

Disaster Management and Other Legislation Amendment Bill 2024

Explanatory Notes

FOR

Amendments to be moved during consideration in detail by the Honourable Nikki Boyd MP, Minister for Fire and Disaster Recovery and Minister for Corrective Services

Title of the Bill

Disaster Management and Other Legislation Amendment Bill 2024 (the Bill).

Objectives of the Amendments

The objectives of the amendments to be moved during consideration in detail of the Bill are to:

- respond to concerns raised through the Community Safety and Legal Affairs Committee's consideration of the Bill about the application of new mandatory qualifications for appointment to a scientific officer role in Queensland Fire and Rescue (QFR) (a role equivalent to a senior officer under the *Public Sector Act 2022*) which does not require firefighting or incident control functions, rather, a relevant tertiary qualification in applied science, chemical engineering, chemistry or science;
- omit a provision of the Bill relating to testing of smoke alarms installed in caravans and motorised caravans that has been identified as redundant; and
- correct a reference in a definition by omitting the acronym QFES and replacing it with QFR.

Achievement of the objectives

Employment of scientific officers

Amendments 1 and 2 relate to the employment of persons as scientific officers in QFR.

New section 25 of the *Fire and Emergency Services Act 1990* (the FES Act) provides that, for a person to be employed as an executive officer or senior officer in QFR, the Commissioner must be satisfied the person has professional firefighting experience, and incident control expertise, and fire prevention expertise. Scientific officers are employed in equivalent senior officer roles (Inspectors and Chief Superintendent) in QFR. However, they are not required to undergo all the training of other senior firefighters due to the limited command and control functions they undertake. Rather, they are required to have a relevant tertiary qualification in applied science, chemical engineering, chemistry or science.

On 19 April 2024, the Community Safety and Legal Affairs Committee reported on the Bill, and recommended it be passed. The Committee's report noted submissions of several scientific officers employed in Queensland Fire and Emergency Services (QFES) and the United Firefighters Union of Queensland (UFUQ) expressing concerns that scientific officers would be displaced from employment on commencement of the amendments as they are not able to meet new eligibility criteria for appointment as a senior officer in QFR. The Committee commented that it was reassured by QFES' expression of support for the work of the scientific officers and that it was working with the Government to address the matter.

Testing of smoke alarms

Amendments 3-5 relate to provisions of the Bill requiring the installation of smoke alarms in caravans and motorised caravans in certain circumstances.

New section 104RO (inserted by clause 54) provides that a smoke alarm operates when tested if the smoke alarm operates when tested in a way required under subsection (3). Subsection (2) provides that a smoke alarm powered by a battery that is capable of being replaced operates when tested if:

- the battery in the smoke alarm is replaced; and
- after the battery is replaced, the smoke alarm operates when tested in the way required under subsection (3).

Subsection (3) provides that a smoke alarm installed in a caravan or motorised caravan must be tested in one of two of the following ways:

- for an alarm that can be tested by pressing a button or another device to indicate whether the alarm is capable of detecting smoke—by pressing the button or other device; or
- otherwise—by being tested by the owner of the caravan or motorised caravan in the way stated in the manufacturer's instructions for the smoke alarm.

The policy intent, as expressed in Clause 85 (which inserts a new part 2A in the *Fire and Emergency Services Regulation 2011*), is that only smoke alarms with non-removable batteries be installed in these vehicles. Therefore, it has been identified that subsection (2) of new section 104RO which refers to battery replacement is redundant and should be omitted to ensure clarity in terms of the requirements for how compliant batteries are to be powered and tested.

Minor amendment

Amendment 6 amends Schedule 1 (Other amendments) to the Bill. The amendment relates to the definition for *emergency alarm* in section 104DA (Additional requirement for monitored

systems), subsection (6) of the FES Act. The definition includes a reference to QFES which should be replaced with a reference to QFR on commencement of the Bill.

Achievement of policy objectives

The Bill achieves its policy objectives by

- amending clause 34 of the Bill to ensure that persons employed under the FES Act and appointed to a scientific officer role, equivalent to that of a senior officer under the *Public Sector Act 2022*, are not captured by the requirements of new section 25(3);
- amending clause 54 of the Bill (When smoke alarm *operates when tested*) to omit proposed subsection 104RO(2) and renumber the section; and
- amending Schedule 1 (Other amendments) to the Bill and the definition for *emergency alarm* in section 104DA (Additional requirement for monitored systems) by omitting the reference to QFES in subsection (6) and replacing with QFR.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives other than by legislative reform.

