

Fire and Rescue Service and Another Regulation Amendment Regulation (No.1) 2014

Explanatory notes for SL 2014 No. 77

made under the

Fire and Emergency Services Act 1990
Building Act 1975

General Outline

Short title

Fire and Rescue Service and Another Regulation Amendment Regulation (No. 1) 2014.

Authorising law

Sections 108 and 154 of the *Fire and Emergency Services Act 1990* and section 261 of the *Building Act 1975* provide the power to make regulations for the purposes of these Acts.

Policy objectives and the reasons for them

To ensure an equitable funding base for emergency services by sharing costs of these services across the community and making this funding base sustainable by applying annual fee increases in line with a Government approved indexation factor.

Achievement of policy objectives

The Regulation achieves its objective by increasing fees for 2014-2015 under the *Fire and Rescue Service Regulation 2011* and the *Building Fire Safety Regulation 2008* by 3.5% from 1 July 2014.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the main objects of the *Fire and Emergency Services Act 1990* by providing a source of ongoing funding to support the provision of emergency management services across Queensland.

It is also consistent with the objects of the *Building Act 1975* in supporting the safe development and maintenance of buildings by providing for the adequate funding of fire safety assessments and inspections.

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. The amendments will provide an additional 3.5% to the annual fees collected under the *Fire and Emergency Services Act 1990*.

Government provides funding to local councils to administer the levy. This funding is determined by the number of relevant properties in the local government area. Where the number of levied properties increases, there will be a resultant increase in the administration fee.

The amendments also enable fire assessments and inspections of new and existing buildings to be adequately funded by increasing relevant fees payable by 3.5%.

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 use of subordinate legislation is justified as the amendments relate purely to regular fee adjustments. The use of primary legislation for this purpose is impractical.

Consultation

Consultation regarding the amendments has been undertaken with the Department of the Premier and Cabinet and Queensland Treasury and Trade. Those consulted have expressed support for the amending regulation.

The Office of Best Practice Regulation has advised that the proposed fee and levy amendments are exempt from the Regulatory Impact Statement System as they are standard annual fee variations in line with a Government endorsed indexation factor.