



COMMUNITY SAFETY AND LEGAL AFFAIRS COMMITTEE

Members present:

Ms KE Richards MP—Acting Chair
Mr MA Boothman MP
Mr SSJ Andrew MP (virtual)
Mr BL O'Rourke MP (virtual)
Mr JE Hunt MP (virtual)
Mr JM Krause MP

Staff present:

Ms M Westcott—Committee Secretary
Mr R Pelenyi—Assistant Committee Secretary

PUBLIC BRIEFING—INQUIRY INTO THE DISASTER MANAGEMENT AND OTHER LEGISLATION AMENDMENT BILL 2024

TRANSCRIPT OF PROCEEDINGS

TUESDAY, 26 MARCH 2024

Brisbane

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The committee met at 12.59 pm.

ACTING CHAIR: I now open this public briefing for the committee's inquiry into the Disaster Management and Other Legislation Amendment Bill 2024. My name is Kim Richards. I am the member for Redlands and acting chair of the committee. I am substituting today for Peter Russo, the member for Toohey. I would like to acknowledge the traditional owners of the land on which we meet and pay my respects to elders past, present and emerging. We are very fortunate in this country to have two of the world's oldest continuing living cultures in Aboriginal and Torres Strait Islander people.

With me here at the table today are Mark Boothman, the member for Theodore and deputy chair, and Jon Krause, the member for Scenic Rim. On the phone I hope we have Stephen Andrew, the member for Mirani, and Barry O'Rourke, the member for Rockhampton, who is substituting today for Jonty Bush, the member for Cooper. Hopefully, shortly we will have joining us Mr Jason Hunt, the member for Caloundra.

The purpose of today's briefing is to assist the committee with its inquiry. This briefing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath, but I remind witnesses that intentionally misleading the committee is a serious offence. I remind committee members that departmental officers are here to provide factual and technical information. Any questions seeking an opinion about policy should be directed to the minister or left to debate on the floor of the House.

These proceedings are being recorded by Hansard and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and my direction at all times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages. I ask everyone present to turn your mobile phones to silent or turn them off.

BOSNJAK, Mr John, Acting Assistant Commissioner, Emergency Management and Coordination Command, Queensland Police Service

ELLWOOD, Major General (Retd) Jake, Chief Executive Officer, Queensland Reconstruction Authority

HOUSTON, Ms Jane, Acting Executive Director, Strategy, Queensland Fire and Emergency Services

MILLINGTON, Mr Ben, Acting Chief Officer, Rural Fire Service Queensland, Queensland Fire and Emergency Services

OSBORNE, Ms Carly, Director, Legislation, Queensland Fire and Emergency Services

SMITH, Mr Stephen, Acting Commissioner, Queensland Fire and Emergency Services

WALSH, Mr Kevin, Acting Deputy Commissioner, Queensland Fire and Rescue, Queensland Fire and Emergency Services

ACTING CHAIR: Good afternoon. Thank you for being with us here today. I invite you to make an opening statement.

Commissioner Smith: Thank you, Acting Chair, for the opportunity to brief the committee on the Disaster Management and Other Legislation Amendment Bill 2024. I would also like to acknowledge the traditional owners and custodians of the various lands on which we meet today and pay my respects to elders past and present.

I appreciate the time constraints the committee faces in this briefing. Consequently, I do not intend to comment on each amendment contained within the bill. Instead, I will expand on specific amendments where I can value-add.

The significant impact of disasters on Queensland communities has highlighted the importance of the state's emergency services agencies and disaster management arrangements operating at their peak, particularly as the severity of events is expected to increase over time. Two recent reviews—the Independent Review of Queensland Fire and Emergency Services and the Review of Queensland's Disaster Management Arrangements undertaken by the Inspector-General Emergency Management—considered the effectiveness and efficiency of Queensland's fire and emergency services and disaster management arrangements. Those reviews made a range of administrative and legislative recommendations for reform relevant to Queensland Fire and Emergency Services, the Queensland Police Service and the Queensland Reconstruction Authority.

Broadly speaking, the bill seeks to implement legislative amendments of the government's response to recommendations contained in those reviews that are not provided for in the Emergency Services Reform Bill 2023, the State Emergency Service Bill 2023 and the Marine Rescue Queensland Bill 2023, which were introduced into the Legislative Assembly in November last year. Collectively, these four bills will create the legislative structures to deliver a more focused fire service and strengthen the state's disaster management arrangements.

I will turn first to those parts of the bill amending the Disaster Management Act 2003, or DM Act. Specifically, the bill will amend the DM Act to meet the recommendations made within the IGEM review. Although machinery-of-government changes have already allocated responsibility of the chief executive under the DM Act to the Commissioner of Police, the bill makes a number of technical arrangements to confirm this arrangement in line with recommendation 1A of the IGEM review.

The bill will also implement IGEM recommendation 1B through amendments to the DM Act which emphasise that the role of the Queensland Disaster Management Committee, or QDMC, is to be the paramount body providing strategic leadership during significant events and disaster operations. Crucially, the bill meets IGEM recommendation 1D by formally establishing the role of the State Recovery Policy and Planning Coordinator, or SRPPC, within the DM Act. The chief executive officer of the Queensland Reconstruction Authority is to be the SRPPC and will be tasked with preparing policies and plans to coordinate effective disaster recovery operations. The SRPPC's role also extends to overseeing the implementation of these policies and plans.