Estimated cost for government implementation

There are no costs to government to implement the amendments.

Consistency with fundamental legislative principles

The amendments have been drafted having regard to the fundamental legislative principles (FLPs) in the *Legislative Standards Act 1992*. The Explanatory Notes for the Bill address issues of consistency with the FLPs raised by a number of amendments. The amendments proposed during consideration in detail do not raise additional FLP considerations.

Consultation

Consultation was undertaken with stakeholders before introduction of the Bill as outlined in the Explanatory Notes for the Bill and during the Parliamentary Committee process.

Amendments 1 and 2 were identified as required through the Parliamentary Committee process by a number of scientific officers employed in QFES and the UFUQ. The UFUQ and these officers raised concerns about the application of new mandatory professional qualifications to scientific officers appointed in QFR.

Remaining amendments are minor and technical in nature. Separate stakeholder consultation was not considered necessary. The amendments will ensure the Bill operates as intended.

Consistency with legislation of other jurisdictions

The Bill is specific to the State of Queensland and is not uniform with, or complementary to, the legislation of the Commonwealth or any other State.

Notes on provisions

Part 1 Preliminary

Amendment 1 is to clause 34, which omits current section 25 of the *Fire and Emergency Services Act 1990* and replaces it with a new section 25. Relevantly, new section 25(3) provides that for a person to be employed as an executive officer or senior officer in Queensland Fire and Rescue (QFR), the Commissioner must be satisfied the person has professional firefighting experience, and incident control expertise, and fire prevention expertise.

Amendment 1 inserts a new subsection (3A) in new section 25 to provide that subsection (3) does not apply to the employment of a person as a scientific officer in QFR. The amendment ensures that persons employed under the *Fire and Emergency Services Act 1990* as a scientific officer in QFR, are not captured by the requirements of new section 25(3).

Amendment 2 is to clause 34, which omits current section 25 of the *Fire and Emergency Services Act 1990* and replaces it with a new section 25. The amendment inserts a new definition of *scientific officer* in section 25. The definition provides that a *scientific officer* means an officer who holds a tertiary qualification in applied science, chemical engineering, chemistry or science that is directly relevant to the performance of the functions of the office; and does not perform firefighting or incident control functions or duties.

Amendment 3 is to clause 54 of the Bill which inserts a new chapter 3, part 9A, division 5B relating to requirements for smoke alarms in caravans and motorised caravans. The amendment omits a reference in section 104RO(1) that refers to subsection (3) and replaces it with a reference to subsection (2).

Amendment 4 is to clause 54 of the Bill which inserts a new chapter 3, part 9A, division 5B relating to requirements for smoke alarms in caravans and motorised caravans. The amendment omits new section 104RO(2), which has been identified as redundant. New section 104RO (inserted by clause 54) provides that a smoke alarm operates when tested if the smoke alarm operates when tested in a way required under subsection (3). Subsection (2) of the Bill as introduced provides that a smoke alarm powered by a battery that is capable of being replaced operates when tested if:

- the battery in the smoke alarm is replaced; and
- after the battery is replaced, the smoke alarm operates when tested in the way required under subsection (3).

Subsection (3) provides that a smoke alarm installed in a caravan or motorised caravan must be tested in one of two of the following ways:

- for an alarm that can be tested by pressing a button or another device to indicate whether the alarm is capable of detecting smoke—by pressing the button or other device; or
- otherwise—by being tested by the owner of the caravan or motorised caravan in the way stated in the manufacturer’s instructions for the smoke alarm.

The policy intent, as expressed in Clause 85 of the Bill (which inserts a new part 2A in the *Fire and Emergency Services Regulation 2011*), is that only smoke alarms with non-removable batteries be installed in these vehicles. Therefore, subsection (2) of new section 104RO, which

refers to battery replacement, is considered redundant and is omitted by Amendment 4 to ensure clarity in terms of the requirements for how compliant batteries are to be powered and tested.

Amendment 5 is to clause 54 of the Bill which inserts a new chapter 3, part 9A, division 5B relating to requirements for smoke alarms in caravans and motorised caravans. The amendment omits a reference to subsection (3) due to renumbering following the omission of section 104RO(2) as introduced and replaces it with a reference to subsection (2).

Amendment 6 is to Schedule 1 (Other amendments) to the Bill and the definition for emergency alarm in section 104DA(6) (Additional requirement for monitored systems). The amendment omits a reference to QFES and replaces it with QFR.