



Emergency Services Reform Amendment Bill 2023

Report No. 40, 57th Parliament

Community Support and Services Committee

March 2024

Community Support and Services Committee

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All web address references are current at the time of publishing.

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Chair's foreword

This report presents a summary of the Community Support and Services Committee's examination of the Emergency Services Reform Amendment Bill 2023.

The committee's task was to consider the policy to be achieved by the legislation and the application of fundamental legislative principles – that is, to consider whether the Bill has sufficient regard to the rights and liberties of individuals, and to the institution of Parliament. The committee also examined the Bill for compatibility with human rights in accordance with the *Human Rights Act 2019*.

The report summarises the committee's examination of the Bill, including the views expressed in submissions and by witnesses at the committee's public briefing and hearing.

On behalf of the committee, I thank those individuals and organisations who made written submissions on the Bill and provided evidence at the public hearing. I also thank our Parliamentary Service staff and staff of the Queensland Police Service.

I commend this report to the House.



Mr Linus Power MP

Acting Chair

Recommendations

Recommendation 1

4

The committee recommends the Emergency Services Reform Amendment Bill 2023 be passed.

Executive Summary

The Bill's stated purpose is to amend Queensland statutes to align the State Emergency Service, established by the State Emergency Service Bill 2023, and Marine Rescue Queensland, established by the Marine Rescue Queensland Bill 2023, under the control of the Queensland Police Service, and make the necessary administrative and consequential amendments for this transition to occur.

The Bill also proposes to meet certain recommendations from the Inspector-General of Emergency Management (IGEM) Review, published in 2023, by formally establishing the State Disaster Management Group in the *Disaster Management Act 2003*.

The objectives of the Bill are also to recognise the value of the State Emergency Service and Marine Rescue Queensland members and their service to the community.

Submitters to the Inquiry were generally supportive of the Bill, with several stakeholders providing additional feedback on aspects of the Bill, and the wider reform process of Queensland's emergency service and disaster management arrangements.

The committee identified and considered issues of fundamental legislative principle (FLP) in the Bill and is satisfied that sufficient regard has been given to the rights and liberties of individuals and the institution of parliament.

Having considered the issues raised by submitters and the explanations provided in the statement of compatibility, the committee is also satisfied that the Bill is compatible with human rights in accordance with the *Human Rights Act 2019*.

The committee makes one recommendation, that the Bill be passed by the Legislative Assembly.

1 Introduction

1.1 Policy objectives of the Bill

On 28 November 2023, Hon Mark Ryan MP, Minister for Police and Corrective Services and Minister for Fire and Emergency Services introduced the Emergency Services Reform Amendment Bill 2023 (the Bill). At the same time, the Minister introduced the Marine Rescue Queensland Bill 2023 and the State Emergency Service Bill 2023, as part of a suite of legislative reform. On 30 November 2023 the Legislative Assembly referred the Emergency Services Reform Amendment Bill 2023, the Marine Rescue Queensland Bill 2023 and the State Emergency Service Bill 2023 (the three Bills) to the Community Support and Services Committee for detailed consideration.

The objectives of the Bill contribute to the reform of Queensland's emergency services and disaster management arrangements, by:

- establishing Marine Rescue Queensland (MRQ) as a state-wide marine rescue service (through the Marine Rescue Queensland Bill 2023)
- establishing the State Emergency Service (SES) (through the State Emergency Service Bill 2023)
- aligning MRQ and SES under the control of the Queensland Police Service (QPS) through the Bill, which will make the necessary administrative and consequential amendments for this to occur
- formally establishing the State Disaster Management Group (SDM group) within the Disaster Management Act (DM Act).

The three Bills propose to enable a range of disaster and emergency services reforms to enhance Queensland's capacity to respond to natural disasters and keep people safe in the state's oceans and waterways.¹

The proposed legislation would recognise the importance of MRQ and the SES. Both entities would be hosted by the QPS under the proposed emergency services amendments.

The Bill proposes to achieve its objectives by amending the following Acts and Regulations:

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

¹ Hon M Ryan MP, Minister for Police and Corrective Services, 'Bills to shape new era of disaster and emergency services for Queensland', media release, 28 November 2023.

