

PUBLIC SAFETY BUSINESS AGENCY BILL 2014

Explanatory Notes

Short title

The short title of the Bill is the Public Safety Business Agency Bill 2014 (the Bill).

Policy objectives and the reasons for them

On 2 January 2013, former Australian Federal Police Commissioner Mick Keelty commenced the Police and Community Safety Review (PACSR). PACSR examined the two departments within the portfolio of the Minister for Police and Community Safety, the Queensland Police Service (QPS) and the Department of Community Safety (DCS), which comprised the Queensland Ambulance Service, the Queensland Fire and Rescue Service (QFRS), Queensland Corrective Services and Emergency Management Queensland (EMQ).

On 10 September 2013, PACSR culminated in the public release of a report titled '*Sustaining the Unsustainable*'. This report made 127 recommendations, 87 of which applied directly to the QPS and the DCS.

Most significantly, PACSR recommended:

- the QFRS be merged with EMQ within a new department, namely the Queensland Fire and Emergency Services;
- the Office of the Inspector-General of Emergency Management (IGEM) be established and tasked with reviewing and assessing the effectiveness of disaster management in the State; and
- a new portfolio business agency, the Public Safety Business Agency (PSBA), be created. This agency, headed by a Chief Executive Officer (CEO) who reports directly to the Minister for Police, Fire and Emergency Services (the Minister) is to hold all the infrastructure, fleet and information and communication technology assets and will manage human resourcing, financial management, legal, policy, media and strategic planning functions for the QPS, the Queensland Fire and Emergency Services and the newly established IGEM.

The Government has committed to implementing appropriate recommendations from PACSR. This can only be achieved through legislative reform. The Bill meets this commitment by amending the following Acts and Regulations:

- *Disaster Management Act 2003*;
- *Drugs Misuse Act 1986*;
- *Evidence Act 1977*;
- *Fire and Rescue Service Act 1990*;
- *Police Powers and Responsibilities Act 2000*;
- *Police Service Administration Act 1990*;
- *Police Service Administration Regulation 1990*;
- *Prostitution Act 1999*; and
- *Public Service Act 2008*.

Achievement of policy objectives

The objective of creating the Queensland Fire and Emergency Services will be met through amalgamating EMQ with the previous QFRS. This will be achieved through amending the *Disaster Management Act 2003* and merging relevant provisions from that Act with the *Fire and Rescue Service Act 1990* which will be renamed the *Fire and Emergency Services Act 1990*.

The *Fire and Emergency Services Act 1990* establishes the Queensland Fire and Emergency Service (QFES) and provides for the appointment of the Commissioner of QFES (the Fire Commissioner). This Act amalgamates the roles and functions of the former DCS chief executive and the Fire Commissioner. The Fire Commissioner's functions are therefore increased to include overseeing the operation of QFES which includes the State Emergency Service, emergency service units and authorised rescue officers. This will be achieved through relocating provisions relating to the State Emergency Service from the *Disaster Management Act 2003* into the *Fire and Emergency Services Act 1990*.

The objective of establishing the office of the IGEM is achieved by amending the *Disaster Management Act 2003* to insert a new Part 1A. This new Part:

- establishes the office of the IGEM;
- outlines the appointment and responsibilities of the IGEM and the employment conditions for staff of that office; and
- outlines the functions of the IGEM, allowing the IGEM to provide a high level of assurance to Government about disaster management.

The objective of creating the PSBA is achieved through the creation of the *Public Safety Business Agency Act 2014*. This Act establishes the PSBA as a public service office, under the direction of the CEO PSBA and also outlines the functions of the PSBA.

To allow the PSBA to become operational, the Bill makes a number of amendments to support the various functions and responsibilities of the QPS and the DCS that are to transition to the PSBA.

Amendments that support particular QPS functions and responsibilities transitioning to the PSBA include:

- amending section 4.8 'Commissioner's responsibility' of the *Police Service Administration Act 1990*. The Bill deletes the extensive list of responsibilities outlined in this section and allows the responsibilities of the Commissioner of Police (the Police Commissioner) to be outlined by regulation. This amendment is necessary as a number of the current responsibilities of the Police Commissioner will become the responsibility of the CEO PSBA and therefore it will be unnecessary for the Police Commissioner to be statutorily responsible for these functions. Further, allowing the Police Commissioner's responsibilities to be prescribed by regulation rather than an Act of Parliament allows greater flexibility and efficiency in meeting the contemporary standards and community expectations of the responsibilities of the Police Commissioner.
- amending section 4.10 'Delegation' of the *Police Service Administration Act 1990*. Without amendment, the Police Commissioner is limited to delegating powers and functions to staff within the QPS. This amendment allows the Police

Commissioner to delegate powers and functions to the CEO PSBA, IGEM, Fire Commissioner and any other appropriately qualified person employed in the Office of the IGEM, PSBA or QFES.

