

Disaster Management and Other Legislation Amendment Bill 2024

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Every Queensland
community deserves
to be a liveable one

Submission on the Disaster Management and Other Legislation Amendment Bill 2024

15 March 2024

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Contents

About the Local Government Association of Queensland (LGAQ)	3
Partners-in-Government Agreement.....	3
Rural and Remote Councils Compact.....	3
Executive Summary	4
Recommendations.....	7
Submission.....	8
Conclusion.....	12
Contact Details	13

About the Local Government Association of Queensland (LGAQ)

The Local Government Association of Queensland (LGAQ) is the peak body for local government in Queensland. It is a not-for-profit association established solely to serve councils and their needs. The LGAQ has been advising, supporting, and representing local councils since 1896, enabling them to improve their operations and strengthen relationships with their communities. The LGAQ does this by connecting councils to people and places; supporting their drive to innovate and improve service delivery through smart services and sustainable solutions; and providing them with the means to achieve community, professional and political excellence.

Partners-in-Government Agreement

The LGAQ on behalf of all 77 Queensland local governments is a signatory to a three-year partners-in-government-agreement with the State of Queensland.

The Agreement details the key principles underlying the relationship between the state and local governments and establishes the foundation for effective negotiation and engagement between both levels of government.

The agreement acknowledges that local government is the closest level of government to the community, affecting the lives of everyday Queenslanders and acknowledging Local Government as a genuine partner in the Australian government system.

The intent of the agreement was to continue the tradition of working in genuine partnership to improve the quality of life for all Queenslanders to enjoy. By identifying the roles and responsibilities of each party, it provides a solid foundation for effective negotiation and engagement between both levels of government.

The LGAQ is committed to working with the Queensland Government and will continue to be a passionate advocate for councils, to serve our joint jurisdiction for the people of Queensland.

Rural and Remote Councils Compact

The Rural and Remote Councils Compact¹ signed on 25 June 2021, complements the existing Partnership in Partners-in-Government agreement in place between the LGAQ and the Queensland Government to provide a platform to ensure issues of priority for these communities are properly considered by the Government when developing policies, programs, and legislation.

The Rural and Remote Councils Compact, pledges to amplify the voice of and improve outcomes for the state's 45 rural and remote councils and their local communities by enhancing engagement between both levels of government.

¹ <https://knowledgebaseassets.blob.core.windows.net/images/9c61cdc2-3cfa-eb11-94ef-002248181740/Rural%20and%20Remote%20Councils%20Compact%20-%20signed%20copy.pdf>

Disaster Management and Other Legislation Amendment Bill 2024

Executive Summary

The Local Government Association of Queensland (LGAQ) appreciates the consultation during the drafting of the Bills and welcomes the opportunity to provide feedback on the Disaster Management and Other Legislation Amendment Bill 2024 (the Bill).

The LGAQ is the peak body for local government in Queensland, advising, supporting, and representing all 77 local councils. The LGAQ acknowledges the consultation undertaken in the development of the independent review of Queensland Fire and Emergency Services and the Inspector-General of Emergency Services (IGEM) Review of Queensland's Disaster Management Arrangements (QDMA).

While there was limited time for consultation, the LGAQ appreciated the Minister providing a written response to the Association's submission on the consultation Bill.

The feedback provided in this submission is on behalf of our members and is given with the goal of ensuring safe communities and robust disaster management arrangements for Queensland, Australia's most disaster impacted State.

The consultation we have had with our members has indicated generally broad support for the reforms, and there is acknowledgement that previous feedback has already been considered and incorporated in the Reviews' recommendations, and the subsequent working draft for consultation.

Acknowledging correspondence from Minister Nikki Boyd responding to our recommendations regarding the consultation draft, the LGAQ understands that these legislative amendments are one mechanism for reform, and focus on the structural, administrative, and operational reforms recommended by the Independent Review Report and Inspector General Emergency Management Review.

The Association appreciates the State's ongoing commitment to continue to work with LGAQ and Queensland councils regarding the five recommendations provided. The LGAQ will continue to work with the Reform Implementation Taskforce (RIT) to develop Queensland's disaster management structures, plans and guidelines, disaster management preparedness messaging and campaigns and training that will support the recommendations.

We again reinforce the importance of Queensland councils remaining a lead agency in disaster management, and the need to ensure councils are appropriately funded, resourced, and trained.

The LGAQ requests that, in progressing these disaster management reforms, local disaster capacity remains a focus, along with continuing engagement and communication with Queensland councils.

We look forward to continuing to work with the State Government throughout the implementation of the proposed reforms and would value the opportunity to further meet to discuss both the implementation of the reforms and our recommendations.