1.2 Background

Queensland's disaster management arrangements operate through a tiered system outlined in the Disaster Management Act 2003 (DM Act) enabling a progressive escalation of support and assistance to affected communities. Disaster management groups are formed at a local, district and state level and are responsible for the planning, organisation, coordination, and implementation of all measures to mitigate or prevent, prepare for, respond to, and recover from disaster events. These disaster management groups are supported by coordination centres that also operate at the local, district and state level to coordinate the information, resources, and services necessary for disaster operations.²

Currently, Queensland Fire and Emergency Services (QFES) coordinates and manages various elements of Queensland's disaster response including the Fire and Rescue Service (FRS), the Rural Fire Service (RFS) and the Queensland State Emergency Service (SES).³

1.2.1 Review of Queensland's emergency services and disaster management arrangements

The delivery of emergency services in Queensland has been considered in a series of reviews including:

- *Review into Volunteer Marine Rescue Organisations in Queensland*, conducted by Campbell Darby DSC AM, and published in November 2018 (referred to as the Bluewater Review)⁴
- *SES Review, "Sustaining the SES – Partnering for Change"* (the SES Review), conducted by Campbell Darby DSC AM, and published in March 2020⁵
- *Independent review of Queensland Fire and Emergency Services* (the Independent Review), prepared by KPMG for the QFES, and final report published in November 2021.⁶

In response to the SES Review and the Independent Review, the Queensland Government published a response to the report's recommendations in October 2022, entitled *Good Jobs and Better Fire and Emergency Services to Support Queensland's Great Lifestyle*.⁷ In this response, the government requested the Inspector-General of Emergency Management (IGEM) conduct a review of the state's disaster arrangements.

The Office of the IGEM worked with the Department of the Premier and Cabinet, the QPS, QFES, Queensland Reconstruction Authority, Department of State Development, Infrastructure, Local Government and Planning, relevant state agencies involved in disaster management, the State Disaster Coordinator (SDC), the Local Government Association of Queensland, and other relevant stakeholders to obtain information necessary to the Review.

The IGEM presented a final review report, *Review of Queensland's Disaster Management Arrangements* (the IGEM Review), to government for consideration on 28 April 2023. The report made

² Emergency Services Reform Amendment Bill 2023, explanatory notes, p 1.

³ Queensland Police Service, correspondence, 13 December 2023, p 2.

⁴ Campbell Darby DSC AM, *Review into Volunteer Marine Rescue Organisations in Queensland (Blue Water Review)*, 30 November 2018, <https://www.qfes.qld.gov.au/sites/default/files/2021-03/Review-into-VMR-Organisations-in-QLD.pdf>.

⁵ Campbell Darby DSC AM, *SES Review, "Sustaining the SES – Partnering for Change"*, 13 March 2020, <https://www.qfes.qld.gov.au/sites/default/files/2022-10/SES-Review-Report-Sustaining-the-SES-Partnering-for-Change.pdf>.

⁶ KPMG (prepared for Queensland Fire and Emergency Services), *Independent Review of Queensland Fire and Emergency Services*, 2 November 2021, <https://www.qfes.qld.gov.au/sites/default/files/2022-10/Independent-Review-of-QFES.pdf>.

⁷ Queensland Government, *Good Jobs and Better Fire and Emergency Services to Support Queensland's Great Lifestyle*, 2022, <https://documents.parliament.qld.gov.au/tp/2022/5722T1747-83F4.pdf>.

10 recommendations, including that the Commissioner be appointed as the Chief Executive of the *Disaster Management Act 2003* (DM Act).

