

# **Disaster Management (Local Disaster Management Group Interim Chairperson) Amendment Regulation 2020**

Explanatory notes for SL 2020 No. 44

made under the

*Disaster Management Act 2003*

## **General Outline**

### **Short title**

*Disaster Management (Local Disaster Management Group Interim Chairperson) Amendment Regulation 2020.*

### **Authorising law**

Sections 34 and 148 of the *Disaster Management Act 2003*

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

The purpose of the *Disaster Management (Local Disaster Management Group Interim Chairperson) Amendment Regulation 2020* is to set out arrangements for the role of chairperson of a local disaster management group (LDMG) when the role is vacant or the chairperson is absent for any reason.

On 12 March 2020, the World Health Organisation declared COVID-19 a global pandemic. The *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements for Remote Communities) Determination 2020* (the Determination) was made by the Commonwealth Minister for Health on 26 March 2020, under subsection 477(1) of the *Biosecurity Act 2015* (Cwlth) and came into effect at 11.59pm on that day.

The Determination gives a particular role to the chairperson of the LDMG.

On 28 March 2020, Local Government elections were held across Queensland. Until such time as the Queensland Electoral Commission publishes on its website the last declaration of a poll conducted for the local government area, the existing local government remains in caretaker mode.

After that time, and until new appointments can be made (except in the case of returning mayors), there will be no chairperson of the LDMG, which may have flow on effects to the operations of the LDMG and in particular, any decisions that may need to be made under the Determination.

The amendment regulation is required to ensure any necessary actions or decisions of the chairperson of the LDMG can be addressed during this period, and subsequently any period when the role of chairperson is vacant or the chairperson is absent for any reason.

## **Achievement of policy objectives**

The Regulation will provide for the deputy chairperson to act in the office of the chairperson. Should the deputy chairperson be unable to perform the functions of chairperson for any reason, the chief executive officer of the relevant local government, if they are willing and able to perform the functions, or the district disaster coordinator, or another person appointed by the district disaster coordinator, may act in the role.

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

The regulation is consistent with the principles and objects of the *Disaster Management Act 2003*.

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

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

## **Benefits and costs of implementation**

The regulation will provide for continuity in the operations of the LDMG and appropriate decision-making at times when the role of chairperson is vacant or the chairperson is otherwise absent.

The regulation will not result in any additional costs for the Government.

## **Consistency with fundamental legislative principles**

The regulation may be inconsistent with the fundamental legislative principle regarding defining administrative power, particularly that there should be sufficient safeguards to protect an administrative appointment under legislation from being arbitrary or made in breach of the principles of natural justice.

Appointment to the role of chairperson of an LDMG, as set out in the regulation, is justified as such appointments are made within the existing local government and disaster management arrangements and are limited to a specific time and purpose.

## **Consultation**

In accordance with the Queensland Government Guide to Better Regulation, the Office of Best Practice Regulation (OBPR) was consulted in regard to the regulation. OBPR has advised that no further regulatory impact analysis is required as the regulation will not add to the burden of regulation and is unlikely to result in significant adverse impacts.