

# Disaster Management (Further Extension of Disaster Situation—COVID-19) Regulation 2022

Explanatory notes for SL 2022 No. 25

made under the

*Disaster Management Act 2003*

## General Outline

### Short title

*Disaster Management (Further Extension of Disaster Situation—COVID-19) Regulation 2022*

### 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 2022* (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, 10 December 2020, 18 March 2021, 17 June 2021, 16 September 2021 and 9 December 2021.

On 29 January 2020, a public health emergency was declared for the whole of the State of Queensland under the *Public Health Act 2005* (PH Act). 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 (COVID-19 disaster). The disaster situation was notified by Extraordinary Gazette.

Amendments to the DM Act for the COVID-19 disaster provided that the disaster may be extended for up to 90 days (rather than 14 days). Unless extended by regulation pursuant to section 72, or declaration pursuant to section 72A, of the DM Act, current extension is due to expire on 26 March 2022.

The DM Act provides for a range of powers which may be exercised for a disaster situation by persons authorised under the DM Act, including police officers. Emergency

officers under the PH Act also have a range of emergency powers which may only be used in responding to a public health emergency.

There are many powers under the DM Act and PH Act that are similar in nature with respect to managing disaster situations and public health emergencies, however only the DM Act provides the power to close a road to traffic. A combination of static vehicle interception sites and targeted patrols have been used throughout the pandemic as required to give effect to the State border restrictions imposed as public health directions under the PH Act.

Since late 2021, Queensland has been easing restrictions and moving towards the 'new normal' of living with the continuous risks of COVID-19. However, the possibility remains that some restrictions may still need to be activated. The emergence of Omicron, and the Delta variant before that, demonstrate how rapidly COVID-19 can spread, with the potential to significantly impact hospital systems. A rapid and flexible response capability is still required to protect the health, safety and welfare of Queenslanders and mitigate the spread of COVID-19 in the community. Ongoing COVID-19 responses are likely to be driven by local epidemiological conditions, vaccination rates and health system capacity, as well as any measures needed to respond to the emergence of vaccine resistant variants or other unforeseen circumstances.

Extension of the period of the disaster situation is necessary to ensure disaster 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 24 June 2022. Should the COVID-19 disaster not be extended and declared disaster powers be required in response to developing circumstances, a new disaster declaration would be required to be made and the longer period for extension would not be available.

## **Achievement of policy objectives**

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

## **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

The Government has granted an exemption from further regulatory impact assessment for 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 Office of Best Practice Regulation (OBPR).

With the implementation of *Queensland's COVID-19 Vaccine Plan to Unite Families – A Plan for Queensland's Borders* and the *Public Health and Social Measures linked to vaccination status – a plan for 80% and beyond* restrictions are generally easing with the community reaching vaccination targets. Therefore, in accordance with *The Queensland Government Guide to Better Regulation*, OBPR was not consulted in relation to the Regulation, as it is exempt from further regulatory impact analysis based on the Government decision.

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