On 30 October 2023, a machinery-of-government change allocated the responsibilities of the chief executive under the DM Act to the Commissioner, and certain response elements transitioned from QFES to the QPS to ensure that the delivery of emergency services to the community did not diminish. The QPS also formally assumed the responsibility of administering grants and service agreements for volunteer entities such as the Australian Volunteer Coast Guard Association of Queensland (AVCGA), Volunteer Marine Rescue Association of Queensland (VMRAQ), Surf Life Saving Queensland (SLSQ) and Royal Life Saving Society Queensland (RLSSQ).⁸

1.2.2 Proposed reform of Queensland’s emergency services and disaster management arrangements

The three Bills are described in the explanatory notes as an emergency services reform amendment ‘package’, and as one part of a suite of measures to enable reform.⁹ Other tasks listed as part of the suite of reforms include the making of machinery-of-government changes, development of appropriate policies, and the negotiation and preparation of service agreements and grants allocations. However, the explanatory notes state that legislative amendment must occur before certain implementation processes can begin.¹⁰

Legislative reform is expected to occur in two stages, the first stage being the reforms proposed in the three Bills. The second stage is further legislative reforms anticipated to be introduced in 2024, which would meet the remaining recommendations in the Independent Review Report and the IGEM Review.¹¹ That legislation is expected to include supporting the creation of the new Queensland Fire Department with the Rural Fire Service established as its own entity within the new department in 2024.¹²

The explanatory notes state that a Reform Implementation Taskforce (RIT) has been established to oversee and coordinate the implementation of the reforms over a two-year period. The RIT is committed to implementing these reforms by 30 June 2024 ‘without any diminishing of the delivery of emergency services’.¹³

1.3 Legislative compliance

The committee’s deliberations included assessing whether or not the Bill complies with the Parliament’s requirements for legislation as contained in the *Parliament of Queensland Act 2001*, *Legislative Standards Act 1992* and the *Human Rights Act 2019*.

1.3.1 Legislative Standards Act 1992

The committee’s assessment of the Bill’s compliance with the *Legislative Standards Act 1992* identified no issues of fundamental legislative principle in regard to the rights and liberties of individuals and the institution of Parliament.

Part 4 of the *Legislative Standards Act 1992* requires that an explanatory note be circulated when a Bill is introduced into the Legislative Assembly and sets out the information an explanatory note should contain. Explanatory notes were tabled with the introduction of the Bill. The committee found

⁸ Explanatory notes, p 2.

⁹ Public briefing transcript, Brisbane, 12 February 2024, p 1.

¹⁰ Explanatory notes, p 2.

¹¹ Explanatory notes, p 2.

¹² Hon Mark Ryan MP, Minister for Police and Corrective Services, ‘Bills to shape new era of disaster and emergency services for Queensland’, media release, 28 November 2023.

¹³ Explanatory notes, p 2.

the notes contain the information required by Part 4 and a sufficient level of background information and commentary to facilitate understanding of the Bill's aims and origins.¹⁴

1.3.2 Human Rights Act 2019

The committee assessed the Bill's compatibility with the *Human Rights Act 2019* (HRA) and found the Bill to be compatible with human rights.

The committee identified some human rights limitations, set out in chapter 2 below, but considers these to be reasonable and demonstrably justified, having regard to section 13 of the HRA.

A statement of compatibility was tabled with the introduction of the Bill as required by section 38 of the HRA. The statement contained a sufficient level of information to facilitate understanding of the Bill in relation to its compatibility with human rights, supplemented by the explanatory note and the second reading speech (and by reference to the Act to be amended).

1.4 Inquiry process

Following the referral of the three Bills to the committee and recognising that they are inextricably linked to each other, the committee resolved to align key engagement activities in relation to its examination of the Bills, including receiving submissions, a public briefing from the QPS on 12 February 2024, and a public hearing on 4 March 2024.

In accordance with the referrals of the Bill by the Queensland Parliament, the committee has reported separately on each Bill. Refer to *Report No. 41, 57th Parliament, State Emergency Service Bill 2023* and *Report No. 42, 57th Parliament, Marine Rescue Services Bill 2023* tabled on 15 March 2024.

1.5 Should the Bill be passed?

The committee is required to determine whether or not to recommend that the Bill be passed.

Recommendation 1

The committee recommends the Emergency Services Reform Amendment Bill 2023 be passed.

¹⁴ Explanatory notes.

2 Examination of the Bill

This section discusses key issues raised during the committee's examination of the Bill. It does not discuss all consequential, minor or technical amendments.

