

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

**Submission No:** 18

**Submitted by:** Local Government Association of Queensland (LGAQ)

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**Submitter Comments:**



Every Queensland  
community deserves  
to be a liveable one

31 January 2024

Mr Adrian Tantari MP  
Acting Chair  
Community Support and Services Committee  
Member for Hervey Bay

Via email: [CSSC@parliament.qld.gov.au](mailto:CSSC@parliament.qld.gov.au)

Dear Acting Chair,

**RE: LGAQ Submission on Emergency Management Reform Bills**

The Local Government Association of Queensland (LGAQ) is a not-for-profit association representing all 77 local governments across Queensland as the state-wide peak body for our sector.

We sincerely thank the Community Support and Services Committee (the Committee) for undertaking this Inquiry into the Emergency Management Reform Bills, referring to the following three separate, but inter-related Bills introduced into the Queensland Parliament on 28 November 2023:

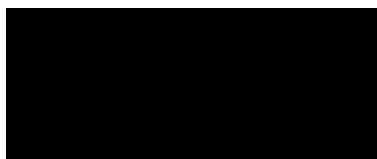
- Emergency Services Reform Amendment Bill 2023
- Marine Rescue Queensland Bill 2023
- State Emergency Services Bill 2023.

Please find **enclosed** a copy of the LGAQ's submission for your consideration, on behalf of our members. While our submission encapsulates feedback from Queensland councils, individual councils may also lodge their own submission as well.

We would be more than pleased to speak to the Committee at any scheduled public hearings as part of your Inquiry.

For any further information in relation to this submission, please contact Mr Glen Beckett – Head of Assist via email: [REDACTED] or phone: [REDACTED] in the first instance.

Yours sincerely,



Alison Smith  
CHIEF EXECUTIVE OFFICER



Every Queensland  
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# Emergency Management Reform Bills

Submission to the Community Support and  
Services Committee

January 2024

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## 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 State 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 Compact<sup>1</sup> 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.

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<sup>1</sup> Rural and Remote Councils Compact (2021) - available online [here](#).

# Emergency Management Reform Bills

## 1.0 Executive Summary

The LGAQ welcomes the opportunity to provide feedback to the Queensland Parliament Community Support and Services Committee (the Committee) on the Emergency Management Reform Bills.

The Emergency Management Reform Bills were introduced by the Hon. Mark Ryan MP, Minister for Police and Corrective Services and Minister for Fire and Emergency Services on 28 November 2023 and specifically refer to the following:

- Emergency Services Reform Amendment Bill 2023
- Marine Rescue Queensland Bill 2023; and
- State Emergency Service Bill 2023.

As the Australian state most susceptible to natural disasters, and given our highly decentralised population, Queensland residents know they can rely on their council, particularly in times of adversity, as the level of government most connected to their community. Queensland councils are front and centre in helping communities get back on their feet in these situations.

The LGAQ, as the peak body representing the state's 77 councils, plays an important, daily role in ensuring that the shared interests, perspectives, and position of Queensland councils are accurately communicated back to policy makers.

Queensland councils frequently engage with many State and Federal government agencies, government-owned corporations, not-for-profit and volunteer organisations, to advance local disaster management activities and to respond when disasters strike.

The LGAQ Policy Statement, which is the definitive statement of the collective voice of local government in Queensland, confirms the agreed local government position that the Emergency Management, Fire and Rescue Levy (EMFRL) should provide funding to the SES as a core State Government responsibility, lessening the increasing burden of cost being met by local governments.

Against the backdrop of lodging this submission, the LGAQ has recently undertaken a 12-month analysis to quantify the extent of services or other costs transferred to local government from State and Federal governments without the necessary funding (or powers to general revenue) to provide the service – as well as where there is market failure from commercial interest to provide the essential services within the community.

