

Queensland



Explanatory Notes for SL 2001 No. 75

Fire and Rescue Authority Act 1990

FIRE AND RESCUE AUTHORITY REGULATION 2001

EXPLANATORY NOTES

Short Title

Fire and Rescue Authority Regulation 2001.

Authorising Law

The *Fire and Rescue Authority Regulation 2001* (the Regulation) is made under the following sections of the *Fire and Rescue Authority Act 1990* (the Act):

- Section 105
- Section 106
- Sections 108–110
- Section 117
- Section 118.

Policy Objectives of the Regulation and the Reasons for Them

The primary aim of the Act is to protect people, property and the environment from damage caused by fires and certain other incidents. The legislation establishes a fire and rescue service for this purpose and provides powers to it to prevent and respond to fires. Where the service is provided in urban areas by fire officers employed by the QFRA, it is funded by the payment of a fire levy, collected by local governments. This levy is the major source of revenue of the QFRA. Rural fire services are established in areas not covered by urban services and local councils,

independently of this Regulation, may collect a rural fire levy to support local rural fire brigades.

The Regulation establishes a scheme for the collection of the fire levy and the remittance of the levy to the QFRA. It sets the fire levy for a properties in urban fire districts according to the purpose for which the properties are used and the level of service provided to each district.

Ways in which the objectives are to be achieved by the regulation and why this way is reasonable and appropriate

The Regulation sets fire levies for properties in urban fire districts at a level which will provide the majority of the funding for the urban activities of the QFRA.

Consistency with Authorising Law

The Act establishes a fire and rescue service which is to be funded primarily by the owners of properties in urban districts who receive those services. The Regulation is consistent with that policy.

Consistency with other legislation

The proposed regulation is not inconsistent with other legislation.

Alternatives

The QFRA requires funding to deliver fire response and prevention services to urban property owners. If the regulation was not made, an alternative funding source or sources would have to identified.

Fee for service is not a viable alternative. Due to the high capital and standing costs of providing a 24 hour response capability, fees for fire fighting services calculated on a cost recovery basis would be extremely high. A fee for service model would not fund the prevention and education activities undertaken by the QFRA.

Assessment of the Benefits and costs of implementation

The benefits and costs of implementing the legislation are detailed in Section 19 of the regulatory impact statement (RIS).

Fundamental Legislative Principles

The Regulation is consistent with the fundamental legislative principles set out in the *Legislative Standards Act 1992*.

Consultation

A RIS was prepared and its availability was advertised in the Queensland Government Gazette, The Courier-Mail, and regional daily newspapers.

Copies of the RIS and invitations for submissions were sent to:

- Local Government Association of Queensland
- Queensland Chamber of Commerce and Industry Ltd
- Australian Industry Group Queensland community.

The Regulatory Impact Statement as prepared and advertised for comment is attached.

NOTES ON PROVISIONS

PART 1—PRELIMINARY

Section 1 provides the short title of the Regulation.

Section 2 provides that the Regulation is to commence on 1 July 2001.

Section 3 provides that the dictionary in schedule 5 defines particular words used in this Regulation.

Section 4 provides for the calculation of the Administration fee to which a component local government is entitled for a financial year in accordance with section 117 of the *Fire and Rescue Authority Act 1990*.

Section 5 provides for the constitution and naming of urban districts.

Section 6 provides for urban districts to be assigned fire levy classes as per schedule 1.

Section 7 provides for each urban district to be assigned fire levy classes in accordance with Schedule 1.

Section 8 provides for the annual contributions of owners of prescribed properties where only one category of property applies in accordance with Schedule 2.

Section 9 provides for the annual contributions of owners of prescribed properties where multiple categories apply to one prescribed property in accordance with Schedule 2.

Section 10 provides for references to types of industry such as 'light', 'service', 'offensive' or 'heavy' and their application to prescribed property.

Section 11 provides an exemption to the Queensland Housing Commission in accordance with section 105 of the *Fire and Rescue Authority Act 1990*.

Section 12 provides for provision of annual returns by component local governments in accordance with section 109 of the *Fire and Rescue Authority Act 1990*.

Section 13 provides for a 20% discount for pensioners.

Section 14 provides prescribed remittances dates for payments to be made by component local governments to the authority.

Section 15 provides the repeal to the *Fire and Rescue Authority Regulation 1990*.

SCHEDULE ONE

Lists the urban districts the classification applicable to each district.

SCHEDULE TWO

Provides the annual contributions of owners of prescribed properties by reference to the category of property within fire levy group and the class of urban district.

SCHEDULE THREE

Provides a list of the component local governments to which 5 declared periods apply.

SCHEDULE FOUR

Provides a list of the component local governments to which 3 declared periods apply.

SCHEDULE FIVE

Provides the dictionary of words used in this regulation.

ENDNOTES

1. Laid before the Legislative Assembly on . . .
2. The administering agency is the Department of Emergency Services.