

Impact Analysis Statement

Summary IAS

Details

Lead department	Queensland Fire and Emergency Services (QFES)
Name of the proposal	Disaster Management and Other Legislation Amendment Bill 2024
Submission type	Summary IAS
Title of related legislative or regulatory instrument	<i>Disaster Management Act 2003; Fire and Emergency Services Act 1990; Queensland Reconstruction Authority Act 2011; Fire and Emergency Services Regulation 2011; State Penalties Enforcement Regulation 2014.</i>
Date of issue	February 2024

For proposals noted in table below

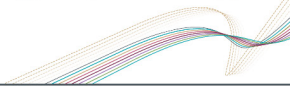
Proposal type	Details
Regulatory proposals where no RIA is required	<p>The sustainability of the delivery of emergency services has been considered in a series of reviews including the <i>Independent Review of Queensland Fire and Emergency Services</i> by KPMG which has made recommendations that have been accepted in principle by the Government (excepting recommendation 12). The Government has also accepted in principle the recommendations made by the Inspector-General of Emergency Management in the <i>Review of Queensland's Disaster Management Arrangements</i>. The proposed legislative reform to Queensland's emergency services and disaster management arrangements meets these recommendations.</p> <p>Legislative reform will occur in two stages. The first stage was introduced into the Legislative Assembly on 28 November 2023 and consists of three Bills, namely the:</p> <ul style="list-style-type: none"> • Emergency Services Reform Amendment Bill 2023; • Marine Rescue Queensland Bill 2023; and • State Emergency Service Bill 2023. <p>The Disaster Management and Other Legislation Amendment Bill 2024 (the Bill) is the second stage of reforms.</p> <p>The Bill will improve Queensland's Disaster Management Arrangements by amending the <i>Disaster Management Act 2003</i> (DM Act) to:</p> <ul style="list-style-type: none"> • emphasise the Queensland Disaster Management Committee (QDMC) as the paramount body providing strategic leadership during events and crises, • provide that the chief executive officer of the Queensland Reconstruction Authority (QRA) must be appointed as the State Recovery Policy and Planning Coordinator (SRPPC); • outline the functions of the SRPPC and its relationship with the State Recovery Coordinator and State Disaster Coordinator;



	<ul style="list-style-type: none"> • expand the existing functions of the chairperson of the QDMC to include appointing the SRPPC and approving the annual report and the State disaster management plan; and • define the term 'resilience' within the DM Act. <p>The Bill will also amend the <i>Fire and Emergency Services Act 1990</i> (FES Act) by:</p> <ul style="list-style-type: none"> • amending the title of the FES Act to the <i>Fire Services Act 1990</i>; • establishing Queensland Fire and Rescue (QFR) and the Rural Fire Service Queensland (RFSQ) as dedicated fire services under the Act; • setting out the Commissioner's responsibilities to ensure the efficient and effective management of the fire services; • clarifying the experience required to perform certain roles; • consolidating the Commissioner's authority to give directions to support service delivery and the management of the fire services; • establishing the role of 'Chief Fire Officer' as an advisory role to the Commissioner; • specifying the functions of RFSQ, establishing the role of Chief Officer, RFSQ and an RFSQ advisory committee reporting on RFSQ and rural fire brigade matters; and • making a number of other amendments that: <ul style="list-style-type: none"> ○ enable an environment of cooperation and collaboration between these services; ○ support accountability and assurance; ○ facilitate the efficient management of rural fire brigades; ○ address issues associated with the legal status of rural fire brigades and volunteers' relevant protections; and ○ address minor or consequential matters. <p>Finally, the Bill will amend the <i>Queensland Reconstruction Authority Act 2011</i> by:</p> <ul style="list-style-type: none"> • expanding the QRA's functions to lead state level hazard and risk assessments; and • addressing minor matters regarding the delegation of chief executive functions and the quorum of the QRA Board. <p>QFES in consultation with the Queensland Police Service and QRA has assessed the amendments and determined that the following categories provide an exemption from undertaking further impact analysis:</p> <ol style="list-style-type: none"> 1. Regulatory proposals relating to police powers and administration; 2. Regulatory proposals for the internal management of the public sector or statutory authority; 3. Regulatory proposals that are of a machinery nature; and 4. Regulatory proposals that make consequential amendments.
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For all other proposals

<p>What is the nature, size and scope of the problem? What are the objectives of government action?</p>
<p>In February 2020, then Deputy State Coroner John Lock released his findings into the death of Lee Edward Parker which involved a fire in a moveable dwelling in which the deceased suffered smoke inhalation and effects of fire. The fire started in a decommissioned bus converted into a dwelling for permanent residence within a caravan park. As part of the inquest, it was noted that in Queensland there is currently no legislative requirement to have smoke alarms fitted in caravans and vans situated in on-site van and caravan parks.</p> <p>Further tragic deaths in incidents in a caravan fire in Upper Brookfield (May 2023) and a camper trailer in Teviotville in the Scenic Rim (August 2023) have highlighted that Queensland does not require smoke alarms in these vehicles/dwellings. In the findings in relation to the death of Mr Parker, the Coroner identified that New South Wales (NSW) had in place laws which require all new and existing moveable dwellings to</p>



have smoke alarms installed. The Coroner's report into the matter recommended that the issue of mandatory installation of smoke alarms in new and existing moveable dwellings including on-site and park vans be considered, consistent with the current legislation in place in NSW.

