



Queensland

# **Community Safety Legislation Amendment Regulation (No. 1) 2013**

## **Explanatory Notes for SL 2013 No. 110**

made under the

*Ambulance Service Act 1991*

*Building Act 1975*

*Fire and Rescue Service Act 1990*

---

## **General outline**

### **Short title**

*Community Safety Legislation Amendment Regulation (No. 1) 2013.*

### **Authorising law**

Section 54 of the *Ambulance Service Act 1991*

Section 261 of the *Building Act 1975*

Sections 106, 108, 118 and 154 of the *Fire and Rescue Service Act 1990*

### **Policy objectives and the reasons for them**

To ensure a sustainable funding base for emergency services through more equitable sharing of the cost of these services across the whole community.

## **Achievement of policy objectives**

The policy objective will be achieved by increasing fees and refocussing the urban fire levy as a levy for emergency management more generally.

Particularly, the objective is achieved by:

- increasing fees for 2013-2014 under the *Ambulance Service Regulation 2003* and the *Building Fire Safety Regulation 2008* by 3.5 percent from 1 July 2013;
- increasing levies under the *Fire and Rescue Service Regulation 2011* by 3.5 percent from 1 July 2013 and 6.5 percent from 1 January 2014. From 1 January 2014 levies will also be applied across Queensland;
- providing an exemption from levies for certain categories of Indigenous land;
- amending levy classes for levy districts in the *Fire and Rescue Service Regulation 2011* for two areas of the State (Emerald and Roma) due to a permanent station officer being appointed in each district;
- including the newly established local governments of Noosa Shire Council, Livingstone Shire Council, Mareeba Shire Council and Douglas Shire Council in Schedules 3 and 4 of the *Fire and Rescue Service Regulation 2011* related to the declared periods for making payments to the department, effective from 1 January 2014. This amendment results from the *Local Government (De-amalgamation Implementation) Regulation 2013*.
- updating the Schedules with local governments that have not previously been required to administer levies;
- updating the date of the levy district map to 2013; and
- removing references to component local governments and urban fire levies as they are no longer current.

## **Consistency with policy objectives of authorising law**

The amendment regulation is consistent with the main objectives of the *Ambulance Service Act 1991* to ensure that the Queensland Ambulance Service is able to provide, operate and maintain ambulance services and perform other functions required under the *Ambulance Service Act 1991*.

The amendment regulation also aligns with the objectives of the *Fire and Rescue Service Act 1990* to ensure the Queensland Fire and Rescue Service is able to, amongst other things, protect persons, property and the environment from fire and hazardous materials emergencies.

### **Inconsistency with policy objectives of other legislation**

The regulation is consistent with the policy objectives of other legislation.

### **Benefits and costs of implementation**

Implementation of the proposed amendments will ensure a sustainable funding base for emergency management for the longer term.

Government pays an administration fee to local councils for administration of the levy, based on the number of relevant properties in the local government area. For councils where the number of levied properties increases, there will be a resultant increase in the administration fee. There will also be a cost related to support for local councils in implementing the new arrangements in the first year.

### **Consistency with fundamental legislative principles**

The amendment regulation has been drafted with regard to fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

The imposition of levies may be seen as an imposition on the rights and liberties of individuals. However, it is considered that the imposition of such levies is justified to ensure that emergency services can continue to provide quality front line services which contribute to the protection and safety of the community.

### **Consultation**

Consultation regarding the amendments has been undertaken with the Department of the Premier and Cabinet and Queensland Treasury and Trade.

The Office of Best Practice Regulation (OBPR) has concurred that 1 July 2013 fee and levy amendments are exempt from the Regulatory Impact

Statement (RIS) System as they are standard annual fee variations in line with a Government endorsed indexation factor. OBPR also concurs that changes in regard to the levy class of Emerald and Roma do not require a RIS.

The Treasurer and Minister for Trade has granted a Treasurer's exemption from preparation of a RIS for 1 January 2014 increases and broadening of the levy.

---

#### ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Community Safety.

© State of Queensland 2013