Findings from the LGAQ Cost Shifting Research Report launched in January 2024<sup>2</sup>, show the financial impact of services shifted onto Queensland councils has increased by 378 per cent to \$360 million in 2021/2022 up from \$47 million in 2001/2002 (the last time cost shifting analysis was conducted). A common theme from member councils in response to the LGAQ cost shifting survey was the types and extent of responsibilities that have shifted onto councils regarding disaster management, collectively totalling \$18.4 million each year.

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<sup>2</sup> LGAQ Cost Shifting Report (2024) – Available at:  
<https://cdn.intelligencebank.com/au/share/g11L/ZBN14/LOI7D/original/LGAQ+Cost+Shifting+Report>

Councils do not step in because they want to, they step in because they have to. Without their intervention, it will be Queensland communities that suffer.

The initial review of the State Emergency Service (SES) finalised in 2020, was prompted by a resolution passed by Queensland councils at the 2018 LGAQ Annual Conference. The resolution reflected the need for deeper consideration of the partnership that exists between councils and the State Government, and the complexity and level of diversity in the management of the SES across the State. The SES Review highlighted the opportunity for enhanced legislation to provide greater guidance and to create consistency to address issues encountered.

Overall, consultation with the local government sector has indicated broad support for the amendments contained in the Emergency Management Reform Bills, and there is acknowledgement that previous feedback from local government has been considered and incorporated in Reviews' recommendations and the legislation.

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

The recommendations made relate to providing further clarity within the legislation, with reference to the findings and recommendations of the SES Review (2020) that suggested matters that could be clarified through legislative reform.

We look forward to continuing to work with the Government throughout the implementation of the IGEM review and the Reform Implementation Taskforce (RIT) and would value the opportunity for further engagement in relation to these specific recommendations.

## 1.1 List of Recommendations

In total, the LGAQ has made 10 recommendations in relation to the Emergency Management Reform Bills, which relate predominantly to the State Emergency Service Bill 2023, due to local government's strong partnership with the SES. These recommendations are summarised below:

- **Recommendation 1:** The LGAQ recommends the Emergency Service Reform Amendment Bill 2023 be passed in its current form.
- **Recommendation 2:** The LGAQ recommends the State Government consider and engage with the LGAQ and Queensland councils on further legislative amendments to the *Fire and Emergency Services Act 1990* and *Fire and Emergency Services Regulation 2011* to reform the processes for collection of the emergency services levy in Queensland, to be similar to the model under the South Australian *Emergency Services Funding Act 1998* whereby the State Government administers and collects emergency management levies. Such legislative reform should be accompanied by modelling to ensure there is no net increase to emergency management levies for property owners.
- **Recommendation 3:** The LGAQ recommends the Marine Rescue Queensland Bill 2023 be passed in its current form.
- **Recommendation 4:** The LGAQ recommends the State Government work with the LGAQ as the Industrial Advocate for local government in Queensland to confirm local government responsibilities in relation to the SES and SES local government employees under the SES Bill, Division 2 s.11 (Agreements between commissioner and local government about SES and SES employees to the satisfaction of local government).

- **Recommendation 5:** The LGAQ recommends there be further consultation with the LGAQ as the Industrial Advocate for local government regarding the secondment, employment, termination and management of SES Local Controllers under the SES Bill, Division 3, s.21 (Suspension of SES local government employee or SES volunteer).
- **Recommendation 6:** The LGAQ recommends the SES Bill reference that, as part of their functions, a Local Controller may be required to report to the local government and the Local Disaster Management Group on their performance under Division 5, s.24 (Function of Local Controller).
- **Recommendation 7:** The LGAQ recommends the SES Bill be amended to include a legislative definition for 'Local Disaster Coordinator' under Division 5 s.26(7) (SES Commanders). The Local Disaster Coordinator definition should be consistent with the meaning given by the *Disaster Management Act 2003*, i.e. the relevant local disaster coordinator for a local disaster group, whose area includes the local government area for an SES unit in the group of SES units.
- **Recommendation 8:** The LGAQ recommends that where an SES commander is appointed to be deployed into a local government area under the SES Bill, Division 5, s.26 (Functions of SES Commanders), that there is consultation with the Chairperson of a local group and the local disaster coordinator (LDC) of a local group prior to any deployments and appointments of an SES commander. The LDC has a legislative function under the Disaster Management Act s.36(a) Functions of Local Disaster Coordinator to coordinate disaster operations for the local group.
- **Recommendation 9:** The LGAQ recommends that in the development of any additional reference materials in support of the SES Bill, Division 5, s.25 (Maintaining SES units' equipment to an appropriate condition), that there be reference to the standards applied by the local governments' asset management and maintenance policies where relevant.
- **Recommendation 10:** The LGAQ recommends the SES Bill be amended to include a provision within the Bill for the SES Group to provide other functions that are agreed upon by the Local Controller and the local disaster coordinator, consistent with the provision drafted for inclusion in the MRQ Bill (s23).

