

Impact Analysis Statement

Summary IAS

Details

Lead department	Queensland Fire Department (QFD)
Name of the proposal	<i>Fire Services and Other Legislation Amendment Regulation 2025</i>
Submission type (Summary IAS / Consultation IAS / Decision IAS)	Summary IAS
Title of related legislative or regulatory instrument	<i>Building Act 1975; Building Fire Safety Regulation 2018; Fire Services Act 1990 (FS Act); Fire Service Regulation 2011 (FS Regulation); State Penalties Enforcement Act 1999; State Penalties Enforcement Regulation 2014 (SPE Regulation)</i>
Date of issue	June 2025

For proposals noted in table below

Proposal type	Details
Minor and machinery in nature	<p>Annual increase to the Emergency Management Levy</p> <p>The Emergency Management Levy (EML) is imposed under the FS Act and applies to prescribed properties within the various levy districts throughout the State. The EML is collected by local governments, generally as part of rates notices.</p> <p>Prescribed properties cover the majority of the State and the amount of EML a property owner is required to contribute depends on their proximity to firefighting services and their use of the land.</p> <p>Most years, the amount of the EML is increased to ensure it takes account of the impact of inflation. As the EML can be imposed quarterly and can be paid in cash, it must be a multiple of 20 cents (meaning a multiple of 5 cents for quarterly amounts). EML contributions that do not increase evenly to a multiple of 20 cents are rounded down to ensure that any increase does not exceed the desired rate of increase.</p> <p>The <i>Fire Services and Other Legislation Amendment Regulation 2025</i> (Amendment Regulation) applies an increase of up to 3.4 per cent to the EML contributions for 2025-26, subject to the rounding process, consistent with the Government Indexation Rate for 2025-26.</p> <p>QFD has assessed this proposal as machinery in nature as it involves the annual update to the EML. There is no change to regulatory policy.</p> <p>Yelarbon Levy District</p> <p>Section 8 of the FS Regulation prescribes levy classes for levy districts based on the number of fire officers at fire stations within the levy district. There are five classes of levy districts ranging from class A, which has a</p>


	<p>permanent fire station with at least 16 full-time fire officers and attracts the highest amount of EML, to class E which covers the non-urban and remote parts of the State and attracts the lowest EML. The class assigned to a levy district is based on the differing level of service delivery in the area. For levy classes A – D, schedule 1 of the FS Regulation sets out which levy class each levy district falls into according to the requirements in section 8.</p> <p>The Yelarbon Levy District will transition from a class D levy district to a class E levy district for 2025-26 in accordance with section 8 of the FS Regulation. The Yelarbon Fire and Rescue Station has transitioned from having an auxiliary crew to a rural fire brigade service. There are 233 properties in the Yelarbon Levy District that will transition from class D to class E. Of these, 228 are levy group 5 or below so there will be no financial impact, as they will be subject to the same levy rate as the current class D levy. The remaining five properties (being one cemetery, two churches, one community hall and one community protection centre) will no longer be prescribed properties in accordance with section 7A of the FS Regulation and will therefore not incur the EML. The Amendment Regulation omits the Yelarbon Levy District from schedule 1 of the FS Regulation to reflect the change in levy class.</p> <p>QFD has assessed this proposal as machinery in nature as there is no change to regulatory policy. The change to levy class is the result of the application of current legislative provisions (section 8 of the FS Regulation).</p> <p>Infringement notice offences and numbering amendments</p> <p>Proposals to make a number of minor and technical amendments to correct references to incorrect section numbers and service names and to prescribe a number of offences under the FS Act as infringement notice offences under the SPE Regulation are considered minor and routine and do not involve substantive regulatory or policy change. Offences that are proposed for prescription as penalty infringement notice offences relate to: failure to install a smoke alarm by the owner of a dwelling (section 147Z(3)); where an owner fails to replace a smoke alarm that is 10 years from date of manufacture (section 148A(1)); lessors and tenants failing to meet their obligations to test smoke alarms (sections 148B(1) and 148B(2)); and lessors and tenants failing to meet their obligations to clean smoke alarms (sections 148E(1) and 148E(2)).</p>
<p>Regulatory proposals where no RIA is required</p>	<p>Pause on levy class changes for certain levy districts</p> <p>Under section 8(7) of the FS Regulation if there is an inconsistency between the levy class listed in schedule 1 and that determined under section 8, the determination under section 8 prevails to the extent of the inconsistency. The effect of section 8(7) is that there is no discretion regarding the levy class for a particular levy district. Updates to the levy classes listed in schedule 1 of the FS Regulation are therefore required for a financial year where there are service enhancements or changes to service delivery in a particular levy district. This is reflective of the EML's characterisation as a tax and to ensure all residents continue to receive an appropriately funded and comprehensive fire and emergency service response and that all similar properties contribute equally.</p> <p>The Government has decided to pause changes to levy classes for 2025-26 which would otherwise operate to increase levy contributions for several levy districts following service enhancements in those areas. Accordingly, the</p>

