

# **FIRE AND RESCUE SERVICE AMENDMENT REGULATION (NO. 1) 2014**

## **Explanatory notes for SL 2014 No. (109)**

made under the

*Fire and Emergency Services Act 1990*

## **General Outline**

### **Short title**

*Fire and Rescue Service Amendment Regulation (No. 1) 2014.*

### **Authorising law**

Sections 105,117 and 154E of the *Fire and Emergency Services Act 1990*

### **Policy objectives and the reasons for them**

The amendments aim to provide adequate resources for local government to continue the administration of the levy under the *Fire and Emergency Services Act 1990* (the Act). This levy enables the provision of an ongoing source of emergency service funding.

Section 117 of the Act provides for an administration fee to be paid to local government in return for the performance of certain functions under the Act including administering and collecting levies for the Emergency Management Fund. This Fund provides finance for emergency service functions under the Act and additional emergency incident management activities.

This administration fee is calculated as prescribed through section 6 of the *Fire and Rescue Service Regulation 2011*. It was last increased in the 2008/2009 fiscal year.

Local governments have experienced an increase in administrative duties and associated costs through the introduction of the Class E levy properties on 1 January 2014 and again through the proposed exemption of not-for-profit community organisations from 1 July 2014. The proposed increase in administrative fees will assist in covering these increased costs.

The amendments also provide an exemption from paying levies under the Act for community and not-for-profit organisations. This alleviates the financial burden carried by such organisations and acknowledges the community service they provide.

## **Achievement of policy objectives**

The Regulation achieves its objective by:

- increasing the administration fee by 3.5% for the 2014/2015 fiscal year, which provides local government areas with additional funding to cover increasing responsibilities to the collection of the levy on behalf of the State; and
- providing an exemption from contributing to the levy for Class E properties that are categorised as not-for-profit community organisations, this exemption applies from 1 January 2014.

## **Consistency with policy objectives of authorising law**

The amendment regulation is consistent with the main objects of the *Fire and Emergency Services Act 1990* by providing a source of ongoing funding to support the provision of emergency management services across Queensland.

## **Inconsistency with policy objectives of other legislation**

The Regulation is consistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

Implementation of the proposed amendments will ensure a sustainable funding base for emergency management for the longer term.

Government provides funding to local councils to administer the levy. This funding is determined by the number of relevant properties in the local government area. Where the number of levied properties increases, there will be a resultant increase in the administration fee.

In addition, not-for-profit community organisations often rely on community based funding to contribute to the levy. To provide continuing support and minimise the impost of contributing to the levy, all Class E properties that are categorised as not-for-profit community organisations will be exempt from contributing to the levy.

## **Consistency with fundamental legislative principles**

The amendment regulation has been drafted with regard to fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

The use of subordinate legislation is justified as the amendments relate purely to regular fee adjustments. The use of primary legislation for this purpose is impractical.

## **Consultation**

Consultation regarding the amendments has been undertaken with the Department of the Premier and Cabinet and Queensland Treasury and Trade. Those consulted have expressed support for the amending regulation.

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The Office of Best Practice Regulation was provided with a preliminary impact assessment and has advised that no further assessment is required.