1. LGAQ Policy Statement

The LGAQ Policy Statement⁵ is a definitive statement of the collective voice of local government in Queensland. The relevant policy positions of local government in the context of disaster management are as follows:

3.7.1 Community Disaster Resilience and Disaster Mitigation

- 3.7.1.1 *The federal and state governments should commit to continued funding of the Natural Disaster Resilience Program (NDRP) as a fund to assist local governments to undertake community resilience building projects to reduce the impacts of identified natural disaster risks on communities. The current provision under the Disaster Recovery Funding Arrangements 2018 for the application of under-spend variances to mitigation projects is considered to be inadequate in terms of likely quantum of funding and does not offer any funding certainty to support proper mitigation investment planning and project delivery. A dedicated mitigation funding program, as identified by the Productivity Commission, is a superior means to rebuilding more resilient infrastructure and should be funded on a 40:40:20 basis between federal, state and local government. The local government share should be flexible up to a limit depending on the capacity of the individual council involved and no more than 20 per cent.*
- 3.7.1.2 *Priority should be given to communities which are more likely to be affected by natural disasters based on historical records and predictive models.*

3.7.2 Disaster Recovery Funding Arrangements (DRFA)

- 3.7.2.2 *Local governments understand that they will be able to use their day labour workforce, plant, machinery and equipment for reconstruction works on council-owned essential assets where this provides better value for money outcomes than by using contractor services.*
- 3.7.2.4 *Where a council experiences a disaster event under the Disaster Recovery Funding Arrangements (DRFA), for all essential public assets – whether they be a road, bridge, water supply or wastewater treatment assets or other essential public assets – they be treated as eligible for assessment on the same terms under the DRFA Guidelines.*

2. LGAQ Annual Conference Resolutions

The LGAQ is committed to member driven advocacy and working with members to build a stronger local government sector and more resilient local communities. In the context of disaster management arrangements and the Disaster Management and Other Legislation Bill 2024, the following resolutions passed by Queensland councils at recent LGAQ Annual Conferences are relevant:

2023 LGAQ Annual Conference Resolution #146:

That the LGAQ calls on the State Government to amend the Fire and Emergency Services Act 1990 (Qld) and Fire and Emergency Services Regulation 2011 (Qld) and adopt a similar system to South Australia as set out pursuant to the Emergency Services Funding Act 1998 (SA) whereby the State Government administers and collects emergency management levies. Such legislative reform should be accompanied by modelling to ensure that there is no net increase to emergency management levies for property owners.

2023 LGAQ Annual Conference Resolution #114:

The LGAQ calls on the State Government to:

- *Address the decline in volunteer numbers throughout Queensland.*
- *Promote recruitment of volunteers across our communities*
- *Support the establishment of RVHs (Regional Volunteer Hubs)*
- *Integrate the activities of the Queensland Volunteer Resource Centre Network into the State's volunteer framework, building and maintaining a stronger and more resilient volunteering sector.*

2021 LGAQ Annual Conference Resolution #7:

That the LGAQ calls on the Federal Government to provide \$200 million per year for four years for targeted disaster mitigation and to future-proof community infrastructure.

2020 Annual Conference Resolution #66:

The LGAQ lobby the State and Federal Governments to streamline their disaster recovery funding arrangements to maximise recovery effectiveness.

2019 Annual Conference Resolution #54:

That the LGAQ lobby the State and Federal Governments to increase the Disaster Resilience Fund to enable additional Betterment Program works to be carried out.

Recommendations

The LGAQ has prepared detailed comments in relation to the Bill and has made five recommendations, summarised below:

- **Recommendation 1:** The LGAQ recommends that the role of Disaster Management Officer be defined in the *Disaster Management Act*.
- **Recommendation 2:** The LGAQ recommends the inclusion of a local recovery coordinator within the *Disaster Management Act*.
- **Recommendation 3:** The LGAQ recommends that clause 10, which refers to section 21E (Functions of State recovery coordinator), subsection (f) be amended to require the State Recovery Coordinator to also engage and provide advice to LDMGs performing disaster recovery operations for disasters, as an expansion of the function of the State Recovery Coordinator.
- **Recommendation 4:** The LGAQ recommends a comprehensive review of the Local Disaster Management Guidelines is undertaken.
- **Recommendation 5:** The LGAQ recommends that Disaster District boundaries, as described within Part 3 of the Disaster Management Regulation 2014, be reviewed to ensure District Disaster Management Groups are best able to perform their functions.

Submission

Disaster management arrangements in Queensland have proven to be highly effective and are arguably nation-leading, yet the significant increase in the frequency and scale of disaster events continues to regularly test the capacity of the disaster management system at a local, district, state, and national level.

The existing disaster management mitigation and strategies will need bolstering to ensure future response and recovery actions can continue to be provided in a timely, robust, and meaningful way.