The SRPPC role is active, requiring them to liaise with and advise the State Disaster Coordinator about these disaster recovery operations and to work with the State Disaster Coordinator to transition from disaster response operations to recovery operations. If a State Recovery Coordinator is appointed for a disaster, the SRPPC is to liaise with and advise the State Recovery Coordinator about coordinating the disaster recovery operations for that disaster. The SRPPC reports regularly to the QDMC about the disaster recovery operations and liaises with the State Disaster Coordinator. The bill clarifies that each State Recovery Coordinator reports to the SRPPC and the chairperson of the QDMC. These clear lines of reporting meet recommendation 2D of the IGEM review.

Finally, the bill amends the guiding principles of the DM Act to emphasise consideration should be given to the improvement of the resilience of a community across the four phases of prevention, preparedness, response and recovery when planning disaster management pursuant to recommendation 5D of the IGEM review. A definition of resilience is inserted that aligns with the Queensland Reconstruction Authority Act. The resilience of a community means the ability of the community and its systems to recover from the impacts of a disaster. This would include, for example, the ability to restore essential infrastructure and community functions and to accommodate or adapt to the impacts of disaster.

Amendments to the Queensland Reconstruction Authority Act 2011 will expand the functions of QRA to include the coordination of the development and implementation of whole-of-government policies for carrying out risk assessments for potential disasters. The amendments specify that QRA will administer, coordinate and distribute financial assistance for communities in relation to mitigating against, recovering from or improving resilience from disasters. The amendments will also correct an anomaly that currently limits the delegation of the CEO's powers. Finally, the amendments clarify that a quorum for a meeting of the Queensland Reconstruction Board is the majority of the board's members at the time the meeting is held.

I would like to now address the most substantial parts of the bill, which deal with amendments to the Fire and Emergency Services Act 1990, the Fire and Emergency Services Regulation 2011 and the State Penalties Enforcement Regulation 2014.

Queensland Fire and Emergency Services, with support from our valuable volunteer brigades, has a longstanding and proud history of serving Queensland communities and working with them when natural and man-made emergencies and disasters occur. When established, the new Queensland Fire Department will continue to provide these vital services but with a renewed focus on fire. Importantly, amendments will establish Rural Fire Service Queensland as a service separate to Queensland Fire and Rescue. This will provide the foundation which departmental arrangements can operate to implement the government's response to the review of QFES.

Specifically, a new chapter headed 'Rural Fire Service Queensland', which I will now refer to as RFSQ, will be included in the Fire Services Act and will set out the key functions of RFSQ. While the RFSQ and Queensland Fire and Rescue, which I will now refer to as QFR, will be established by the legislation as separate services, they will both be housed within the Queensland Fire Department. This is critical in continuing to deliver fire services, as it will not only meet the needs of all Queenslanders but also ensure the future operational and administrative sustainability of the services.

In establishing the new services, the bill also sets out the membership of the two services. Importantly, the commissioner is a member of both services. This represents the equal responsibility the commissioner has towards the services. As fire service officers are employed under the fire legislation, officers are identified in the bill as being assigned as a member of a service. In practice, officers are already employed in a position that is either QFR or RFSQ specific. The bill will not change this.

Importantly, the bill provides that one of the objects of the act is to recognise the valuable role of volunteers in supporting the delivery of fire and emergency services in the state. Our rural fire brigade volunteers are at the heart of our local communities, and this is important recognition of their role in providing essential fire services in this state. Up until now, rural fire brigades have operated as unincorporated associations, working in partnership with the Queensland state government. The bill will provide that brigades and their volunteer members are part of RFSQ. This will provide a stronger and more integrated legislative framework which, combined with improved resources and equipment, will support volunteers to better protect their communities. This is consistent with how other rural fire services operate in other jurisdictions. I will talk specifically to amendments impacting brigades soon, but I will take the opportunity to comment on a number of other aspects of the bill first.

I would like to turn to the insertion of eligibility requirements for executive and senior roles within the fire services. For those members in QFR appointed to senior and executive level roles, officers will be required to possess professional firefighting experience, fire prevention expertise and incident control expertise. These requirements are further defined in the bill and reflect the progressive operational expertise that firefighters accumulate from entry as a recruit through to more senior positions in charge of significant resources across complex events. These requirements also reflect that these officers are authorised fire officers and able to exercise significant powers to protect people, property and the environment from danger or potential danger caused by a fire or a hazardous materials emergency or to protect a person trapped in any premises or otherwise endangered.

Relevant ranks include that of deputy commissioner, assistant commissioner, chief superintendent, superintendent and inspector. While a senior officer will be required to hold experience and expertise to a lesser level than that of an executive officer, the core requirements remain the same. That experience and expertise is to be obtained through employment as a firefighter in QFR or a fire service equivalent to QFR in another state or territory or in New Zealand. Given the close working relationship for fire related matters between these jurisdictions, this ensures an appointee will have relevant experience, thereby enhancing the safety of firefighters and the community.

The commissioner of QFD will also be required to possess the same experience and expertise to be eligible for appointment. The commissioner is also an authorised fire officer. The chief officer RFSQ and deputy chief officer RFSQ will be required to possess rural firefighting experience or rural fire prevention expertise or rural incident control expertise. Broadly, these requirements reflect the functions of each service and the level of command and control proficiency and experience expected for making and actively overseeing operational decisions, including tactical decisions for the use of assets and human resources in each high-risk, dynamic environment.