Please do not hesitate to contact Mr Glen Beckett – Head of Assist via email: [REDACTED] or phone: [REDACTED] or Ms Liz Drumm – Disaster Management Lead via email: [REDACTED] or phone: [REDACTED], should you wish to discuss any aspect of this submission.



## 2.0 Introduction

Local governments play a critical role in disaster management in Queensland.

The Queensland Disaster Management Arrangements (QDMA) outline a proven methodology 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 (LDMG's) that work to advance a locally led, multi-agency response to any disaster and which operate across the full spectrum of PPRR.

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 does continue to regularly test the capacity of the disaster management system at a local, district, state, and national level.

To ensure disaster management arrangements remain contemporary, Queensland councils have welcomed the series of recent reviews undertaken, including the:

- 'State Emergency Service Review' finalised in 2020 and conducted by Cam Darby DSC AM (the 2020 SES Review),
- 'Independent review of Queensland Fire and Emergency Services' (the Independent Review Report) finalised in 2021 and conducted by KPMG<sup>3</sup>, and
- Inspector-General of Emergency Management (IGEM) Review of Queensland's Disaster Management Arrangements (QDMA) finalised in April 2023 (the IGEM Review)<sup>4</sup>.

The consultation with local governments undertaken in the development of the Independent Review of Queensland Fire and Emergency Services and the IGEM Review of Queensland's Disaster Management Arrangements (QDMA) is appreciated.

Queensland is the most disaster affected state in Australia with the frequency and severity of disaster impacts within Queensland highlighting the importance of emergency services agencies performing optimally, and this need has prompted the establishment of various organisational arrangements at a local, State and Federal government level.

The LGAQ has sort feedback from Queensland councils regarding the three Bills introduced to Parliament, namely the:

- Emergency Services Reform Amendment Bill 2023,
- Marine Rescue Queensland Bill 2023, and
- State Emergency Service Bill 2023.

While legislation change is only one element of the reform underway, the legislation will recognise the importance of the new Marine Rescue Queensland and the State Emergency Service and provide a boost to their operational capabilities.

Machinery-of-government (MoG) changes, development of appropriate policies, and guidelines and the negotiation and preparation of service agreements and grants allocations will follow to further provide clarity around roles and responsibilities and strengthen capacity at the local level.

<sup>3</sup> Independent Review of Queensland Fire and Emergency Services Final Report (2021). Prepared by KPMG for Queensland Fire and Emergency Services – Available at: <https://www.qfes.qld.gov.au/sites/default/files/2022-10/Independent-Review-of-QFES.pdf>

<sup>4</sup> IGEM Review (2023) Available at: [https://www.igem.qld.gov.au/sites/default/files/2023-06/Review%20of%20Queensland%27s%20Disaster%20Management%20Arrangements%20%28QDMA%29\\_0.pdf](https://www.igem.qld.gov.au/sites/default/files/2023-06/Review%20of%20Queensland%27s%20Disaster%20Management%20Arrangements%20%28QDMA%29_0.pdf)

The QDMA are outlined in Section 4A of the *Queensland Disaster Management Act 2003*. These now well-established arrangements – through each phase of prevention, preparedness, response, and recovery – are the primary responsibility of local governments, within their local government area.

