub #	Submitter
33	Bruce Wagner
34	Anne Wells
35	Mitchell McNamara
36	Madison McNamara
37	Mark Saunders
38	Winston Williams
39	Kogan & District Rural Fire Brigade
40	Brad Dines
41	Christy Lewis
42	United Fire Fighters' Union Queensland
43	John Ashby
44	Volunteering Queensland
45	Ian Swadling
46	Michael Gordon
47	Neville Bradford
48	Whistleblowers Action Group (Qld) Inc.
49	Richard Hodgson
50	Stephen Loveland
51	James Besgrove
52	Mt Nebo Rural Fire Brigade
53	Allison Burns
54	Michael Tiley
55	John Mason
56	Jim Sharpe
57	Caravanning Queensland
58	AgForce Queensland Farmers Limited
59	Sean Hordern
60	Queensland Human Rights Commission

Appendix B – Officials at public departmental briefing

Queensland Fire and Emergency Services

- Mr Stephen Smith, Acting Commissioner
- Mr Kevin Walsh, Acting Deputy Commissioner, Queensland Fire and Rescue
- Ms Jane Houston, Acting Executive Director, Strategy
- Ms Carly Osborne, Director, Legislation
- Mr Ben Millington, Acting Chief Officer, Rural Fire Service Queensland

Queensland Police Service

- Mr John Bosnjak, Acting Assistant Commissioner, Emergency Management and Coordination Command

Queensland Reconstruction Authority

- Major General (Retd) Jake Ellwood, Chief Executive Officer

Appendix C – Witnesses at public hearing

Rural Fire Brigades Association Queensland

- Mr Justin Choveaux, General Manager

Maroochy South Group of Rural Fire Brigades

- Mr Nigel Kemp, Group Officer
- Mr Michael Davey, Group Administration Officer

Dayboro and District Rural Fire Brigade

- Mr Kevin O’Sullivan, Chairman

Mr Fergus Adrian AFSM, Private capacity

United Firefighters’ Union Queensland

- Mr Anthony Cooke, Senior Industrial Officer

Local Government Association of Queensland

- Ms Alison Smith, Chief Executive Officer
- Ms Liz Drumm, Disaster Management Lead | Assist

Caravanning Queensland

- Ms Michelle Weston, Chief Executive Officer, Caravan Parks Association of Queensland
- Mr Jason Plant, Chief Executive Officer, Caravan Trade and Industries Association of Queensland

Statements of Reservation

Statement of Reservation

The LNP members of the committee would like to place on record our Statement of Reservation in relation to the Disaster Management and Other Legislation Amendment Bill 2024.

Consultation Period

From the outset, it is completely unacceptable to only allow one week for stakeholders to make a submission on a Bill that has the potential to dramatically impact the viability and independence of Rural Fire Brigades across Queensland (as well as making several changes to the Caravan and Motorhome Industry).

Our Rural Fire Brigades work tirelessly for our communities and on many occasions save our State from disasters. They are the backbone of fighting bushfires. They deserve our admiration, not the disrespect and disregard this Miles-Palaszczuk Government has shown. This Bill highlights the total lack of consultation with volunteers - especially when numerous changes will directly affect the day to day running of brigades.

Level 3 Incident Controllers

In Queensland, there are currently 16 level 3 Incident Controllers spread thinly throughout the State - one in the South-West Region, two in the Northern Region, five in the Brisbane Region, one in the North Coast Region, two in the South-East region, two in the Central Region and three in the State at large. During the committee's public briefing, the Commissioner informed the committee there are currently nine people in training to become level 3 Incident Controllers. Whilst these additional training allocations are welcome, we question how many volunteer brigade members are included in this number and note that volunteers should be afforded the opportunity to undertake such training.

During the hearing, volunteers highlighted the lack of available training for volunteer brigade members to obtain the necessary skills to better prepare themselves. In response to a question asking about the availability of training, Mr O'Sullivan (Chairman of Dayboro and District Rural Fire Brigade) said "*these training courses are few and far between*". Additionally, they also mentioned that volunteers are restricted in gaining the qualifications they require to perform their functions on the fire front. Mr Kemp (Group Officer, Maroochy South Group Rural Fire Brigade) stated, "*The minimum skills are what you can get when you first join... That generally takes two to three months. Then you have to wait two years before you can go to your FAS, firefighter advanced skills. Then, correct me if I am wrong, it is another two years before you can do crew leader. Then you can step out and become officers. At the moment, we are looking at six years for a volunteer to be able to get that training.*"

Delaying training creates a disincentive for volunteers to remain in a brigade and saps enthusiasm. Having skilled volunteer firefighters would only enhance the effectiveness and further safeguard lives.