It is important to note that executive and senior officers are subject to on-call rostering to provide direct active oversight in a major incident in line with command and control requirements. I am aware of the concerns of our scientific officers, who are classified as senior officers. Scientific officers provide a valuable technical and operational capability but, due to the nature of their role, are not required to have experience or expertise in all three areas set out in the bill for senior officer appointments. QFES is working with government to address this issue. I would also note that the positions and ranks identified as requiring operational experience are restricted to service delivery roles in the fire services.

They are not Public Service executive roles in the department that are occupied by persons employed under the Public Sector Act. They are roles that can and will be required to make operational decisions during fire and emergency and disaster events. The eligibility requirements in the bill will ensure that people with the appropriate experience and expertise will fill those roles.

Under the bill, the new role of chief fire officer—a specialist appointment—is also required to possess significant experience and expertise in firefighting, fire prevention and incident control. This is critical to ensuring that the Chief Fire Officer is able to provide authoritative advice to the commissioner. With regard to these requirements, I know that these definitions are only relevant to recruitment and selection of executive and senior roles within the fire services. They are not an indicator of the skills that a person must possess to be an incident controller for an incident. The mandatory qualification of incident control expertise relates exclusively to the recruitment and selection of senior and executive officers within QFR. The optional qualification of rural incident control expertise relates exclusively to the recruitment of senior and executive officers—that is, salaried staff within RFSQ. The bill does not require rural fire brigade volunteers to hold these qualifications and volunteers can still be an incident controller at a bushfire. The bill does not change the way triple 0 callers or firecom officers respond to and assign calls for assistance.

The bill will also insert a new section 25B which deals with the application of recruitment and selection processes under the Public Sector Act. Section 25B clarifies that for the recruitment and selection of firefighters any recruitment process must first and foremost consider whether an applicant meets the mandatory qualifications, skills and experience that have been determined by the commissioner as the requirements of the position. The new QFD will continue to work to promote, support and progress equity and diversity in the workforce. However, the mandatory qualifications, skills and experience are to take primacy over other considerations. This is critical to ensuring the safety of our firefighters and volunteers and the safety of our community.

Like other Australasian fire services, the QFD conducts command and control decision-making from the incident ground through to regional and state control centres that incorporate time-critical decisions made at the tactical, operational and strategic level. These decisions in terms of objectives and priorities contribute directly to the safe and effective operations of the incident and must be made by people with the appropriate skills and experience. The requirement to possess certain experience for appointment to a salaried role should not be confused with eligibility to undertake incident control functions in an emergency. QFES will continue to draw incident controllers from the volunteer and salaried workforces relevant to the type of incident. Incident controller training will also continue to be offered to both salaried officers and volunteers.

The bill also expands on the existing functions of the commissioner to reflect the scope of the role's responsibilities across the two fire services and to ensure the fire services perform their functions effectively and efficiently. The additional functions set out the operational, strategic and administrative touchpoints for the commissioner to be able to meet their statutory responsibilities. Regarding the commissioner's directions powers, the commissioner must currently rely on a number of different provisions to give effect to a direction that they may wish to apply to a service, fire service officer, brigade or volunteer. The proposed amendment will provide for a single comprehensive power with application across services, fire service officers and volunteers. Given the chief fire officer is not a member of a service or a fire service officer, the chief fire officer has also been specifically identified within the provision.

Currently there are protections from liability available to volunteers when performing functions under the act, including functions relating to controlling and extinguishing fires. There are also provisions under the Civil Liability Act 2003 and the Civil Liability Regulation 2014 available to prescribed entities and their personnel. These protections are, however, not comprehensive. Along with other matters, recommendation 17 of the independent review report recommended that the same protections afforded to paid firefighters should be afforded to volunteer firefighters, with the report noting that stakeholders continue to raise concerns regarding the lack of protection afforded to volunteers. The difference in protections is directly related to the legal status of brigades, particularly their status as unincorporated associations as a consequence of the way they are constituted under the existing legislation. Continued exposure of rural fire brigade members to civil liability due to the way brigades are constituted is considered unsustainable. Amendments formally recognising rural fire brigades and volunteers as part of RFSQ and the requirement for members to be appointed will, however, ensure that when members are acting in the course of their duties they are afforded protections from liability consistent with those of salaried firefighters and other frontline emergency services volunteers like the State Emergency Service. The framework for creating the necessary relationships with the state to afford protections is similar to that in place for SES volunteers and that which will be in place for Marine Rescue Queensland volunteers.

Providing the commissioner with the power of appointment does, however, imply certain incidental powers under the Acts Interpretation Act 1954, including the power to remove or suspend a person from office. The power to cancel or suspend a brigade member would not be exercised lightly or often. QFES values its volunteers and will consult and examine all options to deal with an issue before making use of these incidental powers. The ability to deal with individual issues also provides a more appropriate response than deregistration of a brigade. A power to suspend a member should not be interpreted to be a punishment; rather, it is a mechanism to allow a matter to be properly resolved. Natural justice will be afforded to members.

Current members will continue to be members of brigades when the legislation commences and elected office holders in such roles as first officer, chairperson, secretary or treasurer will all continue in those roles unaffected by the commencement of the legislation.

I would now like to turn to an issue of great importance to rural fire brigades and their members, and that is the issue of finances. From 1 July 2024 RFSQ will have its own budget, and the reforms we are discussing today will come with a record investment in the service. There will be an additional 114 positions created to provide support to our volunteers and there will be new facilities, equipment and fleet. An investment of \$123.5 million will deliver over 400 new and replacement RFSQ vehicles. There is also a \$10 million investment in new and upgraded RFSQ station facilities and \$1 million to be invested annually to provide toilet and shower facilities to existing brigades. This significant injection of funds will provide a solid foundation for RFSQ and for brigades into the future.