The LGAQ continues to emphasise the critical importance of Queensland councils remaining a lead agency in disaster management and the need to ensure that councils are appropriately funded, resourced, and trained.

Disaster management in Queensland will remain a shared responsibility requiring all agencies, partners, and stakeholders to collaboratively undertake and manage disaster management activities as legislated by the *Disaster Management Act 2003* and *Disaster Management Regulation 2014*.

Of similarly high importance are the relationships and communication that must exist between all levels of government before, during and after disaster events.

As the level of government closest to their communities, Queensland councils are best placed to help their communities prepare for, respond to, and recover from disasters but they cannot do it alone and frequently engage with many State and Federal government agencies as well as with government-owned corporations and not-for-profit and volunteer organisations to advance local disaster management activities.

This engagement, and the relationships built are integral to building capacity and capability long-term, so it is crucial these shared partnerships continue to be strengthened.

## 2.1 LGAQ Policy Statement

The LGAQ Policy Statement<sup>5</sup> 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.*

<sup>5</sup> LGAQ Policy Statement (2023) – Available at: <https://www.lgaq.asn.au/downloads/file/569/lgaq-policy-statement>

### 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.

## 2.2 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 Emergency Management Reform Bills, 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.*

### 3.0 LGAQ Feedback on Emergency Management Reform Bills

The LGAQ understands the Emergency Management Reform Bills introduced into the Queensland Parliament in November 2023:

- represent the first stage of the State Government's legislative reform of Queensland's emergency services and disaster management arrangements, and
- include amendments necessary to restructure emergency service arrangements as recommended in the Independent Review Report and to meet certain recommendations made in the IGEM Review.

Detailed feedback and recommendations have been prepared by the LGAQ based on feedback from Queensland councils, in relation to each of the three Bills currently under consideration by the Committee.

#### 3.1 Emergency Services Reform Amendment Bill 2023

Queensland councils are committed to ensuring that Queensland disaster management arrangements remain robust, particularly given the increased occurrence and significance of natural disasters across the state.

The Emergency Services Reform Amendment Bill 2023 proposes amendments to the following Acts and Regulations:

- *Civil Liability Regulation 2014,*
- *Disaster Management Act 2003 (DM Act),*
- *Disaster Management Regulation 2014,*
- *Fire and Emergency Services Act 1990,*
- *Nature Conservation (Animals) Regulation 2020,*
- *Police Service Administration Act 1990,*
- *Workers' Compensation and Rehabilitation Act 2003,*
- *Workers' Compensation and Rehabilitation Regulation 2014, and*
- *Working with Children (Risk Management and Screening) Act 2000.*

This includes changes to formally establish the State Disaster Management Group (SDMG) and the necessary and administrative and consequential amendments to align Marine Rescue Queensland and the State Emergency Service to be under the control of the Queensland Police Service.

Feedback received from Queensland councils indicates there is broad support for the Emergency Service Reform Amendment Bill 2023, with no significant issues identified or raised by the LGAQ or Queensland councils.

**Recommendation 1:** The LGAQ recommends the Emergency Service Reform Amendment Bill 2023 be passed in its current form.

In addition to the amendments proposed by the Emergency Service Reform Amendment Bill 2023, the LGAQ and Queensland councils would like to see further amendments made to the *Fire and Emergency Services Act 1990*.

At the 2023 LGAQ Annual Conference, Queensland councils passed a resolution seeking legislative amendments to reform the process for collection of the emergency services levy in Queensland, to be aligned with the model under the South Australian *Emergency Services*

*Funding Act 1998*, whereby the State Government administers and collects emergency management levies.

Local governments across Queensland allocate significant resourcing to the collection of the Emergency Service Levy from prescribed properties. The categorisation system imposed by the legislation is not aligned with any local government's rating categories or zoning under the *Planning Act 2016* and requires local governments to physically consider each properties' individual characteristics on an annual basis.