The committee received 20 submissions to the three Bills, of which 3 submissions spoke exclusively to this Bill¹⁵ and 6 submissions referred to the Bill as well as one or both of the other Bills in the emergency reform amendment package.¹⁶

Stakeholders were generally supportive of the proposed reforms in the Bill.¹⁷

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.¹⁸

2.1 Queensland Police Service as lead agency

As stated in chapter 1 of this report, the Bill proposes to align MRQ and SES under the control of the QPS and sets out the necessary administrative and consequential amendments for this to occur.

2.1.1 MRQ and SES employees to become QPS employees

MRQ and SES personnel will form part of the QPS by amendments in the Bill to the *Police Service Administration Act 1990* (PSA Act) that, if passed, will list them as QPS staff members.¹⁹

The explanatory notes state that the purpose of these proposed amendments is to ensure that:

- the Commissioner can deliver consistent governance and command structures for these personnel
- IT systems can be employed with consistent security settings and frameworks
- information may be shared readily to members to ensure efficiency gains by reducing duplicated policies and procedures.²⁰

The PSA Act imposes certain responsibilities and obligations on QPS staff members. Some key provisions of the PSA Act will affect MRQ and SES personnel as QPS staff members:

- the Minister may give written directions to the Commissioner, and the Commissioner may issue directions to staff members as is considered necessary or convenient for the efficient and proper functioning of the police service (PSA Act, ss 4.6, 4.9)
- if a staff member knows or reasonably suspects that conduct of a police officer or police recruit (whether on or off-duty) is misconduct, the staff member is to report the occurrence of the conduct as soon as practicable to the Commissioner and to the chairperson of the Crime and Corruption Commission (PSA Act, s 6A.1)
- it is lawful for a staff member to, in good faith and in the execution of duty report their opinion, judgement or recommendation without liability on the Crown or the staff member (PSA Act, s 10.3)²¹

¹⁵ Submissions 10, 11 and 15.

¹⁶ Submissions 1, 7, 13, 17, 18 and 20.

¹⁷ Submissions 7 and 18.

¹⁸ Submission 18.

¹⁹ Bill, cl 23.

²⁰ Explanatory notes, p 13.

²¹ Bill, part 5.

- a staff member does not incur civil liability for engaging in conduct in an official capacity, rather, liability attaches instead to the Crown (PSA Act, s 10.5)²²
- provisions in the PSA Act in relation to random alcohol testing and targeted alcohol and drug testing of relevant employees will be expanded to include MRQ and SES members employed under the *Public Sector Act 2022*; counselling and rehabilitation of QPS members will similarly apply²³
- information that must be disclosed to the Commissioner by a person seeking to be engaged by the QPS will apply to MRQ and SES members employed under the *Public Sector Act 2022*²⁴
- MRQ and SES volunteers and SES members employed by local government will be required to hold a Blue Card, with the PSA Act to be amended to require certain changes of circumstances to be notified.²⁵

2.1.1.1 Human rights consideration – right to liberty and security of person

Clause 23 of the Bill proposes to insert new subsections 2.5(1)(d) and (e) into the PSA Act to include SES and MRQ members as QPS staff members. The clause may impact the right to liberty and security of person, protected under s 29 of the HRA, as it provides for a penalty of imprisonment in certain circumstances. The clause would broaden the existing offence of ‘Unauthorised use of confidential information’ in the PSA Act to include members of the SES and MRQ.

The committee notes the purpose of the proposed clause is to protect confidential information. It aims to deter the inappropriate use of confidential information via the significant penalty of imprisonment available to a court where a person is convicted of the relevant offence. Less restrictive options remain available even if the amendment is passed, as the two-year custodial sentence is the maximum penalty available for the offence rather than the only potential penalty. It will be open to a court to determine that a lesser penalty is warranted.

Committee comment

On balance, the committee is satisfied that members of the SES and MRQ are held to comparable standards as members of the QPS given the nature of the overall reform scheme. The relevant offence and potential penalty already applies to QPS members. It indicates the very high standards expected of QPS members when they deal with confidential information.