In relation to fundraising, I would like to reiterate the minister's recent message when she assured rural fire brigades that local funds and assets will stay local. Money that brigades raise from fundraising and other sources will continue to be spent for the benefit of those brigades. Appliances and equipment purchased by brigades prior to the commencement of the new legislation will remain with brigades. Appliances will continue to be placed on the RFSQ asset register and recorded as being state owned, which allows these to be insured and maintained. This arrangement will not change with the introduction of the new legislation and any money held by brigades in their accounts when this legislation commences will remain with the brigades as well. There is no intention for RFSQ to interfere with those funds and it is intended that brigades will be able to spend that money under the existing rules and policies.

Following commencement of the legislation, as brigades will be part of RFSQ, it will be RFSQ that holds funds on behalf of individual brigades but brigades will be provided with the necessary access to expend funds. This will occur through a process of appropriate delegation and be as simple as possible. This will ensure that the requirements of the Financial Accountability Act 2009 are met and will also reduce the administrative burden on brigades, particularly those smaller brigades. The reforms will ensure that brigade assets and finances are properly recorded and accounted for in accordance with legislation, but I would like to emphasise that locally raised funds will continue to solely benefit those local brigades and be accessed by local brigades for local purposes.

The delivery of Queensland's fire and emergency services is based on collaboration to deliver coordinated, cooperative and integrated outcomes, with the act currently providing for specified persons to exercise the powers of an authorised fire officer. This includes, in certain circumstances, a first officer of a brigade and, where the first officer is unavailable, the next senior officer. A person acting at the direction of the first officer may exercise any of the powers available to the first officer. There may, however, be circumstances where a first officer or next senior officer is not available due to personal or work reasons or other circumstances—for example, they may be impacted by a disaster event. This means that powers relied on by brigade members may not be able to be exercised lawfully. The bill resolves this issue by allowing for the commissioner or their authorised delegate to appoint a person in charge of operations for controlling and extinguishing a fire or for controlling another incident if the commissioner considers that appointment appropriate and necessary in the circumstances. For expediency, it is likely that the person in charge will be a first officer from a neighbouring brigade area or an authorised fire officer from the locality where the fire is occurring. The appointment by the commissioner may be written or oral and for the duration of an event or for a stated or indefinite period. In practice, the commissioner's power to appoint another person will be delegated to someone at an appropriate level to ensure any appointment is made in a timely way. While the commissioner of the Queensland Fire Department will have control and command of both fire services, the arrangements will continue to be locally led, district coordinated and state supported.

The final amendments to the Fire and Emergency Services Act 1990 that I would like to draw to the committee's attention are those dealing with the installation of smoke alarms in caravans and mobile homes. Currently QFES provides guidance about fire safety in caravans and mobile homes. Over the past two years a number of tragic fatalities in caravans have highlighted the need for

Queensland to also consider introducing a legislative requirement to mandate the installation of smoke alarms in caravans similar to that for domestic dwellings. Amendments in the bill will require newly registered caravans and motor homes and those for which the registration is transferring to be fitted with battery powered photoelectric smoke alarms that comply with the relevant Australian Standard, which is AS 3786-2014. From January 2027 this will apply to all registered caravans and motor homes in Queensland, aligning with the final stage of the rollout of legislation for domestic dwellings. The bill provides for an offence of failing to install an alarm, with the penalty for failing to comply aligning with that for failing to install an alarm in a domestic dwelling. There will be a maximum penalty of five penalty units which will be prescribed as an infringement notice offence of two penalty units under the State Penalties Enforcement Regulation 2014.

Through our role as the primary emergency response to fire in Queensland and through implementation of all stages of emergency services reform, the new Queensland Fire Department will build strategic partnerships to improve emergency services response through supporting governance, promoting clear roles and responsibilities, and demonstrating true collaboration. Protection of communities and the environment and the safety of our workforce will remain at the forefront of our delivery of fire and emergency services.

I would also like to provide brief comment on earlier speakers' concerns around the exercising of various commissioner powers. As does occur now, the use of delegations will continue to be used in Rural Fire Service Queensland, Fire and Rescue and Queensland Fire Department. This will ensure effective delegation of powers to appropriate levels to ensure efficient and effective operation of the department, improving the experience of our volunteers and salaried staff—an example being recruiting a firefighter to a rural fire brigade. This process will continue unchanged through appropriate delegation.

Acting Chair, thank you for the opportunity to appear today. We are happy to answer any questions the committee might have in relation to the bill.

ACTING CHAIR: Terrific. Thank you, Acting Commissioner Smith, for such clarity in response because it is in stark contrast to some of the contributions we had earlier this morning.

Mr KRAUSE: Acting Chair, I place on record a declaration that this bill directly affects me as a volunteer rural firefighter attached to the Allandale Rural Fire Brigade, but I do not think it impinges my ability to ask questions and participate. I also want to place on the record my thanks to all of our rural fire, auxiliaries and permanent firefighters across the Scenic Rim but also all of Queensland. 'Brigade money is state money from 1 July' is a statement that has been put to me by a number of people associated with rural fire brigades. Is that the case, Commissioner?

Commissioner Smith: As I alluded to in my introductory comments, funds raised locally by brigades before the bill commences will stay with those brigades. The new QFD and RFSQ will not be taking any steps to acquire funds held by brigades prior to implementation. Any funds raised can stay in accounts currently held by brigades. It is expected that those accounts will be operated under the current brigade management rules. The rules require, for example, that purchases of \$100 or more must be approved by at least two of the three signatories on a brigade account. So those existing rules—

Mr KRAUSE: That will remain the case?

Commissioner Smith: That will remain the case for those—

Mr KRAUSE: Up to 1 July?

Commissioner Smith:—funds in the accounts at 1 July.

Mr BOOTHMAN: Not the additional funds after 1 July.

Mr KRAUSE: We are coming to that, I am gathering, member for Theodore.

Commissioner Smith: Yes. Following the commencement of the bill, to meet the requirements of the Financial Accountability Act, RFSQ will hold funds on behalf of the individual brigades. In practice what this will mean, for example, is that if a brigade sells equipment or a vehicle that they had bought themselves then those funds will be held by RFSQ but quarantined for future use by that particular brigade. It also means the administrative burden of maintaining accounts and associated audit requirements will be assumed by RFSQ. This will be of particular benefit to smaller brigades. If brigades need to purchase supplies for a training day or equipment for their station then many of the existing processes under the brigade management rules will continue to apply.

Mr KRAUSE: You have answered that first question that I had. The next question is: will local volunteers be frozen out of their accounts after 1 July?

Commissioner Smith: The intention is: whilst RFSQ will be holding the funds on behalf of the brigade, they will have visibility of those funds and will have access to them based on delegations as exist now, depending on the volume of that procurement arrangement and what level of authorisation is required to support it.

Mr KRAUSE: So two of three officers, or whatever it is now, will be able to access those funds that the state is holding on behalf of the brigade?

Commissioner Smith: Yes.

Mr KRAUSE: Or will it be an officer in the hierarchy that will need to facilitate those funds being withdrawn?

Commissioner Smith: For funds that were retained as at the end of this financial year, at 30 June, those funds will continue to be dealt with in the same manner that they are dealt with now under the brigade rules. Anything that is raised post 1 July will be held by RFSQ. They will be effectively run in the same way in terms of escalation through delegation, so appropriate delegations will be determined to allow brigades to inform how money is expended that is for their benefit locally.

Mr KRAUSE: That delegation would need to be done by some sort of directive from yourself?

Commissioner Smith: Similar to brigade rules now, it will be a clarification or change in brigade rules to amend to adjust to that requirement, but the brigade rules have guidance on the procurement levels at the moment that requires it to be elevated past some points for larger procurement as it stands.

Mr KRAUSE: Before 1 July it is in the hands of the officers at the brigade; after 1 July it will be by delegation, you are saying—the same scenario. But in theory, the power has shifted from the brigade to the commissioner through delegation; is that correct? The assets have been shifted from the brigade to the state; access to the money has been shifted from the brigade to the state, because it is being done by delegation. Delegations can be withdrawn.

Commissioner Smith: No. Well, certainly the commitment has been made that funds raised locally will stay locally and be used for the benefit of those local brigades.

Mr KRAUSE: I understand.

Commissioner Smith: The delegations as they stand currently exist within the brigade manuals and the intent would be to ensure that the arrangements that are put in place are and remain as simple as possible. The administrative burden, however, will be reduced as a result of the RFSQ holding those accounts on behalf of the brigades.

Mr KRAUSE: How will it be reduced if local brigades still are going to have the opportunity to manage their funds and to ask for procurement to be made, even through a delegation? How is that burden going to be reduced?

Commissioner Smith: In terms of the administrative burden, the maintaining of accounts and audit requirement will be assumed by RFSQ, which will support the impost on our volunteers in terms of working in that regard.

Mr KRAUSE: What about levy money which is collected by councils? Will that be subject to the same arrangements, and does that effectively make local government a tax collector for the state?

Commissioner Smith: The commitment from funding from levies in terms of the Rural Fire Service—under section 128(a) of the Fire and Emergency Services Act, local government can raise a rural fire levy to provide additional support to their rural fire brigades. Those levies contribute to local initiatives and activities that benefit the community's resilience and preparation. An imposition of the levy is not mandatory and currently the levy is imposed by 31 local governments across Queensland. The amount of the rural fire levy is determined by each of the local governments in consultation with their ratepayers, rural fire brigades and the RFSQ area officers, and it is based on annual operating statements and three-year projected budgets prepared by each brigade or each brigade group.

Mr KRAUSE: Who will be preparing them after 1 July?

Commissioner Smith: Again, this is Rural Fire Service Queensland working with brigades to establish the needs and requirements and continuing those conversations as they take place now. Importantly, money raised by local governments through the rural fire levy is currently provided to the brigade and the brigade is accountable to the local government for the expenditure of that money. From the commencement of the bill, that money will be held by RFSQ on behalf of individual brigades and will be quarantined for the sole benefit of those brigades.

ACTING CHAIR: Will that reduce the requirement for whatever their acquittal process would be with that local government? That workload will be assumed by—

Commissioner Smith: By RFSQ, yes.

Mr KRAUSE: The state is holding money on trust.

Commissioner Smith: Holding on behalf of the brigade so it is a committed line—no intention to remove that money, take it anywhere else. It is locally raised, locally applied.

Mr KRAUSE: Will the exemptions from registration for yellow trucks continue after 1 July when it becomes part of the Fire Department or will that situation change?

Commissioner Smith: I will have to take that question on notice.

ACTING CHAIR: Given the submissions that we have heard throughout the course of this morning, there was quite a lot of discussion that some rural fires felt that there had been a lack of consultation. Could somebody talk a little bit about what that stakeholder engagement process has looked like?

Mr Millington: Consultation on the reform has been ongoing since the independent review into QFES was commissioned back in July 2021. The independent review report noted that KPMG particularly held formal consultations with over 50 representatives from 26 key stakeholder groups across the state's emergency and disaster management services, including volunteer rural fire brigades. These also included other industrial organisations, volunteer associations such as Surf Life Saving Queensland, the Local Government Association of Queensland, the Auxiliary Firefighters Association and various local councils. The reform implementation taskforce also consulted targeted stakeholders from employee and volunteer sectors on organisational and legislative reforms following the announcement of the government's response to the independent review report in late October 2022.

With regard to the legislation, a consultation draft of the bill was provided to key stakeholders, as noted this morning, in January 2024. Those stakeholders included, for example, the Together union, including Together union RFS, the Rural Fire Brigades Association of Queensland, the United Firefighters Union of Queensland, Queensland Auxiliary Firefighters Association and the QFES Senior Officers Union of Employees. Feedback from those stakeholders was considered in finalising the bill.

With respect to some of the other consultations that have been underway, these include the QFES town halls, along with Q&A sessions, regional visits, executive briefings—both in person and online—leadership check-ins, reference group meetings, working group meetings, feedback and sentiment surveys, change impact assessments, closing-the-loop communications, one-on-one meetings with personnel and volunteers directly impacted and questions that have been received via feedback mailboxes. Timely updates were also provided through various mechanisms including the QFES website, the Gateway/intranet, the forgov website, regular emails, updates and announcements, both from the commissioner and myself as chief officer, along with newsletters and magazines.

ACTING CHAIR: I understand that there was an email to volunteers at some point in March regarding the financial accountability measures in the draft terms of reference for the advisory committee as part of the new legislation. How many responses did you get to that and what was the nature of those responses?

Mr Millington: We received nine email responses. From recollection, we had about a 46 per cent delivery rate of those to the RFSQ members. Of some of the 28,000 volunteer members, 46 per cent opened and read that email. Our system allows us to record that detail. We received only nine email replies to that.

ACTING CHAIR: Only nine?

Mr Millington: Only nine—some in favour and some raising concerns, which we have raised and addressed through replies and talking through some of those issues.

ACTING CHAIR: Thank you very much. With regard to the power being provided to the commissioner to appoint and dismiss volunteers, you talked about natural justice before. What safeguards are in place to allow those rights of appeal and natural justice?

Commissioner Smith: The bill provides that the commissioner may appoint brigade members. The power is part of a framework established in the bill which creates reciprocal obligations to provide for the protection of volunteers. It is expected that this power of appointment will be delegated down to an appropriate level in RFSQ and brigades will continue to provide advice and have input into the suitability of brigade membership. The power to appoint also implies the power to suspend and remove under the Acts Interpretation Act. Therefore, the commissioner or the delegate will be able to cancel or suspend the membership of a volunteer in serious circumstances. It is understood that this power may be a concern to some volunteers. However, it is expected that it would not be exercised lightly or often.

Natural justice will apply to any decision to suspend or remove, including providing a right of reply by the affected volunteer and an opportunity to have a decision for removal reviewed judicially. The dismissal of a brigade member will also only be considered where other alternatives cannot be identified.

These are not unique powers to apply to volunteers performing functions on behalf of the state. Members of the SES have long been subject to appointment, suspension and removal provisions. The new Marine Rescue Queensland Bill also provides these powers for volunteers. Most other states and territories have provisions for the appointment of volunteers and for the suspension and removal of volunteer members of fire brigades or their equivalent.

Mr BOOTHMAN: There has been quite a bit of confusion when it comes to incident controllers and their roles and who would actually take charge of certain types of incidents. As you would have heard today from some of the previous submitters, they are fearful that the volunteers will be pushed aside in certain categories. My question has two parts. The first part you will probably have to take on notice. How many level 3 incident controllers, broken down by region, do we have in the state? I am very curious to know that because it is a very defined skill set. In 2019 on the Gold Coast we had the Sarabah fires. When it comes to incidents like that which would be classed as, I believe, a level 3, who would take charge and are there protections to ensure the rural fire members, if they do have a qualified individual, would remain on that team?

Commissioner Smith: We will endeavour to answer the first part of that question by the end of the session, but we will get that answer. Concerns have been raised that under the legislation only staff of Queensland Fire and Rescue can manage incidents, including incidents typically managed by rural fire brigades. This is incorrect. There are no changes to current practice. An incident controller commands, controls and/or coordinates all functional and operational requirements for the incident.

QFES utilises the Australasian Interservice Incident Management System in the management of fire operations. This system provides a structured and coordinated approach, maximising the effectiveness of combat efforts and minimising risk to staff and volunteers. AIIMS, the Australasian Interservice Incident Management System, requires the first arriving officer to take command of an incident and assume the role of incident controller. AIIMS training is offered to both paid officers and volunteer members and, as required by the Fire and Emergency Services Act 1990, the first officer of the brigade or the person acting as the first officer is responsible for the management of an incident and for the effective and efficient use of resources to bring an incident to a successful completion.

When the first officer is absent, brigades are to elect suitable experienced members to fill the role of brigade officer within a structured hierarchy. Where brigade members have attained the ranks of officer, these members should be included in the brigade officer hierarchy for the establishment of incident command and control. A new section has been included in the bill to ensure that, where a rural fire brigade first officer or next senior officer is unavailable to manage an incident in their assigned area, the commissioner can appoint another person to be in charge of that incident. This is to make sure there is appropriate delegation of power to other rural fire brigade members which ensures the flow of complementary protections. The appointed person could be the first officer from a neighbouring brigade or an RFSQ officer.

The new section does not operate to change the chain of command which currently exists for rural fire brigade members when a first officer or next senior officer is available. It is likely that the commissioner will delegate the power to appoint to a level where the officer has local knowledge of the area in which the event is occurring to ensure the decision-making regarding the appointment of a person in control of operations is effective and timely. If an incident continues to build in complexity and possible impact and demands more resources than are available locally, it is necessary for the incident controller to contact the RFSQ on-call officer via Fire Comm. The on-call officer then contacts the incident controller to determine that the additional resources are needed if escalated to a level 2 incident or beyond. During a classified level 3 incident, all regional resources will come under the direct control of the regional assistant commissioner or deputy chief officer. Through those delegations an appropriate person with appropriate skills will be supported in incident control.

Mr BOOTHMAN: Going to clause 49, section 83A, we were talking today about a person in charge of operations. It says in the bill that the commissioner will appoint somebody unless there is already a first officer in that area. What if there is no first officer available in that area? I note the bill is quite narrow in its perspective. What would happen there? Would it be the next officer in charge? There are a lot of brigades down my way that have eight officers, so to speak. What would happen in that situation?

Commissioner Smith: The bill allows, if the first officer is not present, for the next most senior officer to take command. That is in the current arrangements. The bill clarifies further that if no officer is available an officer can be appointed. It cascades through the brigade's officer ranks in its first instance. If it is not the first officer and the second officer is available, it is the second officer. If no officer is available from the local brigade then a person can be appointed.

Mr BOOTHMAN: It is quite difficult to understand through the clause in the bill. It does not really specifically say that. It just says—

The commissioner may appoint a person as the person in charge of operations for controlling and extinguishing a fire under subsection (1) in an area for which a rural fire brigade is in charge of fire fighting and fire prevention under section 138(2) only if there is no first officer for the rural fire brigade, within the meaning of section 140(4), who is available for controlling or extinguishing the fire.

I am trying to understand the technicality of that.

Commissioner Smith: I have been advised that the best way to interpret that section is to read it in conjunction with section 83—they complement each other—in order to complete how it applies.

Ms Osborne: To assist the committee in terms of the numbering that is in section 83A, the one you referred to in that clause, the reason it is referring to other sections is because of the consequential renumbering that we have had to do throughout the act, creating and inserting other provisions.

Mr O'ROURKE: Have there been any recommendations to establish the RFS as an independent statutory body?

Commissioner Smith: The KPMG independent review considered a range of options in terms of the structure of the services. It recommended the establishment of a new integrated department, including the current Fire and Rescue Service and the Rural Fire Service, Fire Comm and corporate services. The recommendation followed consideration of options ranging from the current state to a completely decentralised model under which the different services—for example, RFSQ—would be standalone agencies with their own corporate service, functions and leadership. It was considered that a model that involved QFR and RFSQ remaining within a single entity would be the strongest long-term model. The bill implements that recommendation and establishes QFR and RFSQ as separate entities to be housed in the new Queensland Fire Department, and this structure supports separate budget arrangements for Queensland Fire and Rescue and Rural Fire Service Queensland as recommended by the independent review report. We are now working hard to put in place the structures and principles that will set the Queensland Fire Department up for success.

Mr ANDREW: In 2017-18, QFES went and talked to all of the brigades. Obviously there is a fair bit of public outrage at the moment and of course it happened, too, with the blue card. During the consultation process, did the RIS identify the loss of volunteers, and how will the department respond to ensure the assets and native and domestic wildlife welfare in rural communities like mine are maintained if we have a loss of people in my rural area or people drop off? I am really concerned about this. People have been ringing me for the last three weeks just going off and saying, 'We're looking to walk away,' and I am saying, 'Well, who is going to look after everything?' Can you explain how we can fill the void here if we have a mass exodus?

ACTING CHAIR: I think there was a lot to that question, but it is probably addressing what would appear to be a substantial circulation of misinformation, as we heard from submitters this morning, that might help address the member for Mirani's concerns about potential loss of volunteers.

Commissioner Smith: QFD's sharpened focus will ensure we are well placed to pre-empt, prevent, mitigate and manage the consequences of fire and other emergency events as they impact and affect our Queensland communities. The services that form part of QFD will be able to work together to create safer communities through contemporary fire and emergency services. Our salaried and volunteer members are an incredibly important part of the Queensland Fire Department. They are connected to community, they join for a higher purpose and they join to serve their communities. The significant investment that is being made as we move to QFD will provide an improved experience for our volunteers—improved protections, improved investment in terms of equipment and fleet and more people closer to our volunteers in order to support them from a training point of view, from an administrative point of view and in general support across brigade activities. I will ask if the chief officer would like to comment.

Mr ANDREW: Can we get a copy of the regulatory impact statement that shows that?

ACTING CHAIR: Maybe if you could unpack a little bit further what underpins some of the misinformation and why there are volunteers who are concerned about this legislation, that would be helpful.