This involves interrogating often extensive rating databases and taking into account matters such as contiguous parcels, gross floor area, property ownership to assess exemptions and land use. These matters are not necessarily easily ascertained from land valuation, council rating or zoning systems and require interrogation on a per prescribed property basis. For example, a two-storey motel is levied differently to a three-storey motel and properties that are contiguous are required to be levied together (requiring GIS analysis of every lot and plan included within an assessment which is particularly complex for rural properties).

Other states such as South Australia collect the levy at a state level and calculate the levy on the basis of the amount payable in respect of each dollar of the value of prescribed land as determined by the Valuer-General, multiplied by the area type (i.e. Greater Adelaide, Regional areas 1 to 3) and the land use, determined by the Valuer General.

**Recommendation 2:** The LGAQ recommends the State Government consider and engage with the LGAQ and Queensland councils on further legislative amendments to the *Fire and Emergency Services Act 1990* and *Fire and Emergency Services Regulation 2011* to reform the processes for collection of the emergency services levy in Queensland, to be similar to the model under the South Australian *Emergency Services Funding Act 1998* whereby the State Government administers and collects emergency management levies. Such legislative reform should be accompanied by modelling to ensure there is no net increase to emergency management levies for property owners.

### 3.2 Marine Rescue Queensland Bill 2023

The purpose of the *Marine Rescue Queensland Bill 2023* is to provide the head of power and establish Marine Rescue Queensland (MRQ) as a state-wide marine rescue service.

As stated in the Explanatory Notes to the MRQ Bill, the advantages of an integrated statewide marine rescue service include:

- enhanced service delivery through better interoperability between units;
- better clarity around roles and responsibilities for the multiple agencies responsible for providing marine rescue services;
- an increase in the quality of services provided by developing standardised training, procedures and policies; and
- enhanced asset management.

Queensland's emergency and disaster management capabilities and a community's sense of safety are significantly enhanced by its emergency volunteer workforce. Accordingly, supporting the community to volunteer and contribute through emergency and disaster response greatly improves liveability.

Establishing MRQ in a 'standalone Act' including its purpose, functions, command structure and roles of members, emphasises the value of the organisation which in turn assists in promoting volunteer engagement.

The LGAQ is supportive of the appointment of MRQ coordinators which we believe will improve coordination and cooperation with local disaster coordinators. The Association also supports the State Government's intentions to grow volunteering numbers and participation to improve the involvement and participation of volunteers.

**Recommendation 3:** The LGAQ recommends the Marine Rescue Queensland Bill 2023 be passed in its current form.

### 3.3 State Emergency Service Bill 2023

The purpose of the State Emergency Service Bill 2023 (the SES Bill) is to establish the State Emergency Service (SES) through new legislation, relocating and expanding upon a number of provisions currently outlined in the *Fire and Emergency Services Act 1990*.

As stated in the Explanatory Notes to the SES Bill, establishing the SES and MRQ in 'standalone Acts' emphasises the value of each organisation, promote volunteer engagement and provide a framework that outlines the purpose, functions and command structures of each organisation and the roles of their members.

Queensland's disaster management capabilities are significantly enhanced by its volunteer emergency workforce and Queensland's SES has provided a strong mechanism for Queenslanders to volunteer to prepare for and respond to Queensland's history of disasters.

Since the SES commenced in Queensland, there has been a strong relationship with local government to promote this volunteer capacity. Supporting the community to volunteer and contribute to the response and recovery from natural disasters, provides significant benefits to disaster impacted communities and individual wellbeing.

A 2020 review of SES arrangements in Queensland, led by Campbell Darby DSC AM, was prompted by a resolution passed by Queensland councils at the 2018 LGAQ Annual Conference. Specifically, this resolution reflected the need for consideration of the partnership between councils and the State Government, and the complexity and level of diversity in the management of the SES across the State.

The SES Review Report 'Sustaining the SES – Partnering for Change'<sup>6</sup> (published 13 March 2020), provided a comprehensive overview of the complexity of the SES arrangements and the views of local government, as well as noting the opportunity for enhanced legislation to provide greater guidance and to create consistency to address issues encountered.

