

Disaster Management and Other Legislation Amendment Bill 2024

Statement of Compatibility

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

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019* (HR Act), I, Nikki Boyd MP, Minister for Fire and Disaster Recovery and Minister for Corrective Services, make this statement of compatibility with respect to the amendments proposed to be moved during consideration in detail (ACiDs) of the Disaster Management and Other Legislation Amendment Bill 2024 (the Bill).

In my opinion, the ACiDs are compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

Overview of the amendments

The objectives of the ACiDs are to:

- amend clause 34 (Amendments 1 and 2), new section 25 (Staff of QFES) to ensure that persons employed under the Act and appointed to a scientific officer role – which is a role equivalent to a senior officer under the *Public Sector Act 2022* – are not captured by the new requirements in the Bill requiring professional firefighting experience, and incident control expertise and fire prevention expertise in section 25(3). Rather, these officers will be required (as is the current requirement) to have a tertiary qualification in applied science, chemical engineering, chemistry or science that is directly relevant to the performance of the functions of the office;
- amend clause 54 (Amendments 3-5) to omit subsection (2) of new section 104RO (When smoke alarm *operates when tested*) to reflect the policy intent that only smoke alarms with non-removable batteries will be considered compliant for the purposes of the requirements in the Bill relating to smoke alarms in caravans and motorised caravans; and
- amend Schedule 1 to the Bill to omit a reference to QFES in section 104DA(6), definition *emergency alarm*, and replace with QFR.

Human Rights Issues

Human rights relevant to the Bill (Part 5 of the Bill and Part 3 *Human Rights Act 2019*)

In my opinion, the right to take part in public life (section 23 of the HR Act) is relevant to Amendments 1 and 2 to be moved as ACiDs.

The remaining ACiDs are of a technical nature and do not raise any human rights considerations under the HR Act.

Scientific Officers

The Statement of Compatibility for the Bill identified clause 34 (Replacement of section 25) limited the right to public life (section 23 of the HR Act). However, the limitation was considered reasonable and demonstrably justifiable in accordance with section 13 of the HR Act.

Amendments 1 and 2 relate to clause 34, which omits current section 25 of the *Fire and Emergency Services Act 1990* (FES Act) 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 FES Act as a scientific officer in QFR, are not captured by the requirements of new section 25(3). Amendment 2 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.

The amendments do not materially affect the intended operation of the proposed provision, and as such, the previous assessment of compatibility with human rights applies.

Conclusion

In my opinion, the ACiDs for the Disaster Management and Other Legislation Amendment Bill 2024 are compatible with human rights because they limit human rights only to the extent that is considered reasonable and demonstrably justifiable in a free and democratic society based on human dignity, equality and freedom.

NIKKI BOYD MP
MINISTER FOR FIRE AND DISASTER RECOVERY AND
MINISTER FOR CORRECTIVE SERVICES