

Fire and Emergency Services Amendment Regulation 2024

Explanatory notes for SL 2024 No. 112

made under the

Fire and Emergency Services Act 1990

General Outline

Short title

Fire and Emergency Services Amendment Regulation 2024

Authorising laws

Sections 106 and 154E of the *Fire and Emergency Services Act 1990* (FES Act).

Policy objectives and the reasons for them

The Emergency Management Levy (EML) has been a significant source of funding for Queensland Fire and Emergency Services and will continue to be for the Queensland Fire Department. The EML applies to prescribed properties within the various levy districts throughout the State and is collected by local governments, generally as part of rates notices.

The amount of EML a property owner is required to contribute depends on the proximity of their property to firefighting services and their use of the land (in particular, the level of fire and incident risk from that use). EML contributions for the different classes of levy districts and land uses are set out in Schedule 2 of the *Fire and Emergency Services Regulation 2011* (FES Regulation).

To assist in the administration of the EML, levy district maps are prepared which show the boundaries and name of the various levy districts throughout the State. With residential development and expansion and the ongoing construction of additional firefighting facilities, the boundaries of those levy districts are reviewed annually to ensure the burden of the EML is shared fairly across prescribed property owners. Following this review, new levy district maps are approved for the coming financial year and the Amendment Regulation will update the FES Regulation to recognise these new maps.

Achievement of policy objectives

Section 7 of the FES Regulation currently defines a 'levy district map' to mean a map held by the Commissioner immediately before 1 July 2023. As a result of the annual review of levy district boundaries, the Amendment Regulation updates the year in the definition of 'levy district map' to '2024'.

For the 2024–25 financial year, the boundaries of the Kilcoy levy district map are being adjusted to take account of property development in the area. No regulatory amendment is required for this as it is the result of the operation of existing provisions within the FES Regulation. The new boundary map is, however, provided for by the amendment to update the definition of levy district map in the FES Regulation.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the objectives of the FES Act. The EML scheme contributes significantly to ensuring the prevention of, and responses to, fires and other emergency incidents and for rescue services and operations.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The boundary change to the Kilcoy levy district will result in 257 properties previously within the class E levy district moving into the class D Kilcoy levy district. This will, however, impact two businesses that fall within the levy category of 'Industry (light, service or offensive) (gross floor area of 5,501–7,500m²)', (levy group 9) and 'Industry (heavy) (gross floor area of more than 15,000m²)', (levy group 12). These businesses will see an increase of \$6026.40 and \$48,262.60 respectively from the current contribution of \$1752.20 in their 2024–25 EML contributions. This will equate to total amounts of \$7778.60 and \$50,014.80.

All other properties in the area will not see any increase to their EML contribution. This is because, for the lower levy groups (group 6 and below), there is no difference in levy contribution between class D and class E. For example, residential properties moving into the class D Kilcoy levy district will pay the same levy group 2 EML in 2024–25 (that is, \$119.00) as residential properties in their previous class E district.

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

As the boundary change to the Kilcoy levy district map is the result of the application of current legislative provisions, no external consultation was undertaken. However, contact on the change has been made with the two impacted businesses that will see an increase to their EML. Advice has also been provided to the relevant local and State representatives, the United Firefighters Union of Queensland, the Rural Fire Brigades Association of Queensland, the local rural fire brigades, the Somerset Regional Council and the Kilcoy Chamber of Commerce.

Consultation has occurred with relevant Queensland Government agencies, including the Department of the Premier and Cabinet, Queensland Treasury and the Department of Housing, Local Government, Planning and Public Works.

The amendment to update the definition of 'levy district map' is minor and machinery in nature and does not change regulatory policy. No further regulatory impact analysis under *The Queensland Government Guide to Better Regulation Policy* is required for the amendment. An Impact Analysis Statement will be published following the making of the Amendment Regulation.