

Disaster Management (Further Extension of Disaster Situation–COVID-19) Regulation 2021

Explanatory notes for SL 2021 No. 20

made under the

Disaster Management Act 2003

General Outline

Short title

Disaster Management (Further Extension of Disaster Situation–COVID-19) Regulation 2021

Authorising law

Sections 72, 138 and 148 of the *Disaster Management Act 2003* (the DM Act).

Policy objectives and the reasons for them

The purpose of the *Disaster Management (Further Extension of Disaster Situation–COVID-19) Regulation 2021* (the Regulation) is to further extend the period of the disaster situation declared for the whole of the State of Queensland on 22 March 2020 and extended by regulation on 2, 16 and 30 April 2020, 14 and 28 May 2020, 27 August 2020, 1 October 2020 and 10 December 2020.

On 12 March 2020, the World Health Organisation declared COVID-19 a global pandemic.

Under the DM Act, the Minister and the Premier may declare a disaster situation for the State, if satisfied a disaster is happening or likely to happen, for the purpose of preventing or minimising loss of human life or illness to humans. In response to the global pandemic, such a disaster situation was declared on 22 March 2020. The disaster situation was notified by Extraordinary Gazette.

Unless extended by Regulation pursuant to section 72, or declaration pursuant to section 72A, of the DM Act, for the COVID-19 emergency period, a disaster situation ends up to 90 days after the day it was declared.

A further extension is required due to the longer-term nature of COVID-19 and its potential impacts. Extension of the period of the disaster situation is necessary to ensure powers are available to rapidly and appropriately address risk to the health of the Queensland community. The extension is proposed for a period of 90 days, to 29 June 2021.

Achievement of policy objectives

The Regulation establishes a further 90 day extension period for the disaster situation related to the COVID-19 emergency.

Consistency with policy objectives of authorising law

The Regulation is consistent with the principles and objectives of the DM Act.

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 further extends the period in which powers may be exercised to protect the Queensland community from the effects of COVID-19.

The Regulation will not result in any additional costs for Government.

Consistency with fundamental legislative principles

The Regulation is consistent with fundamental legislative principles.

Consultation

Government has approved an exemption from further regulatory impact assessment in regard to extensions of the disaster declaration related to the COVID-19 emergency, noting that should it eventuate that disaster powers are widely used over a lengthy period, with resultant community impacts, further consideration will be given to undertaking comprehensive regulatory impact assessment, with the advice of the Queensland Productivity Commission.

The Office of Best Practice Regulation has been advised that the Regulation is excluded from further regulatory impact analysis based on the Government decision.