

**EMERGENCY SERVICES REFORM AMENDMENT BILL 2023; STATE EMERGENCY SERVICE BILL 2023;
MARINE RESCUE QUEENSLAND BILL 2023**

Submission No: 13
Submitted by: Community Legal Centres Queensland
Publication: Making the submission and your name public
Attachments: See attachment
Submitter Comments:

31 January 2024

Committee Secretary
Community Support and Services Committee
By email: CSSC@parliament.qld.gov.au

Dear Committee,

Submission on the Emergency Services Reform Amendment Bill 2023 (ESRA Bill), Marine Rescue Queensland Bill 2023 (MRQ Bill) and the State Emergency Service Bill 2023 (SES Bill)

Thank you for the opportunity to make a submission in relation to these interconnected Bills.

Community Legal Centres Queensland and our sector's expertise in disaster justice

Community Legal Centres Queensland (CLCQ) is the peak body representing 32 community legal centres across Queensland. Our vision is for a fair and just Queensland. Our mission is to be a voice for our sector and to lead and support our members to deliver quality and accessible services.

We pursue our vision and mission against the backdrop of intensifying global warming and cascading and compounding extreme weather events.

Our sector understands that the impact of climate disasters falls hardest on those with the least ability to cope, adapt, recover, and withstand climate shocks. Our place-based centres hold expertise in disaster legal assistance, and help people with legal problems arising from disasters, often months and years after the event. Our sector understands that injustice can occur at all stages of the disaster cycle, and that First Nations peoples hold unique wisdom and expertise in caring for Country which is inextricably linked to culturally informed disaster management.

Reform of Queensland's emergency services and disaster management arrangements

CLCQ acknowledges that legislative reform of Queensland's emergency services and disaster management arrangements is being implemented across two stages. Stage One comprises the three Bills listed above. CLCQ supports the broad objectives of this legislative reform, however we have some concerns and suggestions to improve aspects of the package. In summary, CLCQ makes the following points:

1. The proposed amendments to the *Civil Liability Regulation 2014* are welcome but should be expanded to close an existing gap in legal protection for 'Good Samaritan' community volunteers.
2. There is significant underinvestment across the implementation costings for this reform package in areas of disaster prevention, preparedness, recovery, and resilience.
3. Concentrating power in the Queensland Police Service (QPS) for disaster management is of concern to our sector given systemic cultural issues brought to light in the 2022 Commission of Inquiry into QPS responses to domestic and family violence. This reform therefore requires careful monitoring and accountability.

Our submission now deals with each of these points in turn.

1. Amendments to the *Civil Liability Regulation 2014* are needed to protect civilian rescues.

Recent legal analysis by HopgoodGanim Lawyers reveals concerning gaps in legal protection for ‘Good Samaritan’ community volunteers who respond to disasters in Queensland. Their recent report, published in September 2023, identifies a lack of statutory protection and recommends legislative and policy reform to protect civilians who are ‘unauthorised’ volunteers under the *Disaster Management Act 2003 (Qld)*. CLCQ endorses the report’s rationale for why community volunteers need and deserve legal protection from liability.¹

CLCQ recommends that the proposed ESRA Bill, MRQ Bill and SES Bill amendments to the *Civil Liability Regulation 2014* be expanded to include a Good Samaritan protection consistent with other state and territory jurisdictions. Enacting this reform would remove significant confusion about who is legally protected from liability in Queensland. This reform will ensure that ordinary people who undertake rescues in emergencies and disasters will not be exposed to risk. Their bravery – like the bravery of our SES volunteers – warrants statutory legal protection.

2. Cost of implementation undervalues the importance of disaster recovery and resilience.

The Explanatory Notes to the ESRA Bill indicate that the Emergency Services Reform Amendment Package will cost the Queensland government up to \$578 million over five years, and \$142 million per annum ongoing. The Explanatory Notes further state that the Queensland Reconstruction Authority, the lead implementation agency for resilience and recovery, will receive \$4 million per annum from the total per annum funding package. This equates to **less than 3%** of the total annual amount, far less than the \$30 million (**21%** of the total annual amount) allocated to the QPS for ‘disaster management functions’ and ‘corporate support’.

While CLCQ welcomes funding to increase emergency response, we consider this reform package underinvests in disaster risk reduction (prevention and preparedness), and resilience programs and initiatives. A major finding of the Productivity Commission’s 2014–2015 *Inquiry into Natural Disaster Funding Arrangements* was that governments overinvest in post-disaster response and reconstruction and underinvest in mitigation that would limit the impact of climate disasters in the first place.

