

Disaster Management (QDMC Membership) Amendment Regulation 2018

Explanatory notes for SL 2018 No. 78

made under the

Disaster Management Act 2003

General Outline

Short title

Disaster Management (QDMC Membership) Amendment Regulation 2018

Authorising law

Section 148 of the *Disaster Management Act 2003*.

Policy objectives and the reasons for them

The *Disaster Management Act 2003* (the Act) creates a State disaster management framework that is based on State, district and local levels of disaster management.

The *Disaster Management Regulation 2014* (the Regulation) prescribes the membership, business, meetings and other matters for the State, district and local disaster management groups and prescribes the disaster districts.

Sections 17 and 18 of the Act set out the establishment and functions of the Queensland Disaster Management Committee (QDMC). The QDMC provides the strategic direction and State-level decision making for disaster management across Queensland. Sections 19, 19A and 20 of the Act prescribe the members, assisting officials, chairperson and deputy chairperson for the QDMC.

The *Disaster Management (QDMC Membership) Amendment Regulation 2018* (the Amendment Regulation) makes changes to the members, assisting officials, deputy chairperson and observers of the QDMC.

As prescribed in section 2 of the Regulation, the following persons were previously members of the QDMC:

- the Premier;
- the Minister administering the Act;
- the Ministers administering the following Acts:
 - the *Community Services Act 2007*;

- the *Financial Accountability Act 2009*;
- the *Housing Act 2003*;
- the *Local Government Act 2009*;
- the *Planning Act 2016*; and
- the *Transport Operations (Road Use Management) Act 1995*.

The Ministers responsible for the following Acts become permanent standing members of QDMC under section 2(c) of the Regulation:

- the *Ambulance Service Act 1991*;
- the *Building Act 1975*;
- the *Education (General Provisions) Act 2006*;
- the *Electricity Act 1994*;
- the *Gas Supply Act 2003*;
- the *Public Health Act 2005*;
- the *Public Safety Preservation Act 1986*; and
- the *Water Supply (Safety and Reliability) Act 2008*.

The Chief Executives of the departments in which the following Acts are administered become permanent assisting officials of QDMC under section 3 of the Regulation:

- the *Building Act 1975*;
- the *Education (General Provisions) Act 2006*;
- the *Electricity Act 1994*;
- the *Gas Supply Act 2003*;
- the *Queensland Reconstruction Authority Act 2011*; and
- the *Water Supply (Safety and Reliability) Act 2008*.

Other assisting officials include:

- the Commissioner, Queensland Ambulance Service; and
- the Chief Health Officer under the *Hospital and Health Board Act 2011*.

Further the following roles become permanent observers of QDMC under section 3 of the Regulation:

- the Chief Operating Officer, Public Safety Business Agency; and
- the Chief Executive Officer, Local Government Association of Queensland.

Prior to the 2017 State General Election, the Minister for Police, Fire and Emergency Services and Minister for Corrective Services administered the Act. Machinery-of-government changes following the 2017 State General Election, formalised with *Administrative Arrangements Order (No. 3) 2017*, transitioned administration of the Act to the Minister for Fire and Emergency Services from 12 December 2017.

To ensure the Minister for Police and Minister for Corrective Services continues to be a member of the QDMC, the Minister who administers the *Public Safety Preservation Act 1986* has been included in the Amendment Regulation as a QDMC member.

As the Commissioner of the Queensland Police Service is already prescribed as an assisting official, no amendments are required to provide senior officer support to the Minister for Police and Minister for Corrective Services.

The Amendment Regulation includes the Ministers responsible for the *Ambulance Service Act 1991*; the *Public Health Act 2005*; the *Electricity Act 1994*; the *Gas Supply Act 2003*; the *Water Supply (Safety and Reliability) Act 2008*; and the *Education*

(General Provisions) Act 2006 as members of QDMC due to their significant roles in regard to public health, pre-hospital care, energy supply shortages, electricity, dam safety, gas and drinking water supply, the closure of schools in disaster affected areas and school based cyclone shelters. These Ministers have been regular invitees to QDMC meetings.

The *Building Act 1975* has also been added to ensure the Minister responsible for public works will be a standing member of QDMC in the event of future machinery-of-government changes.

The Chief Executives of the departments which administer the *Building Act 1975*; the *Education (General Provisions) Act 2006*; the *Electricity Act 1994*; the *Gas Supply Act 2003*; the *Queensland Reconstruction Authority Act 2011*; and the *Water Supply (Safety and Reliability) Act 2008*, as well as the Commissioner of the Queensland Ambulance Service and the Chief Health Officer, have also been included in the Amendment Regulation as permanent assisting officials of the QDMC.

The Queensland Reconstruction Authority (QRA) is the lead agency responsible for coordinating disaster recovery and resilience policy. The Amendment Regulation prescribes the Chief Executive Officer, QRA as an assisting official of QDMC to contribute to the seamless transition from disaster response to recovery.

Disaster management in Queensland requires local, district and state groups, government agencies and non-government organisations to work effectively together under Queensland's disaster management arrangements. The Amendment Regulation prescribes the Chief Executive Officer, Local Government Association of Queensland as an observer of QDMC in acknowledgement of the significant role of local governments in disaster management.

The Chief Operating Officer of the Public Safety Business Agency (PSBA) is also prescribed as an observer of QDMC given the PSBA's critical support role for public safety agencies.

The Amendment Regulation also transitions the deputy chairperson of the QDMC from the Minister administering the *Local Government Act 2009* to the Deputy Premier.

Achievement of policy objectives

The Amendment Regulation achieves its objectives by expanding the membership of QDMC in the *Disaster Management Regulation 2014*.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the main objectives of the *Disaster Management Act 2003*, in that it provides for effective disaster management within Queensland.

Inconsistency with policy objectives of other legislation

No inconsistency with other legislation identified.

Benefits and costs of implementation

The amendments will not impose any additional cost on Government.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with the fundamental legislative principles defined in section 4 of the *Legislative Standards Act 1992*.

Consultation

Queensland Fire and Emergency Services has self-assessed this proposal, in accordance with the Queensland Government Guide to Better Regulation, as exempt from regulatory impact analysis as it is machinery in nature.