Mr Millington: In terms of RFSQ membership numbers, there have been some assertions that volunteers are leaving in the thousands because of what is happening. I think it is fair to say that there is a national trend of volunteerism declining right across various sectors, so it is not just the Rural Fire Service that is affected by that. In terms of comparison of volunteer members, the RFSQ back in 2022 had 27,651 members; as of today we have 27,170 members. The statistics in our membership do not reflect the assertion that members are leaving in droves and by the thousands because of these reforms. However, I do acknowledge that there are things we can do to enhance our volunteer experience and recruit and retain volunteers going forward.

ACTING CHAIR: Given the submissions we have heard from brigade members today, how do we give some certainty and clarity to them? The information they have presented us today is in contrast to what you have presented us today. How do we resolve that? As you would have heard in those submissions, it did appear that they lacked trust in the process. I am keen to try to unpack how we get the right information to our volunteers to ensure everybody is comfortable.

Mr Millington: I have only been in this position a short time—this is week 7 for me, Chair—but certainly in the last couple of weeks we have made a concerted effort to enhance our information sharing, whether that be through messages or emails or updates from the chief officer. We had our first dedicated volunteer online forum the week before last and in terms of regional visits et cetera, so there is work for us—

ACTING CHAIR: Thank you for visiting Russell Island with me on the weekend. That was really terrific to be able to—

Mr Millington: It was great to call out there and acknowledge the brigade, particularly given the circumstances of that visit and the tragedy they dealt with last year. I think it is also important to have other forums around ways volunteers can engage. There has been discussion around the RFSQ Advisory Committee. That is another avenue whereby volunteers will participate actively and provide advice both through to me, the commissioner and the minister on the ways in which RFSQ can support them in the work that they do.

ACTING CHAIR: That is a new mechanism, is it not?

Mr Millington: That is a new mechanism; that is correct.

Commissioner Smith: To add, our volunteer brigade members across the state will have a stronger voice in RFSQ than they have ever had. The advisory committee is one element of that, but we have a much larger footprint, a greater number of personnel across the state, much more greatly distributed geographically close to our brigades in order to support them. The connection is important. Being able to listen and connect with our volunteers will be at a level never seen before in the Rural Fire Service. I think once those personnel start to roll out across the state, the experience will very quickly be seen as an improvement and a very significant change in the experience they have.

ACTING CHAIR: Fantastic. I love my rural fires and I will make sure they are happy.

Mr BOOTHMAN: With regard to legal liability of brigade members, including training, one of the concerns that a few of the submitters have spoken about today is the ability of obtaining training. They are finding it is very difficult at the moment. They are finding it is a very slow and very cumbersome system. When it comes to large-scale activation events, if their training is not suitable—my concern is that you are sending individuals out on tasks they are not properly trained to deal with—who is then legally liable in the chain of command? It worries me that my volunteers potentially would be going out and doing something that they have been given an instruction to do where they are not qualified to do that.

Commissioner Smith: In terms of liability, everyone under the Work Health and Safety Act has responsibilities, including the individual—every line through the chain of command that provides support and connection to that and, in this case, all the way to the commissioner. The imperative behind everything we do is ensuring the safety and welfare of our workforce, salaried or volunteer; they are an incredible part of our workforce. In that sense, there is that requirement.

In terms of training, the intention from these reforms and the increase in FTE and investment that is resulting from them means that our ability to have greater impact and access to training and greater reach with that training will have significantly increased. We are moving from 18 areas out to 25 Rural Fire Service areas. We are going from effectively seven regions at the moment to eight districts. There is a significant footprint change. There is a significant capacity in that footprint to be able to reach our brigades and provide the essential elements for them to be safe and effective in terms of operations.

Mr BOOTHMAN: Will that mean that the department has to employ additional staff members to initiate this? How will that happen? If there is a bit of a backlog now, how are you going to resolve it?

Commissioner Smith: Through the move to QFD and the uplift in Rural Fire Service Queensland, 114 additional uniformed personnel are being employed over the next two years, so they will be rolling out across the state. That recruitment has already commenced.

Mr BOOTHMAN: How many recruited do you have at the moment?

Commissioner Smith: I would have to defer to the chief officer.

Mr Millington: The recruitment process is underway. We are working through both an active recruitment process and a transition process where we have a number of temporary employees converting over to ongoing roles. I would have to take that on notice and come back to you on the number. However, I am reinforcing that there are 114 which will be onboarding to roll out locally to provide more support to volunteers and brigades, with training being one of those aspects.

ACTING CHAIR: That concludes our time for this briefing. I was going to ask you about the questions on notice.

Commissioner Smith: Chair, in terms of the registration of our rural fire brigade vehicles, there is no effect from the exemption from the registration of our yellow trucks. In terms of the second question about how many level 3 incident controllers there are broken down by region, there are 16 in total: one in the south-west region, two in northern region, three at state, five in Brisbane region, one in north coast region, two in south-east region and two in central region. There are nine being trained this week.

ACTING CHAIR: Terrific. There are no questions on notice in that case. Thank you very much. Thank you for all of your work over what has been a very crazy summer of events. I know that you and your teams below have done everything to make sure we continue to keep Queenslanders safe. Thank you for everything you do.

This concludes the public briefing. Thank you for your attendance. Thank you to our Hansard reporters and secretariat. A transcript of these proceedings will be on the committee webpage in due course. I declare this public briefing closed.

The committee adjourned at 2.01 pm.