- inserting a new section 5.2A of the *Police Service Administration Act 1990* to clarify that the Police Commissioner may enter into arrangements with the CEO PSBA for secondment of, or work to be performed by, police officers within PSBA.
- amending part 5A 'Alcohol and drug tests' of the *Police Service Administration Act 1990* so the current alcohol and drug testing regime used within the QPS will continue to apply to relevant persons within the PSBA.
- amending section 10.24 'Representation of officers in court' of the *Police Service Administration Act 1990* so police prosecutors or service legal officers may appear on behalf of QFES officers for prosecutions commenced by QFES.
- amending schedule 2 'Government service entities and prescribed functions for them and their employees for the Act's non-application' of the *Weapons Regulation 1996* to prescribe PSBA as a government service entity. This amendment will allow relevant PSBA employees to possess firearms and other weapons in the course of their employment including when performing functions for or on behalf of the QPS.
- expanding the powers and responsibilities outlined in chapter 21 part 3 'Dealing with things in the possession of the police service' of the *Police Powers and Responsibilities Act 2000* to PSBA employees who are storing or disposing of exhibits on behalf of the QPS.
- expanding chapter 21 part 4 'Use of dangerous drugs for training' of the *Police Powers and Responsibilities Act 2000* to include PSBA employees conducting training or storage functions on behalf of the QPS.
- expanding the exemption outlined in section 125 'Prescribed persons permitted to receive and dispose of dangerous drugs' of the *Drugs Misuse Act 1986* to include PSBA employees performing the duties of a property officer or drug control officer.
- including the PSBA as an 'approved agency' for the purposes of 7C.4 of the *Police Service Administration Regulation 1990*. This amendment will allow the Police Commissioner to disclose information in the possession of the QPS to the CEO PSBA, to support of the PSBA function of providing corporate support and maintaining the information and technological services for the QPS.
- re-defining the term 'QPS database' to include any database held by or on behalf of the Police Commissioner.

Amendments that support certain DCS functions and responsibilities transitioning to the PSBA include:

- renaming the *Fire and Rescue Service Act 1990* to the *Fire and Emergency Services Act 1990*.
- amending section 143(2) of the *Disaster Management Act 2003* to allow the chief executive under that Act to delegate powers and functions to appropriately qualified persons.

- amending the *Fire and Emergency Services Act 1990* to allow the Fire Commissioner to delegate powers and functions to appropriately qualified persons.

Alternative ways of achieving policy objectives

There are no other alternatives that would achieve the policy objectives other than through legislative reform.

Estimated cost for government implementation

All costs associated with the implementation of these amendments will be met through existing budgets. There are no anticipated additional costs to the State Government.

Consistency with fundamental legislative principles

The Bill has been drafted with due regard to the fundamental legislative principles as outlined in the *Legislative Standards Act 1992* (the LSA). Section 4(2) of the LSA requires that legislation has sufficient regard to the rights and liberties of individuals and the institution of Parliament.

Whether the legislation has sufficient regard to the rights and liberties of individuals-s 4(2)(a) LSA

Concerns may be raised that consolidating the penalties for obstructing or impersonating authorised persons under the Bill will adversely affect those offenders who, before this amendment, would have been subject to a lesser maximum penalty. However, this amendment is appropriate to consolidate offences under the *Fire and Emergency Services Act 1990* and ensure the maximum penalties of relevant offences are consistent.

Whether the legislation has sufficient regard to the institution of Parliament-s 4(2)(b) LSA

In ensuring that sufficient regard has been given to the institution of Parliament, consideration must be given to whether administrative power has been delegated in appropriate cases and to appropriate persons. The Bill allows the IGEM, the Fire Commissioner and the CEO PSBA to delegate their statutory functions to another appropriately qualified person. Additionally, the Bill permits a function that is delegated to be subdelegated.