	<p>Amendment Regulation provides that the levy classes for the 2025-26 financial year will be the classes in place immediately before the financial year.</p> <p>The proposed amendment will have a detrimental impact on QFD's annual operating budget due to revenue foregone within the paused levy districts. Property owners within those districts will receive a financial benefit as they will not incur increased levy contributions despite service delivery enhancements in their areas. As a result, property owners outside those areas will be paying a higher levy rate for equivalent service to that provided to owners within the paused levy districts.</p> <p>QFD has assessed this proposal as deregulatory in nature. The proposal will not increase costs or regulatory burden on business or the community. Further, as the EML fits within the judicial definition of a tax, no Regulatory Impact Analysis is required under the <i>Queensland Government Better Regulation Policy</i> as the proposal relates to taxation.</p> <p>Unregistered vehicles</p> <p>Section 152B of the FS Act provides for the use of unregistered vehicles on roads in certain circumstances. Such vehicles may be used on a road by a rural fire brigade (RFB) or a fire service officer assigned to Rural Fire Service Queensland (RFSQ) for carrying persons or equipment for the purpose of preventing, controlling or extinguishing a fire; training relating to firefighting or fire prevention; or another purpose authorised by the commissioner. The vehicle must also be clearly identified as a vehicle of an RFB and be covered by an appropriate compulsory third party insurance policy.</p> <p>From time to time, interstate firefighting and other emergency services personnel are deployed to Queensland to assist with critical incidents and may be required to use an unregistered RFB vehicle during deployment. Sometimes, the service or repair of an RFB vehicle also requires it to be driven on a road. It is important that these vehicles are able to be driven on roads to support the functions of RFBs and ensure community safety.</p> <p>Accordingly, it is proposed to amend the FS Regulation to clarify that unregistered rural fire brigade vehicles may be used on roads in the following circumstances:</p> <ul style="list-style-type: none"> (a) by a member of a fire brigade, or another entity that provides an emergency service, from outside Queensland for a purpose mentioned in section 152B(1)(a)(i)(A), (B) or (C) of the FS Act; (b) by a person, including, for example, a mechanic, maintaining or repairing the vehicle for the purpose of carrying out the maintenance or repair or another purpose incidental to that purpose. <p>Use of the vehicle will still need to meet the other requirements of section 152B of the FS Act, namely that the vehicle is clearly identified as a vehicle of an RFB, and that a CTP insurance policy is in force for the vehicle.</p> <p>The exemption from registration in section 152B of the FS Act only applies to unregistered vehicles used on a road by an RFB or fire service officer assigned to RFSQ for certain purposes. As RFBs are within the QFD, the proposal will only impact on the internal operations of the public sector or a statutory authority. The proposal will have no material impact on business or the community. The limited circumstance that will impact the community (where a mechanic is driving a vehicle) is deregulatory in nature.</p>
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	<p>Infringement notice offences</p> <p>The proposal to prescribe several FS Act offences as infringement notice offences under the SPE Regulation is also considered not to require further impact analysis on the basis that the proposal could be considered deregulatory (remove regulation) in that it does not increase costs or regulatory burden on business or the community. Impacts on persons or companies that breach the provisions already exist in the form of penalty provisions. Providing that infringement notices can be issued for the penalties may reduce the burden for the business and/or community if a matter would otherwise end up in court. The proposal also relates to general criminal laws as it relates to penalties and offences for breaches of the Act which may result in discounted penalties, avoidance of court proceedings and no finding of guilt.</p>
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Impact assessment

	First full year	First 10 years
Direct costs – Compliance costs	Prescribed property owners will see an increase of up to 3.4 per cent to their EML contributions for 2025-26, subject to the rounding process, consistent with the Government Indexation Rate for 2025-26.	N/A (as EML contributions are adjusted annually)
Direct costs – Government costs	The pause on levy class changes and boundary changes for certain levy districts will result in lost revenue to QFD of approximately \$3.27 million.	N/A



Stephen Smith AFSM
Commissioner
Queensland Fire Department

Date:

9/6/2025



Ann Leahy MP
Minister for Local Government and Water and
Minister for Fire, Disaster Recovery and Volunteers

09 06 25.
Date: