



Queensland

Queensland Reconstruction Authority Regulation 2011

Explanatory Notes for SL 2011 No. 30

made under the

Queensland Reconstruction Authority Act 2011

General outline

Short title

Queensland Reconstruction Authority Regulation 2011.

Authorising law

Section 6 (c) and section 43 (1) of the *Queensland Reconstruction Authority Act 2011* (the Act).

Policy objectives and the reasons for them

The objectives of the Regulation are to—

- extend the definition of “disaster event” under section 6 of the Act to include floods, landslides and other disasters of February, March and April 2011.
- declare the Grantham area a “reconstruction area” under section 43 of the Act.

The Act came into effect on 21 February 2011 to establish the Queensland Reconstruction Authority (the Authority) and provide for appropriate measures to ensure Queensland effectively and efficiently recovers from

the impact of the disaster events of flooding and Tropical Cyclone Yasi which occurred during the period December 2010 to February 2011.

The Act included a regulation-making power under section 6 to allow the declaration of further “disaster events” and provide flexibility in the Authority's jurisdiction in the event of future disasters. Continuing extreme weather events, including monsoonal rains, flooding and landslides, have occurred in Queensland during February, March and April 2011 leading to further disaster declarations of local government areas across the State. It is therefore proposed that the definition of “disaster event” be expanded to include floods of February 2011, floods and landslides of March 2011 and floods, landslides or other disasters in April 2011. The expansion of the definition will ensure that the areas affected by these disaster events are able to receive assistance from the Authority in rebuilding and recovery.

Additionally, section 43 of the Act allows a regulation to declare a “reconstruction area” where the Minister is satisfied that the part of the State has been directly or indirectly affected by a disaster event and the declaration is necessary to facilitate flood mitigation, or the protection, rebuilding and recovery of affected communities.

The Grantham area experienced significant and unprecedented damage and devastation on 10 January 2011 following severe flash flooding in the Lockyer Valley. A large number of houses were destroyed and severely damaged. As such, Grantham is a priority area for reconstruction and recovery by the Authority. The Authority has consulted the Lockyer Valley Regional Council, which has formally requested the declaration of the Grantham area as a reconstruction area.

Achievement of policy objectives

The policy objectives of the Regulation will be achieved by—

- prescribing the floods, landslides and other disasters in February, March and April 2011 as a “disaster event”; and
- declaring the Grantham area as a “reconstruction area” to allow the Authority to exercise its powers to facilitate the rebuilding and recovery of the area.

Following the declaration of the Grantham area as a reconstruction area, a draft development scheme, including a community master plan incorporating the Lockyer Valley Regional Council's (the Council) future plan for this area will be released for public consultation.

Consistency with policy objectives of authorising law

The Regulation is consistent with the main objects of the Act, that is, to provide measures to assist with the rebuilding and recovery of Queensland communities affected by disaster events.

Alternative ways of achieving policy objectives

Alternative ways of assisting Grantham with rebuilding and recovery have been considered, including utilising ordinary development application processes, preparing a temporary local planning instrument, or making a state planning regulatory provision in accordance with the *Sustainable Planning Act 2009*.

However, the declaration of a reconstruction area is the quickest and most effective means for rebuilding the Grantham community and is in accordance with the policy objectives of, and reasons for enactment of, the Act.

Benefits and costs of implementation

The declaration of the reconstruction area will benefit the Grantham area by facilitating the rebuilding, recovery and protection of the area following the severe effects of flash flooding. The proposed reconstruction will be undertaken in a manner which results in no net cost to the Government or the Council.

Consistency with fundamental legislative principles

The declaration of a “reconstruction area” could potentially lead to infringement of fundamental legislative principles as the declaration will allow the making of a development scheme which would override the current local planning scheme and state planning instruments. However, it is noted that the Council has formally requested the declaration of the Grantham area as a reconstruction area. Further, any relocations by residents will be entirely on a voluntary basis.

In addition, the Act requires that a process of public consultation be undertaken on the draft development scheme, giving affected residents the opportunity to make submissions on amendments to the scheme prior to approval by Governor in Council.

Consultation

The Authority has consulted closely with the Council to determine the level of support the Council requires for the reconstruction and recovery of the Lockyer Valley (including Grantham). On 23 March 2011, the Council formally resolved to request that the Premier and Minister for Reconstruction recommend the declaration of Grantham as a reconstruction area.

The Council has undertaken more than 90 one-on-one consultations with members of the Grantham community and is continuing close consultation with the community on future master planning options for the Grantham area. Community consultation will also be undertaken on the draft development scheme for a period of 30 business days.

Notes on provisions

Clause 1 states that, when made, the Regulation will be cited as the *Queensland Reconstruction Authority Regulation 2011*.

Clause 2 provides that for section 6 (c) of the Act, the floods caused by heavy rains in February 2011; the floods and landslides caused by heavy rains in March 2011; and a flood, landslide or other disaster, within the meaning of the *Disaster Management Act 2003*, caused by heavy rains in April 2011 are prescribed as a disaster event. This will enable the Authority to assist those areas in rebuilding and recovering from damage caused by recent disasters.

Clause 3 sets out that, for section 43 (1) of the Act, the area marked as the reconstruction area on the map “Declaration of the Reconstruction Area - Grantham”, is declared to be a reconstruction area. The map is to be prepared and held by the Queensland Reconstruction Authority, and is available for inspection at the Authority's offices or accessed from the Authority's website (www.qldreconstruction.org.au) free of charge. The map held by the Authority shows the exact location of the boundary of the reconstruction area.

The Schedule includes a reproduction of the map of the Grantham reconstruction area.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of the Premier and Cabinet.

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