Local governments were extensively consulted as part of the review and in the development of the final report. Queensland councils strongly expressed the view that they were keen to see a change to the arrangements to ensure that the sustainability of the SES, and effective disaster management response, could be achieved.

The SES partnership with local government is critical to the Queensland Disaster Management Arrangements and while there are varied opinions, the drivers for change can be summarised in the report as follows:

- Councils' level of support to the SES is highly variable and the SES capability statewide is highly disparate. Some units are well funded and supported, others are struggling with poor facilities, low numbers, ageing equipment and minimal management oversight.

<sup>6</sup> SES Review: Partnering for Change (2020) – Available at: <https://www.qfes.qld.gov.au/sites/default/files/2022-10/SES-Review-Report-Sustaining-the-SES-Partnering-for-Change.pdf>

- With Queensland Fire and Emergency Services (QFES) having responsibility for people and councils owning the assets, the arrangements are both confusing and highly risky.
- Councils' disaster response capability and the expectations of their support to the SES is ambiguous and not subject to clear legislative guidelines. Similarly, the command, control and tasking of SES groups and units is imprecise and subsequently misunderstood.
- The way local governments are assisted with some SES funding through grants and subsidies, negates effective long term financial planning and reduces the value-for-money of funds committed to sustaining and building SES capability.
- The balance of QFES funding applied to the SES does not seem to align with the statewide risk profile and propensity for cyclone/storm/flood events (resources to risks).

Overall, the LGAQ is broadly supportive of the SES Bill, which will help to further emphasise the value of the SES and is an important step in helping to promote volunteer engagement and in providing a framework that outlines the purpose, functions and command structure as well as the roles of SES members.

At the 2023 LGAQ Annual Conference, Queensland councils passed a resolution calling on the State Government to address the decline in volunteer numbers throughout Queensland. While the resolution relates to volunteering across all sectors in Queensland, it is also relevant to disaster management arrangements for all of Queensland – including as it applies to the SES.

In addition, the LGAQ welcomes the inclusion of the legislative provision in the Bill that a local government must agree to the establishment of an SES Unit, not simply be consulted under Division 5, s.22(3) (Establishment of SES Units). This provision allows the Commissioner to establish an SES Unit and requires the Commissioner to consult with the local government.

Local governments are required to fund the vehicles, depots, and other costs associated with establishment of the SES Unit and therefore must be able to accept or reject the proposal. Considering the operational and financial obligations often incurred by local governments in supporting local SES units, the inclusion and retention of this provision in the Bill under Division 5, s.22(3) is important.

There are, however, a number of aspects identified in the Bill that the LGAQ would like to see amended and/or clarified. In particular, the greatest concern relates to the effective management and industrial relations foundations for local government SES employees.

Although the LGAQ has received assurances from the Reform Implementation Taskforce (RIT) that effective workforce management arrangements can be achieved without need for legislative reform, work to conclude and clarify this issue remains ongoing, and the LGAQ reserves its intention to seek future legislative reform should these workforce outcomes prove not be to local governments satisfaction.

**Recommendation 4:** The LGAQ recommends the State Government work with the LGAQ as the Industrial Advocate for local government in Queensland to confirm local government responsibilities in relation to the SES and SES local government employees under the SES Bill, Division 2 s.11 (Agreements between commissioner and local government about SES and SES employees to the satisfaction of local government).

The SES Review, finalised in 2020, noted there was the opportunity for enhanced legislation to provide greater guidance and to create consistency to address issues encountered. It is further requested that a requirement to consult with the local government is included, whenever disciplinary action is being considered – irrespective of whether the officer is an employee of

council or not. Additionally, it is suggested that the *Local Government Act 2009* is referenced in addition to/or as well as the *Public Sector Act 2022*, to enable councils to request action to the SES Commissioner.

Many local governments recognise the efforts of their SES Local Controller through full-time or part-time employment, a stipend or allowance. Noting the findings of the SES Review (2020), additional clarification on the associated command arrangements would be beneficial. The findings and recommendations of the SES Review including the matter of SES Local Controller employment is considered a priority, to address the SES Review's findings regarding a lack of clarity and significant operational diversity across the state.