2.1.1.2 Human rights limitation – right to privacy

As noted above, clause 23 expands the categories of persons who would be deemed to be QPS members. Consequently, if the Bill is passed, SES and MRQ members will be assessed for their suitability and will be required to share personal information with the QPS and Commissioner, including a prior criminal record.

Committee comment

The committee recognises that relevant personal information must be provided in order for character checks to be conducted effectively. Reliable background checks will enhance public confidence in SES and MRQ members and minimise the risk of those members acting inappropriately in the exercise of their powers. The committee is satisfied that while the right to privacy is of great significance, in this context it is not inappropriately limited – the restriction proposed by the Bill will be lawful and not arbitrary.

²² Bill, cl 30.

²³ Bill, cls 26 and 27.

²⁴ Bill, cl 31.

²⁵ Bill, cl 32.

2.1.2 Stakeholder views

The Community Legal Centres Queensland (CLCQ) submission noted that members of the organisation had raised concerns during the consultation phase ‘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’. The submission further stated:

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.²⁶

To the CLCQ’s submission, the QPS asserted that CLCQ’s concern is already met by the Office of the Inspector-General of Emergency management (IGEM). The QPS stated:

The Office of the IGEM, established as a statutory position since 2014, is responsible for providing the Premier, Government and the people of Queensland with an assurance of public safety through establishing and implementing frameworks that direct, guide and focus the work of all agencies, across all tiers of Government to the desired outcomes of the disaster and emergency management arrangements of Queensland.²⁷

In response to the QPS, the CLCQ noted that, anecdotally, there has been a lot of confusion about the reform, and that in some communities and organisations, ‘there is a level of historic distrust towards police’. The CLCQ said there is a need for transparency and accountability, and one way to achieve this is by ‘inserting a statutory requirement for an independent review of QPS’s lead role in disaster management’.²⁸ Further, the CLCQ acknowledged that while the Office of the IGEM may be appropriately positioned to conduct a statutory review, such a review will not occur unless it is mandated in legislation:

We are suggesting that there be a legal requirement to review the conduct of QPS further down the track. That happens in other pieces of law where a new piece of law is enacted. However, for a check and balance purpose we want to make sure we are tracking right so we will have a statutory review at the two-year mark or four-year mark. It needs to be activated; it cannot just be assumed that because IGEM exists, an independent review is going to happen.²⁹

Committee comment

The committee notes the concerns of the CLCQ, but is satisfied that the Office of the IGEM provides sufficient statutory oversight to enable confidence in Queensland’s disaster and emergency management arrangements. The Office of the IGEM already plans, develops, and facilitates a variety of suitable review and assessment projects.

²⁶ Submission 13.

²⁷ Queensland Police Service, correspondence, 9 February 2024, p 33.

²⁸ Monica Taylor, Community Legal Centres Queensland, public hearing transcript, Brisbane, 4 March 2024, p 17.

²⁹ Monica Taylor, Community Legal Centres Queensland, public hearing transcript, Brisbane, 4 March 2024, p 18.

2.2 Recognising the role of community services

The submission from Queensland Council of Social Services (QCOSS) attested that the Bill ‘does not harness the opportunity to more effectively embed community services into key coordination and disaster response activities’, and that there was ‘a relative under-investment in the community sector’ as a source of essential support during an emergency.³⁰

QCOSS called for greater investment to ‘more effectively embed community services into key coordination and disaster response activities’ and ‘ensure that relevant organisations have the capacity to engage with the strategic meetings of relevant bodies; sufficient and ongoing funding for specialised staff such as disaster resilience workers to undertake disaster response and resilience activities; and increased funding to support emergency response infrastructure, and equipment such as generators’.³¹ Similarly, Neighbourhood Centres Queensland and CLCQ submitted that further consideration be given to increasing and extending the financial resourcing of disaster-related staff based in neighbourhood centres, and other community-based organisations who play similar roles.³²

Increased funding security will result in increased organisational planning capacity, staff retention, increased staff capacity through training and local knowledge, strengthened relationships with community members and disaster management stakeholders and ultimately, greater disaster resilience at the local level.³³

At the public hearing, Community Legal Centres Queensland echoed this position:

Our second point goes to the dollar value of this reform package. It is significant; it is half a billion dollars over five years. The costings for stage 1, as outlined in the explanatory notes, relatively underinvest in resilience and recovery efforts. We know from research—it is really clear—that investment in social capital, in community infrastructure, in the softer emphasis of the full scale of disasters really yields a major return on investment. We would like to see more investment in particular for community and social service organisations that really do that long work of holding communities together long after the fire front has passed and long after the floodwaters have receded.³⁴

In response to QCOSS, the QPS noted that matters in relation to the allocation of funding are outside the scope of the Bills and are matters of government policy.³⁵

Committee comment

The committee encourages the Commissioner of the Queensland Police Service to work with local governments, neighbourhood centres and community services to build and maintain disaster resilience at a community level.

³⁰ Submission 10.

³¹ Submission 10.

³² Submissions 13 and 15.

³³ Submission 15.

³⁴ Monica Taylor, Community Legal Centres Queensland, public hearing transcript, Brisbane, 4 March 2024, p 17.

³⁵ Queensland Police Service, correspondence, 9 February 2024, pp. 30 and 35.

2.3 Stakeholders' views on related matters

The committee notes the views of stakeholders on a number of matters related to emergency management reform.

2.3.1 Consistency of terms with other Queensland legislation

Mr Neil Percival called for the Bill to further amend the following Regulations for 'better legislative consistency':

- Transport Operations (Road Use Management—Road Rules) Regulation 2009, to update the definition of "Emergency Worker" and "Emergency Vehicle" so that they include the State Emergency Service and the Rural Fire Service to avoid ambiguity
- Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021, to update the definition of an emergency vehicle to distinguish between SES and QFES vehicles.³⁶

In response to Mr Percival's suggestions, the QPS advised that the Bill proposes to amend the definition of 'emergency response vehicle' in the Queensland Road Rules to include the SES under the SES Act established by the State Emergency Service Bill 2023. The existing definition of 'emergency response vehicle' already includes vehicles being used by the QPS, the Queensland Ambulance Service (QAS), QFES, the rural fire brigade and the SES pursuant to the *Fire and Emergency Services Act 1990*.³⁷ The QPS further advised:

The Vehicle Standards and Safety Regulation provides a category of 'emergency vehicles' in recognition that certain vehicles driven by emergency service agencies may have modifications that differentiate them from other vehicles.³⁸

To Mr Percival's call for consistent use of terminology across jurisdictions, the QPS stated:

The intent of the reforms to Queensland's emergency services is to transfer responsibility for the SES to the QPS in a manner that provides consistency with the current arrangements for the SES. For that reason, it is sensible and practical to retain existing terminologies rather than institute changes that may lead to confusion.

It should be noted that there will be opportunities in the future to consider the SES structure and the terminologies that it employs. The QPS would suggest that any change to terminologies should be undertaken after consideration of appropriate options and would include widespread consultation to determine the most suitable alternate terms to use and whether those terms would be accepted generally by SES personnel and others.³⁹

2.3.2 State emergency levy collection

The Local Government Association of Queensland's (LGAQ) submission was supportive of the Bill as part of the emergency services reform amendment package. The submission called for additional amendments to reform the process for collection of the emergency services levy in Queensland, to be aligned with the model in operation in South Australia, whereby the State Government administers and collects emergency management levies.⁴⁰ The LGAQ stated:

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

³⁶ Submission 1.

³⁷ Queensland Police Service, correspondence, 9 February 2024, p 9.

³⁸ Queensland Police Service, correspondence, 9 February 2024, p 11.

³⁹ Queensland Police Service, correspondence, 9 February 2024, p 3.