The Bill ensures that appropriate delegations are made through imposing an inherent safeguard upon the delegator that a function may only be delegated to an appropriately qualified person. This amendment also promotes consistency across the public service in relation to the process of delegating functions. For example, section 103 'Delegation' of the *Public Service Act 2008* similarly provides that chief executives may delegate their functions to an appropriately qualified person.

It may be also argued that allowing the responsibilities of Police Commissioner to be prescribed by regulation does not give due regard to the institution of Parliament. This amendment is required to allow the responsibilities of the Commissioner to be changed quickly and efficiently in response to changing Government and community expectations of the role and responsibilities into the future.

These concerns are mitigated as the Police Commissioner is obligated to ensure that the QPS is appropriately administered and managed in accordance with its functions. Parliament has considered what should constitute the functions of the QPS and comprehensively outlined these functions in the *Police Service Administration Act 1990*. This obligation ensures that the Police Commissioner acts within Parliament's intention.

The Bill also allows the Minister by gazette notice to declare:

- an entity as a public safety entity for the Act; and/or
- the PSBA is responsible for the operation and management of a public safety entity.

It may be argued that, in allowing the Minister to make these declarations, insufficient regard has been given to the institution of Parliament. This concern is mitigated because these declarations will be made either to nominate the PSBA as managing a public safety entity or for the limited purpose of allowing the PSBA to provide support services to the entity. These amendments are required to ensure future efficiencies in meeting changing Government business models and structures.

Consultation

Consultation has occurred with the following government departments and agencies: the Department of the Premier and Cabinet, Queensland Treasury and Trade, the Department of Justice and Attorney-General and the Office of the Queensland Parliamentary Counsel.

Consistency with legislation of other jurisdictions

The Bill provides legislative reform to facilitate machinery of Government changes to reflect PACSR recommendations. The changes made by the Bill affect the Queensland Government and therefore, the Bill is unique to Queensland. The Bill does not introduce uniform or complementary legislation.

Notes on provisions

Part 1 Preliminary

Division 1 Introduction

1. Short title

Clause 1 establishes the short title to the Act as the *Public Safety Business Agency Act 2014*.

2. Act binds all persons

Clause 2 declares that this Act is binding on all persons including the State and where applicable the Commonwealth and other States. However, nothing in this Act makes the State liable for prosecution.

Division 2 Object of Act

3. Object

Clause 3 outlines that the PSBA is designed to provide support services and other functions to public safety entities.

Division 3 Interpretation

4. Definitions

Clause 4 states that schedule 2 provides definitions for certain words used in the Act.

5. Meaning of *public safety entity*

Clause 5 states that each of the following is a public safety entity:

- the Queensland Fire and Emergency Service;
- the department in which the *Fire and Emergency Services Act 1990* is administered;
- the Queensland Police Service; and
- the Office of the Inspector-General of Emergency Management

This clause also permits the Minister to declare, by gazette notice, an entity or part of an entity as a public safety entity for this Act. This measure allows the support services provided by the PSBA to be easily made available to an entity.

Part 2 Public Safety Business Agency

Division 1 Establishment

6. Establishment

Clause 6 establishes the PSBA.

Division 2 Functions

7. Agency's functions

Clause 7 outlines the main functions of the PSBA. These functions include:

- holding and maintaining infrastructure, fleet and communication technology assets for public safety entities;
- consulting with public safety entities to develop performance measures;
- reviewing, assessing and reporting on performance of public safety entities; and
- reporting to and advising the Minister about resourcing public safety entities.

This clause also permits the Minister to declare, by gazette notice, that the PSBA is responsible for the operation and management of other government entities. This measure will allow the operation and management of other entities to be more easily transferred to the PSBA if required in the future in response to changing Government structures and requirements.

Division 3 Membership of the agency

8. Membership of agency

Clause 8 confirms the PSBA consists of the chief executive officer and other staff.

Division 4 Staff of the agency

Subdivision 1 Chief executive officer

9. Chief executive officer

Clause 9 provides that the CEO PSBA is appointed by the Governor in Council upon recommendation of the Minister. The Minister must be satisfied that the person is

appropriately qualified to exercise the CEO PSBA's functions before making this recommendation.

10. Chief executive officer employed under this Act

Clause 10 provides that the CEO PSBA is employed under this Act rather than the *Public Service Act 2008*.

11. Functions of chief executive officer

Clause 11 prescribes the CEO PSBA's functions to include effectively and efficiently managing the PSBA. Further, the CEO is to report to the Minister about matters that relate to the efficiency and effectiveness of the agency or the CEO PSBA's functions if the information may help the Minister in the proper administration of this Act.

