

# **Fire and Emergency Services Legislation (Fees) Amendment Regulation 2018**

Explanatory notes for SL 2018 No. 79

made under the

*Building Act 1975*

*Fire and Emergency Services Act 1990*

## **General Outline**

### **Short title**

*Fire and Emergency Services Legislation (Fees) Amendment Regulation 2018*

### **Authorising law**

Section 261 of the *Building Act 1975*

Sections 108, 118 and 154E of the *Fire and Emergency Services Act 1990*

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

In accordance with Government policy, regulatory fees and charges are reviewed annually. Indexation of fees and charges seeks to maintain their value over time, relative to the anticipated increase in associated costs. The current Government indexation policy is that fees and charges are to be indexed by 3.5 percent for the 2018-2019 financial year.

The objective of the *Fire and Emergency Services Legislation (Fees) Amendment Regulation 2018* (the Amendment Regulation) is to amend the following regulations to apply annual indexation of fees and charges in accordance with the current Government indexation policy:

- *Building Fire Safety Regulation 2008*; and
- *Fire and Emergency Services Regulation 2011*.

The Amendment Regulation also amends the date of the levy district map within Section 7 of the *Fire and Emergency Services Regulation 2011* (the Regulation) to reflect the current year.

Under Section 118 of the *Fire and Emergency Services Act 1990* (the Act), a declared period is a period in a financial year declared under a regulation in which a local government is required to make payments to Queensland Fire and Emergency Services (QFES) out of its operating fund (essentially levy monies). Schedule 3 of the Regulation sets out the local government areas for local governments to which five declared periods per financial year apply. Schedule 4 of the Regulation sets out the local government areas for local governments to which three declared periods per financial year apply.

The Amendment Regulation moves the following six smaller local governments from Schedule 3 to Schedule 4 of the Regulation:

- Cassowary Coast;
- Mount Isa;
- Scenic Rim;
- Southern Downs;
- Tablelands; and
- Whitsunday.

This amendment ensures that these six local governments which issue rates notices only once or twice a year receive a reduction in regulatory and administrative burden through a decrease in the number of returns to QFES.

The Amendment Regulation removes Wallumbilla from the list of levy districts contained in Schedule 1 of the Regulation, which results in Wallumbilla changing from a 'Class D' levy district to a 'Class E' levy district. In accordance with the Regulation, a 'Class D' levy district is a district serviced by an auxiliary fire brigade. This amendment has been made as Wallumbilla no longer operates under an auxiliary model.

## **Achievement of policy objectives**

The Amendment Regulation achieves its objectives by applying the indexation policy to fees and charges and making some other minor amendments that are machinery in nature to the following regulations:

- *Building Fire Safety Regulation 2008*; and
- *Fire and Emergency Services Regulation 2011*.

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

The Amendment Regulation is consistent with the objectives of the authorising Acts. Each of those Acts provides for fees to be prescribed by regulation. The Act allows for prescribing differing amounts of contributions to be paid by owners of prescribed properties by categorising prescribed properties.

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

The Amendment Regulation is consistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

The Amendment Regulation will not impose any additional cost on Government. Implementation costs are limited to adjusting communication materials and forms. These costs are negligible and will be met through existing budgets.

## **Consistency with fundamental legislative principles**

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

## **Consultation**

In accordance with the *Queensland Government Guide to Better Regulation*, QFES applied a self-assessable exclusion from undertaking further regulatory impact analysis as per Category (h) Regulatory proposals that put forward standard annual fee variations in line with or below a government endorsed indexation factor. With respect to other minor amendments, QFES also applied a self-assessable exclusion from undertaking further regulatory impact analysis as per Category (g) Regulatory proposals that are of a machinery nature.