⁴⁰ Submission 18, pp 10-11.

local governments to physically consider each properties' [sic] individual characteristics on an annual basis.⁴¹

In response, the QPS advised that the collection of an emergency services levy is outside of the scope of the Bills and a matter of government policy.⁴²

2.3.3 Civil liability protections extending to members of the public

The Bill continues civil liability protections to the SES and its members through the Civil Liability Regulation 2014.⁴³

A number of submissions raised concern over the adequacy of civil liability protections extending to members of the public who assist others on their own initiative during emergencies, or 'Good Samaritan' protections.⁴⁴ Hopgood Ganim Lawyers recommended amendment to the Bill to further protect 'Good Samaritans' responding to natural disasters, calling for:

- amendments to the *Civil Liability Act 2003* to include a Good Samaritan protection, consistent with other States and Territories in Australia, and to clear up current confusion within the Queensland community about Good Samaritan protections
- expansion of the statutory immunity provisions in the *Disaster Management Act 2003* and the *Fire and Emergency Services Act 1990* to include protections for Good Samaritans, like those included in section 59 of the *State Emergency and Rescue Management Act 1989* (NSW)
- at the policy level, acknowledging the important role of the Good Samaritans in providing additional assistance in the face of declining formal volunteerism, as well as acknowledging the increase in 'unprecedented' environmental disasters, and the need to better plan for their assistance.⁴⁵

In response to these submissions, the QPS advised that 'Good Samaritan' laws and the allocation of funding is beyond the scope of these Bills and is a matter of government policy.⁴⁶

In response, during the public hearing, the CLCQ stated that the current reform could address a gap in Queensland legislation relating to civilian rescues made during disasters. The CLCQ noted that the Bill already proposes changes to civil liability legislation, and that it would be an opportune time to 'insert a good Samaritan protection provision into civil liability legislation'.⁴⁷

2.3.4 Training for the SES and MRQ

Mr Mark McCombie noted the operational challenges in ensuring the integrity and efficiency of training. The submission said that current training arrangements are burdensome on volunteer trainers and assessors and recommended having 'the provision of professional training resources included in the Bill to ensure it will be included and continue to be included as the Rescue Organisations develop'.⁴⁸

In response to Mr McCombie, QPS acknowledged the importance of training to assure emergency service workers are skilled. QPS was confident, however, that training is adequately addressed within

⁴¹ Submission 18, pp 10-11.

⁴² Queensland Police Service, correspondence, 9 February 2024.

⁴³ Explanatory notes.

⁴⁴ Submissions 11, 13, and 15.

⁴⁵ Submission 11.

⁴⁶ Queensland Police Service, correspondence, 9 February 2024, pp 30, 33, and 35.

⁴⁷ Monica Taylor, Community Legal Centres Queensland, public hearing transcript, Brisbane, 4 March 2024, p 17.

⁴⁸ Submission 20.

the Bills. In particular, clause 9 of the Bill, 'Functions', would provide that the Commissioner 'develop training policies to help the SES perform its functions effectively and efficiently'. Additionally, the QPS noted that the Marine Rescue Queensland Bill 2023 would provide that the chief officer is responsible for the 'efficient operation of MRQ which may only be achieved if MRQ members are adequately trained'.⁴⁹

Further, QPS stated that it does not consider it appropriate to mandate training in the three Bills because legislation is often considered too slow and inflexible to adapt to change. If contemporary training standards were not able to be delivered because of outdated legislation, this would be criticised. The QPS takes the view that training 'is best regulated through policy which can be more responsive to the needs of MRQ and SES'. With regard to training policy development, QPS noted that a sub working group of the Reform Implementation Taskforce is working toward a Registered Training Organisation to support the SES. Similarly, the Marine Rescue implementation Program is working on a training and development model to be used in the MRQ.⁵⁰

⁴⁹ Queensland Police Service, correspondence, 9 February 2024, p 43.

⁵⁰ Queensland Police Service, correspondence, 9 February 2024, p 44.

Appendix A – Submitters

Sub #	Submitter
1	Neil Percival
2	Australian Volunteer Coast Guard Association
3	David Finlay
4	James Wilkinson
5	David Skinner
6	James Deck
7	Brisbane City Council
8	Edward John Moynihan
9	Jill Barclay
10	Queensland Council of Social Service (QCOSS)
11	Hopgood Ganim Lawyers
12	Murray Peterson
13	Community Legal Centres Queensland
14	Warren Smith
15	Neighbourhood Centres Queensland
16	Janne Peterson
17	Volunteering Queensland
18	Local Government Association of Queensland (LGAQ)
19	Australasian College of Paramedicine
20	Mark McCombie