This clause also provides that the CEO PSBA's functions may also include any other function given to the CEO PSBA under this or another Act.

12. Ministerial direction

Clause 12 prescribes that the CEO PSBA must comply with a direction given by the Minister.

13. Conditions of appointment

Clause 13 outlines that the Governor in Council determines the remuneration, allowances and terms and conditions of the office of the CEO PSBA.

14. Vacancy in office of chief executive officer

Clause 14 outlines the circumstances that may lead to a vacancy in the office of chief executive. A vacancy will occur upon the CEO PSBA:

- resigning by signed notice to the Minister, 1 month in advance;
- being convicted of an indictable offence;
- becoming insolvent;
- being removed from office by the Governor in Council; or
- being suspended by the Minister.

Additionally, this clause provides that the Governor in Council may at any time remove the CEO PSBA upon recommendation by the Minister.

The Minister's recommendation may only be made if the Minister is satisfied the CEO PSBA:

- has been guilty of misconduct; or
- is incapable, negligent or incompetent in performing his or her duties.

The Minister may also suspend the CEO PSBA for 60 days if there is an allegation of misconduct against the CEO PSBA or the Minister is satisfied that there may be grounds for the removal of the CEO PSBA under this clause.

15. Preservation of rights of chief executive officer

Clause 15 provides that, if a person is a public service officer prior to being appointed as the CEO PSBA, the person will keep all the rights accrued to them as if the service as the CEO PSBA was a continuation of service as a public service officer.

Additionally, at the conclusion of the CEO PSBA's term, the person's service will be calculated in effect to be service performed as a public service officer.

16. Acting chief executive officer

Clause 16 provides that in the case of a vacancy in the office of the chief executive or when the CEO PSBA is absent from duty, the Minister may appoint a person to act in that position.

Subdivision 2 Staff

17. Agency staff

Clause 17 provides that staff of the PSBA are employed under the *Public Service Act 2008*.

18. Police officers working for the agency

Clause 18 clarifies that the CEO PSBA may enter into an arrangement with the Police Commissioner for a police officer to perform duties with the PSBA under a secondment or a work performance agreement. Further, this clause clarifies that while a police officer is performing duties with the PSBA, the officer is under the control and direction of the CEO PSBA but otherwise continues to be a police officer.

Part 3 Miscellaneous

19. Annual report

Clause 19 provides that the PSBA's annual report must include:

- information required by the Minister;
- details of any direction given to the agency by the Minister; and
- details of any action taken by the agency as a result of the Ministerial direction.

The annual report may include information, opinions and recommendations about any matter relating to the Agency's functions.

20. Provision of information

Clause 20 provides that the CEO PSBA may request information from a public safety entity. The public safety entity must provide the information unless the disclosure:

- is prohibited under another Act;
- is impracticable;
- would prejudice the investigation of a contravention, or possible contravention of the law;
- would prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law; or
- would endanger a person's life or physical safety.

If the public safety entity does not provide the information the entity must provide its reasons for not providing the information.

This clause also confirms that the CEO PSBA may enter into an arrangement in relation to the provision of information by a public safety entity to CEO PSBA.

21. Delegations

Clause 21 provides that the CEO PSBA may delegate functions to an appropriately qualified person. The provision also allows for the sub delegation of the function to an appropriately qualified person.

22. Protecting Minister from liability

Clause 22 provides that the Minister is not civilly liable for an act done or omission made when performing a function or exercising a power under this Act.

23. Regulation-making power

Clause 23 provides that the Governor in Council may make regulations under this Act.

Part 4 Transitional provision

24. Transitional provision

The PSBA was gazetted as a Department of Government on 1 November 2013. It is intended that the PSBA will be transformed from a Department of Government to a public service office. Clause 24 declares that, for the purposes of section 80 'Financial reporting – when redistribution of public business of department takes effect' of the *Financial Accountability Act 2009*, the PSBA is not taken to have been abolished prior to becoming a public service office. The effect of this clause is to clarify that the PSBA will still be subject to reporting obligations such as annual financial statements but will not be obliged to prepare a final financial statement which would have been required if the PSBA as a Department of Government was considered to be abolished.

Part 5 Amendment of Disaster Management Act 2003

25. Act amended

Clause 25 provides that this part amends the *Disaster Management Act 2003*.