Clause 83

The amendment contained in Clause 83 of the bill creates a degree of confusion, especially for regional or remote communities who rely on volunteer rural fire brigades as they have no paid firefighters available. We hold concerns, which have been echoed by volunteers we have consulted with about this bill, that this provision could prevent volunteer rural firefighters in

remote locations from assisting in fire suppression from outside the large structure in order to prevent fire from spreading.

Finances of Rural Fire Brigades

Serious concerns remain unanswered about the intention of the Government to centralise brigade funds into a department-controlled banking system. No clear answer was provided by the department to the question that volunteers are asking – “will brigade funds be State funds after 1 July?” In fact, the department appeared to want to evade clearly answering this because it would clearly be a controversial admission to state that local funds are being taken over by the State. Unfortunately, and disgracefully, the answer to this question appears to be “yes”. In answering questions from Mr Krause, the department advised that brigades will have access to their funds after the 1 July 2024 based on a delegation of power from the Commissioner. This will replace the current system that recognises the community-based nature of rural fire brigades and allows individual brigades the flexibility to set up their own accounts through their preferred financial institutions, and enables opportunities for brigades to invest their funds. After the passage of this bill, post 1 July 2024 brigades will have to entrust their hard-earned funds to the State, with a system of delegation of authority down from the Commissioner to local brigades to enable them to access funds. Of course, such a delegation can be withdrawn at the stroke of a pen inside the department. Accounts could be effectively frozen by departmental decision. Further, the department advised that funds held by brigades prior to 30 June would continue to be accessible after 30 June on the same basis as prior to 30 June. This raises the question of whether two accounts will be required for brigades, and also draws into question how funds raised locally will be held (either in locally controlled accounts, or accounts managed under a delegation from the Commissioner). The impact on local autonomy – and apparent lack of respect for that autonomy – of these financial arrangements is a serious concern to the future of volunteer rural fire brigades that the Government has simply ignored. In short, they are riding roughshod over local volunteers.

Caravan Industry Changes

During the committee hearing, the Caravan Industry highlighted a glaring omission contained in the Bill. The legislation does not include the need to install smoke alarms in non-registered caravans in holiday or permanent sites. Whilst this highlights the importance of the committee system, but also shows the lack of consultation. Safety in one’s dwelling should always be a priority and the LNP committee members ask this be urgently reconsidered.



Jon Krause MP
Deputy Chair
Member for Scenic Rim



Mark Boothman MP
Member for Theodore

Disaster Management and Other Legislation Amendment Bill 2024

STATEMENT OF RESERVATION

STEPHEN ANDREW, MP

18 APRIL 2024

I have serious concerns at the 'undue haste' with which this bill is being rushed through Parliament.

The changes this Bill will introduce are going to have a significant impact on RFS management, funding and operational independence.

Not only has the bill failed to obtain broad stakeholder support, its consultation process was rushed and disrespectful to the many thousands of volunteers across the state who will be directly impacted by the bill's changes.

To quote the Samford Rural Fire Brigade:

"the proposed amendments to the Fire and Emergency Services Act 1990", if enacted "would destroy the community-based rural fire brigade network that for nearly eighty years has safeguarded rural communities in Queensland".

The Brigades have asked that the Bill be withdrawn – and I support their request - to allow full and frank consultation to occur with the RFBAQ and their communities on the establishment of a stand-alone Rural Fire Authority.

These brigades are volunteers who sacrifice their time and income to turn out in defence of people's homes and lives.

Their views deserve to be respected by Parliament.

Any bill that makes such drastic changes to the governance and structure of the Brigades, which does not have their support, should NOT be allowed to pass in Parliament.

At a minimum, it would set a terrible precedent for government enacting laws without consent, social licence or stakeholder support.

If passed, this bill will change the nature of volunteer rural firefighting in Queensland irrevocably.

Instead of a community based and driven service, it will be absorbed into the command and control structure of the government's Queensland Fire and Emergency Service.

I have had an overwhelming amount of feedback within my own electorate that tells me this would have a seriously negative impact on the morale of many volunteers, their families and the community as a whole.

The bill grossly misunderstands the role of the rural firefighting service.

As one of the Brigade submitters told the Committee, the Brigade members volunteers their services for Queensland communities, not the Queensland Government.

In other words, they are NOT employees of the Queensland Government.

Another commented that:

“There appears to be a strong perception within the QFES Executive that volunteers are an obstacle to be controlled, rather than an asset to be valued and supported”.

Whether that’s true or not, the bill’s documentation doesn’t seem to adequately recognise or value the enormity of importance the role played by our volunteer fire services within their local communities.

The Statement of Compatibility, in particular, fails to properly comprehend what motivates volunteer fire fighters in this service to their communities, often at considerable risk to their own lives and well-being.

Brigades need to have the ability to determine their own internal management structure.

Moreover, the rural fire service needs to be independent with its own commissioner and own budget and to work collaboratively and co-operatively with QFES.



Stephen Andrew, MP