Appendix B – Officials at public departmental briefing

Queensland Police Service

- Marcus Hill, Acting Assistant Commissioner; Reform Implementation Taskforce, Disaster and Emergency Management
- Brian Cox, Acting Assistant Commissioner; State Emergency Service
- Greg Ringuet, Business Reform Coordinator; Marine Rescue Queensland
- Greg Obst, Director; Legal, Police & Emergency Services Reform Program
- John Henderson, Inspector; Policy and Performance Division

Appendix C – Witnesses at public hearing

Local Government Association of Queensland

- Glen Beckett, Head of Assist
- Elle Ackland, Manager Workforce and Industrial Relations
- Liz Drumm, Disaster Management Lead

Australian Volunteer Coast Guard Association

- Hugh Webster, National Administration Commodore

Volunteering Queensland

- Mara Basanovic, Chief Executive Officer
- Samuel Delamoir, Advocacy, Policy and Research Manager
- Andrew Bartlett, Advocacy Advisor

Personal capacity

- Judith Carne

Community Legal Centres Queensland

- Monica Taylor, Disaster and Climate Resilience Project Coordinator

Queensland State Emergency Service Volunteer Association Inc.

- Edward Cowie, State President



Emergency Services Reform Amendment Bill 2023 LNP STATEMENT OF RESERVATION

The LNP fully supports any attempt to improve the emergency response of agencies and volunteer groups for regular operations and disaster management. The opposition does, however, have reservations about the Emergency Services Reform Amendment Bill 2023.

The Opposition has concerns regarding the lack of information provided to volunteers as to how the new arrangements will operate in respect to the potential compulsory acquisition of equipment and finances of individual SES, Marine Rescue and VMR organisations.

In relation to the transfer of responsibilities of SES and MRQ to the Queensland Police Service –

The Bill aligns the SES and MRQ under the control of the QPS and proposes to make all the necessary administrative and consequential amendments for this to occur.¹

On 30 October 2023, a MoG change allocated the responsibilities of the chief executive under the Disaster Management Act to the QPS Commissioner and certain response elements transitioned from QFES to the QPS to ensure that there was ‘no diminishing of the delivery of emergency services to the community’.²

The Bill will:

- deem MRQ and SES members as staff of the QPS
- provide the Police Commissioner with powers including the power to appoint persons as SES or MRQ members, as well as the chief officer, or delegate that authority
- provide SES and MRQ volunteers civil liability protections currently under section 10.5 of the Police Service Administration Act
- expand the list of relevant persons subject to the QPS alcohol and drug testing program to include MRQ and SES members employed under the PS Act.
- require an MRQ or SES member employed under the PS Act to disclose the same information required of a QPS staff member currently employed within the service, and are subject to the same confidentiality restrictions.³

¹ Explanatory notes, p 10.

² Queensland Police Service, correspondence, 13 December 2023, p 2.

³ Queensland Police Service, correspondence, 13 December 2023, pp 10-11.

At the public briefing from the QPS, Acting Assistant Commissioner Marcus Hill stated:

*The reforms will bring almost 8,000 volunteers under the police umbrella as well as staff members. This will require the development of additional capability and capacity within the organisation. Of utmost importance to the Queensland Police Service is supporting emergency service members so that they can, in turn, support Queenslanders when they need it the most.*⁴

The Community Legal Centres Queensland (CLCQ) submission expressed concern that concentrated power would be going into the hands of the QPS:

*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.*⁵

And CLCQ further stated at the public hearing:

*We understand through our members that in some of the communities and organisations there is a level of historic distrust towards police. We know that through some of the services that we deliver and the people that our sector assist. I want to make clear that Community Legal Centres Queensland do not oppose the reform, but we think there is a real need for transparency and accountability, and inserting a statutory requirement for an independent review of QPS's lead role in disaster management would be one way to deliver on that accountability piece.*⁶

The Opposition will detail additional concerns during the parliamentary debate on the Bill.



Stephen Bennett



Mark Robinson

⁴ Public briefing, Brisbane, 12 February 2024, p 3.

⁵ Submission 13.

⁶ Public hearing, Brisbane, 4 March 2024, p 17.