**Recommendation 5:** The LGAQ recommends there be further consultation with the LGAQ as the Industrial Advocate for local government regarding the secondment, employment, termination and management of SES Local Controllers under the SES Bill, Division 3, s.21 (Suspension of SES local government employee or SES volunteer).

In addition, transparency around the activities undertaken by the SES Local Controller is vital to understanding the capacity of units and allow the local government and local disaster management groups to adequately plan to manage risk, while also establishing a reporting requirement operationally to the local disaster coordinator as well as to the Commissioner.

**Recommendation 6:** The LGAQ recommends the SES Bill reference that as part of their functions a Local Controller may be required to report to the local government and the Local Disaster Management Group on their performance under Division 5, s.24 (Function of Local Controller).

For completeness we encourage the role of Local Disaster Coordinator be included with the other definitions at Div 5 s.26(7) of the Bill.

**Recommendation 7:** The LGAQ recommends the SES Bill be amended to include a legislative definition for 'Local Disaster Coordinator' under Division 5 s.26(7) (SES Commanders). The Local Disaster Coordinator definition should be consistent with the meaning given by the *Disaster Management Act 2003*, i.e. the relevant local disaster coordinator for a local disaster group, whose area includes the local government area for an SES unit in the group of SES units.

The Local Disaster Controller (LDC) has a legislative function defined under the Disaster Management Act s.36(a) Functions of Local Disaster Coordinator which includes the coordination of disaster operations for the local group.

**Recommendation 8:** The LGAQ recommends that where an SES commander is appointed to be deployed into a local government area under the SES Bill, Division 5, s.26 (Functions of SES Commanders), that there is consultation with the Chairperson of a local group and the local disaster coordinator (LDC) of a local group prior to any deployments and appointments of an SES commander. The LDC has a legislative function under the Disaster Management Act s.36(a) Functions of Local Disaster Coordinator to coordinate disaster operations for the local group.

In recognition that some SES assets are also the assets of local government, the LGAQ makes the following recommendation:

**Recommendation 9:** The LGAQ recommends that in the development of any additional reference materials in support of the SES Bill, Division 5, s.25 (Maintaining SES units' equipment to an appropriate condition), that there be reference to the standards applied by the local governments' asset management and maintenance policies where relevant.



As currently drafted in s.23 of the MRQ Bill 2023 [to perform other functions agreed between the MRQ coordinator and the local disaster coordinator for the relevant local group] the LGAQ would like to see a similar provision accommodated within the SES Bill. The inclusion of such a provision reflects the broad-based role of the SES in local communities and the work these groups do outside of prevention, preparedness, response and recovery (PPRR) – including broad support provided to community activities.

**Recommendation 10:** The LGAQ recommends the SES Bill be amended to include a provision within the Bill for the SES Group to provide other functions that are agreed upon by the Local Controller and the local disaster coordinator, consistent with the provision drafted for inclusion in the MRQ Bill (s23).

## 4.0 Conclusion

The LGAQ again thanks the Community Support and Services Parliamentary Committee for the opportunity to contribute a submission on the Emergency Management Reform Bills.

The important role Queensland councils play in disaster management as part of a locally led, multi -agency model, as articulated in the QDMA, is of particular importance and the LGAQ is keen to reinforce this fact and the amendment that aim to ensure the QDMA is robust and agile to respond to increasing severity of impacts and escalate when capacity is reached.

As outlined in this submission, the LGAQ believes it is imperative that, with the increasing advent of natural disasters and the subsequent increasing impacts on local communities, it is essential that councils are properly funded, resourced and trained to deliver on their disaster management responsibilities across the full spectrum of PPRR and that the legislative foundations that support this work is contemporary.

Councils emphasise that any new arrangements must also work seamlessly within existing state, district, and local arrangements.

We emphasise again that locally led responses are critical to the success of any disaster activations and must unequivocally involve LDMGs to ensure resources are deployed as effectively as possible.