

Queensland Reconstruction Authority Amendment Bill 2013

Explanatory Notes

Short title

The short title of the Bill is the Queensland Reconstruction Authority Amendment Bill 2013.

Policy objectives and the reasons for them

In January 2013, ex-Tropical Cyclone Oswald and an associated monsoon trough passed over parts of Queensland over a number of days, causing a widespread impact including severe storms, flooding, and tornadoes.

Following these disasters, the recovery and reconstruction of affected communities is an immediate priority for the Queensland Government. However, there will also be a strong focus on building Queensland's resilience to natural disasters, including improving the capacity of infrastructure to withstand future flooding events.

The objective of the Bill is to amend the *Queensland Reconstruction Authority Act 2011* to ensure that the Government is able to effectively and efficiently respond to the disaster events of January and February 2013 and to enhance Queensland's resilience to future disasters.

Achievement of policy objectives

The Bill will:

- expand the jurisdiction of the Queensland Reconstruction Authority to include the disaster events of January and February 2013;
- provide the Queensland Reconstruction Authority with a stronger focus on disaster resilience; and
- extend the operation of the *Queensland Reconstruction Authority Act 2011* to 30 June 2015.

The Bill proposes to amend the definition of 'disaster event' to include storms, floods and tornadoes caused by ex-Tropical Cyclone Oswald and associated heavy rains in January and February 2013. This will allow the Queensland Reconstruction Authority to exercise its reconstruction powers for those communities affected by the 2013 disasters. The Queensland Reconstruction Authority will work collaboratively with affected local governments and the local community in delivering its reconstruction program.

Amendments are also included in the Bill to reflect the Government's emphasis on improved disaster resilience in implementing its reconstruction program following the 2013 disasters. This is achieved through proposed amendments to the main purpose of the Act and functions of the Queensland Reconstruction Authority to include improving the resilience of communities to potential disaster events.

Finally, in view of the major reconstruction program which will be required to be implemented in response to the 2013 disasters, the Bill proposes to extend the expiry of the *Queensland Reconstruction Authority Act 2011* until 30 June 2015.

Alternative ways of achieving policy objectives

The jurisdiction of the Queensland Reconstruction Authority could be expanded by Regulation to cover the 2013 disaster events. However, the Government has given a clear commitment to undertake an ambitious program of recovery and reconstruction, with an emphasis on building the resilience of Queensland communities to natural disasters.

For this reason, it is considered appropriate for Parliament to clearly express its intent that the functions and powers for the Queensland Reconstruction Authority apply to the reconstruction and recovery of affected communities in relation to the 2013 disaster events.

In addition, legislative amendment is required to ensure that the Government's emphasis on disaster resilience is reflected within the purpose of the Act and the functions of the Queensland Reconstruction Authority, and to extend the date of expiry of the legislation.

Estimated cost for government implementation

The Queensland Government and Commonwealth Government signed a revised National Partnership Agreement on 8 February 2013 in response to the 2013 disasters. Other financial implications associated with the extension of the period of operation of the Queensland Reconstruction Authority will be considered as part of the Budget process.

Consistency with fundamental legislative principles

The Bill is consistent with fundamental legislative principles.

The *Queensland Reconstruction Authority Act 2011* contains existing provisions which could adversely affect the rights and liberties of individuals or breach principles of natural justice, such as the ability to compulsorily acquire land and allow Ministerial declarations of critical infrastructure projects which are excluded from review under the *Judicial Review Act 1991*. These breaches of fundamental legislative principles are considered justified in the context of the broader public interest of the Queensland Reconstruction Authority being able to effectively undertake its reconstruction functions for the benefit of those communities affected by the 2013 disaster events.

Consultation

Community consultation has not been undertaken in relation to the content of the Bill. However, the Premier, the Minister for Local Government, Community Recovery and Resilience and other Government representatives have engaged in extensive consultation with local governments and communities affected by the 2013 disasters.

Consistency with legislation of other jurisdictions

The Bill is specific to the State of Queensland, and is not uniform with or complementary to legislation of the Commonwealth or another state.

Notes on provisions

Clause 1 provides that, when enacted, the short title of the Bill will be the *Queensland Reconstruction Authority Amendment Act 2013*.

Clause 2 states that the Bill amends the *Queensland Reconstruction Authority Act 2011*.

Clause 3 amends section 2 of the Act (Main purpose of Act) to include the purpose of improving the resilience of Queensland communities for potential disaster events.

Clause 4 expands the definition of ‘disaster event’ in section 6 of the Act (Meaning of *disaster event*), to include the storms, tornadoes and floods caused by ex-Tropical Cyclone Oswald and associated heavy rains in January and February 2013. This is in addition to the current disaster events declared under the Act, being the floods caused by heavy rains in Queensland in December 2010 and January 2011; severe Tropical Cyclone Yasi; and other disasters prescribed under the *Queensland Reconstruction Authority Regulation 2011*.

Clause 5 amends section 10 of the Act (Authority’s functions) to include the function of planning, coordinating and putting in place measures to improve the resilience of affected communities for potential disaster events.

Clause 6 amends section 139 of the Act (Expiry) to extend its date of expiry from 30 June 2014 to 30 June 2015.