The reforms being progressed provide the opportunity to ensure legislation remains current, addresses emerging needs, and promotes resilience as a business-as-usual approach throughout all levels of government, business, industry, and community.

Disaster Management Act 2003 (including the Disaster Management Regulation 2014).

The LGAQ supports the Bill and believes that, with the addition of the proposed amendments sought, these reforms will help improve the disaster management system and support the resilience of local communities.

The LGAQ supports the inclusion of a resilience definition within the *Disaster Management Act 2003* to encourage proactive measures to become business-as-usual activities.

As communities continue to face natural disasters, the LGAQ steadfastly supports the need for Queensland councils to remain a lead agency in disaster response and that appropriate resources are allocated to allow capability to fulfil their responsibilities.

The Queensland Disaster Management Arrangements (QDMA) outline a proven method for managing disasters across the realm of prevention, preparedness, response, and recovery (PPRR).

Within this model Queensland councils actively support the establishment of Local Disaster Management Groups (LDMGs) that work to advance a locally led, multi-agency response to any disaster and that operate across the full spectrum of prevention, preparedness, response, and recovery (PPRR).

As the level of government closest to their communities, Queensland councils frequently engage with State and Federal government agencies, government-owned corporations, not-for-profit and volunteer organisations to advance local disaster management activities.

The 2020 Royal Commission into National Natural Disaster Arrangements recognised that State and Territory governments should ensure local governments have the support and resources they need to carry out their responsibilities.

To support the Local Disaster Coordinator (LDC), the LGAQ recommends that the role of Disaster Management Officer (DMO) also be included in the *Disaster Management Act*.

Our members have requested that a similar drafting arrangement to that provided for the description of the relationship between the District Disaster Coordinator and the Executive

Officer also be provided for the Local Disaster Coordinator and Disaster Management Officer. Such an inclusion would aid in recognising the roles performed at the local government level while ensuring that appointees to those roles hold the relevant and necessary expertise and importance.

Recommendation 1: The LGAQ recommends that the role of Disaster Management Officer be defined in the *Disaster Management Act*.

The LGAQ recommends the inclusion of a new role of Local Recovery Coordinator (LRC) within the *Disaster Management Act 2003*.

Such an inclusion would build upon the recommendation by IGEM for the formalisation of Functional Recovery and Resilience Groups (FRRGs) and their expanded focus on resilience.

The intended focus to build resilience into business-as-usual government activities is acknowledged and consequently it is LGAQ's view that there is similar merit in replicating this focus on resilience at the local level.

Including the option for a local government to appoint a Local Recovery Coordinator is seen as particularly valuable and consistent with the intent of the legislation. The LGAQ has received direct representations from members that would very much like to see such an inclusion in the legislation.

While it would be important to not be too prescriptive regarding the role's responsibilities and functions, this inclusion is important to our members. The establishment of such roles, supported by legislation, will help to further ensure local government recovery and resilience work is locally led and properly incorporated into the broader disaster management arrangements.

In re-iterating the importance of this recommendation, the LGAQ appreciates the advice from the State Government that there are many roles that form part of the disaster management industry and that further reviews of subordinate legislation or other similar policy frameworks such as the State Disaster Management Plan would allow for an opportunity to formally document the role and functions.

Recommendation 2: The LGAQ recommends that the inclusion of a local recovery coordinator within *the Disaster Management Act*.

The LGAQ recommends that the State Recovery Coordinator also engage and provide advice to the Local Disaster Management Groups (LDMG's) performing disaster recovery operations for disasters, as an expansion of the function of State Recovery Coordinator under section 21E (f), Functions of State Recovery Coordinator.

The Queensland Disaster Management Arrangements are underpinned by a locally led approach. Recovery is coordinated by the Local Disaster Management Group and associated Local Recovery Groups. Coordination and communication are essential between the local recovery efforts and State Recovery Group to ensure that local needs are understood and that essential support services are available at the right time and are appropriate. Adopting this

recommendation will help ensure Local Disaster Management Groups are provided with updates relevant to their impacted communities.

Recommendation 3: The LGAQ recommends that clause 10, which refers to section 21E (Functions of State recovery coordinator), subsection (f) be amended to require the State Recovery Coordinator to also engage and provide advice to LDMGs performing disaster recovery operations for disasters, as an expansion of the function of State Recovery Coordinator.

The amendments to the *Queensland Reconstruction Authority Act 2011* proactively support risk-based planning across Queensland.

There needs to be strong coordination between all agencies to develop and share a collective understanding of risk. The alignment of risk assessments with resilience planning, within the one Authority will create greater assurance that resilience initiatives are supported with a risk-based approach, supporting the Authority to decide priorities for community infrastructure and community services needed for the protection, rebuilding and recovery of affected communities.

The LGAQ supports the proposed changes and has no further feedback.