The economic benefits of investing in prevention, preparedness and resilience are reinforced through the extensive body of work undertaken by the Australian Business Roundtable for Disaster Resilience & Safer Communities (ABR).² As ABR notes in their many reports:

- Investment in disaster resilience yields a double dividend. First, in the avoided impacts of disasters when they occur, and second, in the broader co-benefits that arise even in the absence of a disaster.³
- Resilient and prepared communities are more likely to withstand the negative impacts of climate disasters. Likewise, strong social capital correlates to a more effective recovery.⁴

¹ CLCQ endorses the submission by HopgoodGanim Lawyers to this inquiry in relation to this point. On 1 November 2023, CLCQ hosted a webinar on *Community Volunteers: Risk and Liabilities for Community-Led Disaster Response* where this research and legal analysis was presented: <https://www.communitylegalqld.org.au/webinar/community-volunteers-risk-and-liabilities-for-community-led-disaster-response/> (accessed 17 January 2024).

² Australian Business Roundtable for Disaster Resilience & Safer Communities <https://australianbusinessroundtable.com.au> (accessed 17 January 2024).

³ ABR for Disaster Resilience & Safer Communities, *Building Resilience to natural disasters in our States and Territories* (Deloitte Access Economics: November 2017).

⁴ ABR for Disaster Resilience & Safer Communities, *The Economic Cost of the Social Impact of Natural Disasters* (Deloitte Access Economics: (March 2016).

- Pre and post disaster funding should better reflect the long-term nature of social impacts.⁵
- Targeted investments in both physical (such as infrastructure) and community (such as preparedness programs) resilience measures are predicted to significantly reduce the increasing costs of climate disasters. Investments in disaster resilience can be effective in lowering these costs, particularly if investments are maintained over a number of years.⁶

While emergency services are essential, we consider it important that the Committee understand the social and economic benefits of investing in prevention, preparedness, recovery, and resilience. Research demonstrates that well-connected communities are more likely to be prepared and recover more quickly from disasters.⁷ In this respect, CLCQ supports the submissions by Neighbourhood Centres Queensland and the Queensland Council of Social Service highlighting the importance of community-led disaster response and resilience activities performed by grassroots, place-based, not-for-profit community organisations right across Queensland.

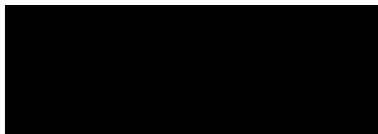
Social capital and cohesion are what holds our communities together in the long-term. CLCQ cautions against losing sight of the importance of adequately resourcing communities and softer infrastructure in favour of the “emergencification” of disaster management and response.

3. Concentrated power in the hands of the QPS.

Finally, CLCQ understands that the ESRA Bill makes the necessary administrative and consequential amendments to align new organisations under the QPS, and that this was prompted by a Machinery-of-Government (MOG) change. CLCQ notes that there was little opportunity for civil society to provide input into the various inquiries that culminated in the decision for QPS to become the lead agency for disaster management in Queensland. At our training webinar on Disaster Management Law 101 in July 2023⁸ our audience raised concerns about the optics of police gaining greater power and oversight of disaster response, considering historic and long-standing issues of police mistrust held by some clients and communities that our sector assists. Concentrating power in the QPS for disaster management is an issue of some concern for our sector, given systemic cultural issues brought to light through the 2022 Commission of Inquiry into QPS responses to domestic and family violence. We recommend practical measures to ensure careful monitoring and accountability of this MOG change. This should include a statutory requirement to review the operation of QPS in leading disaster management activities by an independent entity.

Thank you for the opportunity to make this submission.

Yours faithfully

A solid black rectangular box redacting the signature of Rosslyn Monro.

Rosslyn Monro
Director
Community Legal Centres Queensland

⁵ Ibid, Recommendation 1.

⁶ ABR for Disaster Resilience & Safer Communities, *Special Report: Update to the economic costs of natural disasters in Australia* (Deloitte Access Economics: October 2021)

⁷ Daniel Aldrich (2012) *Building Resilience: Social Capital in Post-Disaster Recovery*, University of Chicago Press: Chicago.

⁸ Disaster Management Law 101 <https://www.communitylegalqld.org.au/webinar/disaster-management-law-101/> (accessed 17 January 2024).