The objective of government action is to enhance public safety by promoting the use of smoke alarms in caravans and motorised caravans (motorhomes), in particular for persons sleeping in these vehicles.

What options were considered?

A number of options have been, and continue to be, considered for regulating smoke alarms in this area, including mandating smoke alarms in (i) specific moveable dwellings only, such as caravans (ii) all moveable dwellings (including for example camper-trailers) (iii) vehicles or dwellings in caravan parks (iv) specific dwellings or places where people sleep, or (v) any dwelling where people sleep. At this stage, the approach taken by QFES has focussed on guidance and advice about installation of smoke alarms in caravans and moveable dwellings and relied on voluntary compliance rather than a regulatory approach. However, increasingly, jurisdictions are adopting a regulatory approach to this issue.

Each of the options identified above involves complexities, including relating to definitions and scope, and in terms of enforcement and compliance. QFES has concerns that requiring smoke alarms in dwellings that are not intended for habitation could be seen as providing de facto authorisation for the use of such dwellings as places to sleep. There is also a need to balance the costs or burden of regulation with community safety outcomes.

What are the impacts?

While most research into the efficacy of smoke alarms has been conducted in the context of residential dwellings, it can be reasoned that the early warning provided by a smoke alarm may similarly increase the potential for safe egress from a fire in a caravan or motorised caravan. Therefore, the preferred proposal will require a single battery-operated smoke alarm to be installed in a caravan or motorised caravan in accordance with the Australian Standard 3786:2014.

A smoke alarm that meets this requirement can be purchased online or at a hardware store and installed by a caravan owner for less than \$30 (starting at around \$15). These costs to individuals have been used to calculate a cost impact based on data received from the Department of Transport and Main Roads (DTMR) about the number of impacted vehicles. Based on DTMR data, QFES has calculated estimated compliance costs totalling at \$16.218 million over ten years for individuals to purchase a product to comply, on the following assumptions:

- An anticipated 240,000 products to be purchased and installed in the first year, (\$7.200 million) and subsequent 40,000 per year (\$1.200 million per annum). This denotes an anticipated peak occurring in the first year of commencement from 1 July 2027, and possible reduction each year after.
- This estimated annual total is based on <20,000 new registrations and <20,000 transfer of ownership of these moveable dwellings.
- The product price is valued in the calculations at \$30 on the assumption of the lowest price for identified compliant product on the market currently \$15 per item, and at the higher end \$30-\$35 per item, with no clearly identified mid-range product price.
- This estimated cost calculation is considered at the higher cost point. QFES notes that a number of these will be subject to the legislative requirement before 1 January 2027, and many will also have an existing alarm, notwithstanding the introduction of the proposed amendments, which poses challenges to accurately quantify the cost of the proposal.

Given the requirement is to apply, upon proclamation, to new caravans or motorised caravans being registered or those where the registration is transferring, in the context of other costs the costs of compliance are not considered onerous. This will ensure that in the event of a fire occupants are alerted through the operation of a working smoke alarm, noting that the requirement from 2027 will apply more broadly to all registered caravans or motorised caravans.



Who was consulted?
Given the requirements being proposed are narrower than those that currently exist in other jurisdictions, community consultation has not been undertaken. Advice has been provided to peak motoring bodies such as Caravanning Queensland and the Royal Automobile Club of Queensland, with QFES undertaking to engage with stakeholders to support public education and awareness of the reforms and in the implementation of the requirement that smoke alarms be required in all registered caravans from 1 January 2027.
What is the recommended option and why?
<p>Legislative amendment is proposed to require smoke alarms in new caravans and motorised caravans, or for those for which registration is transferring. From 1 January 2027, the requirement is to apply to all remaining registered caravans and motorised caravans in Queensland to align with the final stage of the roll-out of smoke alarm legislation for domestic dwellings. The proposal is more limited and has less regulatory impact than a number of other jurisdictions, including NSW. However, QFES is considering further whether broader reforms are desirable from a regulatory and community safety perspective. The rationale for linking the requirement to registration is twofold. First, it applies at a point at which caravan owners engage with government, thus providing an opportunity for targeted education and messaging. Secondly, regulating vehicles on the road in Queensland could result in different requirements arising for vehicles passing through the state, thus imposing additional regulatory burden.</p> <p>The smoke alarm requirement is to apply to caravans and motorised caravans (motorhome) as defined in Schedule 8 to the <i>Transport Operations (Road Use Management–Vehicle Registration) Regulation 2021</i>.</p> <p>Photoelectric smoke alarms that comply with the relevant Australian Standard (3786-2014) are to be required to be installed in caravans and motorised caravans. Alarms will be required to include a silencing mechanism (for example, a hush or test button) and are to be affixed in a manner to be described in the <i>Fire and Emergency Services Regulation 2011</i> (FES Regulation). The FES Regulation will require that alarms be positioned inside the van and located on or near the ceiling between the part of the dwelling in which persons sleep and the remainder of the dwelling. This will ensure consistency with other jurisdictions which require smoke alarms to ensure that a newly purchased caravan fitted with a smoke alarm (to ensure compliance with existing interstate legislative requirements) will be compliant when used in Qld.</p>

Impact assessment

All proposals – complete:

	First full year	First 10 years**
Direct costs – Compliance costs*	\$7,200,000	\$16,218,279
Direct costs – Government costs	N/A	N/A

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Steve Smith
Acting Commissioner

Date: 27 February 2024

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Nikki Boyd MP
Minister for Fire and Disaster Recovery and
Minister for Corrective Services

Date: 27 February 2024