Disaster Management Regulation 2014

It is recognised that alongside the current suite of legislative and operational changes to disaster management, a process to commence a review into disaster district boundaries would be advantageous.

Such a review would help to ensure that the new arrangements under the Queensland Police Service control are strategically aligned with identified vulnerabilities and risks, and furthermore that the ability to share resources through district arrangements is maximised prior to the need to request additional State assistance.

Currently there are five locations where a single LGA aligns with a single disaster district. In these locations the LDMG's resources essentially mirror that of the District Disaster Management Group (DDMG).

The LGAQ questions the value of maintaining this one-to-one relationship, especially when considering the duplication that occurs with such a model. In respecting the principles of the QDMA and the local – district – state escalation pathways it is questionable as to the merits of these single jurisdiction DDMGs (see table below).

Disaster District	Local Government Area
Dalby	Western Downs
Gold Coast	Gold Coast
Innisfail	Cassowary Coast
Maryborough	Fraser Coast
Redcliffe	Moreton Bay

This resource mapping is further amplified by the FNQ District where there are 14 local government areas supported by a single DDMG. It is arguable that this district has higher risks in terms of its exposure to natural hazards and has significant numbers of vulnerable people with the additional overlay of geographic isolation.

Disaster district boundaries should ideally allow for consistency of planning across geographical areas, which would in turn enable and optimise strategic risk planning and help to further streamline operations.

Specifically, in those instances where impacted communities share similar needs, efficiencies could more easily be determined, and where a neighbouring LDMG that has not been impacted may possess skills and capabilities that more closely align with need.

Consideration of membership across the districts will also assist in reviewing the boundaries to strategically align with catchments, geographical risks, and other agency districts to reduce duplication and enable efficiencies for members.

Recommendation 4: The LGAQ recommends that Disaster District boundaries, as described within Part 3 of the *Disaster Management Regulation 2014*, be reviewed to ensure District Disaster Management Groups are best able to perform their functions.

The Queensland Local Disaster Management Guidelines assist local governments by clarifying the roles and responsibilities of Local Government and Local Disaster Management Groups and their interactions and relationships with the District and State Disaster Management Groups.

To support the reform implementation, and subsequent to this current review of legislation, the LGAQ recommends a comprehensive review of the Queensland Local Disaster Management Guidelines is undertaken.

These guidelines, last reviewed in 2018 (published January 2018), provide valuable information to explain the intent of the *Disaster Management Act 2003*.

Supporting the recommendation of uplifting the guidelines, the LGAQ strongly supports the need for an uplift in disaster management training and specifically ensuring that the Queensland Disaster Management Training Framework remains fit for purpose to support capacity across the state.

The effectiveness of the legislation will be enhanced by ensuring that persons performing functions under the Act in relation to disaster operations are appropriately trained and understand their roles.

Recommendation 5: The LGAQ recommends a comprehensive review of the Local Disaster Management Guidelines is undertaken.

The LGAQ believes the proposed amendments to the *Fire and Emergency Services Act 1990* will enable to the objectives of the Bill to be achieved.

The LGAQ values the role of the Fire and Rescue Service and Rural Fire Service in contributing to the effectiveness of Local Disaster Management Groups in performing their functions.

Local governments recognise the valuable role of volunteers in supporting the delivery of fire and emergency services within the State.

The LGAQ emphasises the importance of the continuing partnership, described within the disaster management arrangements, between with the new department to be called 'the fire services' and councils is critical to ensure community safety.

It is noted and supported that enhancing the civil liability protections that apply to volunteers will ensure appropriate protections and support the sustainability of Brigades' invaluable volunteer workforce to carry out their roles and responsibilities.

Conclusion

As Australia's most decentralised and disaster-prone state, it is vital that Queensland remains ready to mitigate the impacts of natural disaster as Queensland continues to experience more frequent and severe compounding weather events.

The LGAQ welcomes reforms to ensure the Queensland disaster management arrangements remain aligned to best practice service provision and proactively mitigate impacts, responding to lessons learned over many years of practice.

The proposed legislative reforms contained within the Bill will ensure that disaster and emergency services are best placed to continue to efficiently provide a disaster management response for local communities.

These reforms were informed by the independent review of Queensland Fire and Emergency Services and the Inspector-General of Emergency Services (IGEM) Review of Queensland's Disaster Management Arrangements (QDMA). Local government was consulted with during both reviews with councils broadly indicating support for their recommendations.

Queensland councils are best placed to be responsible for coordination of the local response, understanding their community's needs and context.

The reforms, combined with the recommendations contained in this submission, will support the well-established principle of a locally led, state-supported disaster management approach.

Contact Details

Please do not hesitate to contact Ms Liz Drumm, Disaster Management Lead on [REDACTED] or email [REDACTED] should you wish to discuss any aspect of this submission.