26. Amendment of s 3 (Main objects of Act)

Clause 26 is a minor technical amendment to omit that an object of the *Disaster Management Act 2003* is to establish a framework for the management of the State Emergency Service and emergency service units. Arrangements for the management of the State Emergency Service and emergency service units will be relocated to the *Fire and Emergency Services Act 1990*.

27. Amendment of s 4 (How the objects are to be primarily achieved)

Clause 27 omits references to the State Emergency Service and emergency service units. This clause also includes the establishment of the Office of the Inspector-General of Emergency Management as a mechanism for achieving the objects of the *Disaster Management Act 2003*.

28. Amendment of s 8 (Powers under this Act and other Acts)

Clause 28 makes a technical amendment by deleting reference to the term 'Fire Act' and instead inserts '*Fire and Emergency Services Act 1990*'.

29. Amendment of s 16A (Functions of chief executive)

Clause 29 removes the obligation of the chief executive under the *Disaster Management Act 2003* to regularly review the effectiveness of disaster management by the State, district groups and local groups. This clause also removes the obligation of the chief executive to regularly report to the State group about the effectiveness of disaster management by the State and the implementation of the State disaster management plan. This obligation will be borne by the newly-formed Office of the Inspector-General of Emergency Management

Clause 29 also makes a minor technical amendment to re-number this section.

30. Insertion of new pt 1A

Clause 30 specifically meets one of the PACSR recommendations through establishing the Office of the Inspector-General of Emergency Management. This clause inserts a new Part 1A 'Office of the Inspector-General of Emergency Management'.

The new Part 1A, Division 1 'Establishment' provides for the establishment of the Office of the Inspector-General of Emergency Management.

The new Part 1A, Division 2 'Functions' outlines the functions of the office will include key focus areas that will allow the office to set standards for disaster management as well as reviewing, assessing and monitoring the performance of agencies involved with disaster management.

The new Part 1A, Division 3 'Membership of the office' prescribes that the office is to consist of the Inspector-General and the staff of the office.

This clause also inserts a new Part 1A, Division 4 'Staff of the office'. Subdivision 1 'Inspector-General of Emergency Management' creates the position of Inspector-General of Emergency Management (IGEM).

Section 16E 'Inspector-General of Emergency Management' outlines that the Governor in Council may appoint the Inspector-General of Emergency Management on the Minister's recommendation. The Minister may only make this recommendation once satisfied that the person is appropriately qualified to efficiently and effectively exercise the inspector-general's functions.

This division outlines the conditions and terms of appointment for the IGEM as well as the IGEM's responsibilities. The IGEM is responsible for ensuring that the office of the IGEM operates efficiently and performs its functions.

Section 16J 'Vacancy in office of inspector-general' outlines the circumstances that may lead to a vacancy in the office of chief executive. A vacancy will occur upon the inspector-general:

- resigning by signed notice to the Minister, 1 month in advance;
- being convicted of an indictable offence;
- becoming insolvent;
- being removed from office by the Governor in Council; or
- being suspended by the Minister.

Additionally, this clause provides that the Governor in Council may at any time remove the IGEM upon the Minister's recommendation.

The Minister's recommendation may only be made if the Minister is satisfied the IGEM:

- has been guilty of misconduct; or
- is incapable, negligent or incompetent in performing his or her duties.

The Minister may also suspend the IGEM for 60 days if there is an allegation of misconduct against the IGEM or the Minister is satisfied that there may be grounds for the removal of the IGEM under this clause.

Section 16K 'Preservation of rights of inspector-general' provides that, if a person is a public service officer prior to being appointed as the IGEM, the person will keep all the rights accrued to them as if the service as the IGEM was a continuation of service as a public service officer.

Additionally, at the conclusion of the IGEM's term, the person's service will be calculated in effect to be service performed as a public service officer.

Section 16L 'Acting inspector-general' provides that in the case of a vacancy in the office of the IGEM or when the IGEM is absent from duty, the Minister may appoint a person to act in that position.

Subdivision 2 'Staff' provides that staff employed in the office of the IGEM are appointed under the *Public Service Act 2008*.

This clause also inserts a new Part 1A, Division 5 'Disaster management standards'.

Section 16N 'Making standards' outlines that the IGEM may make 1 or more standards about the way in which relevant entities may undertake disaster management. Section 16O 'Access to standards' obligates the IGEM to ensure the disaster management standards are published on the internet via a website.

This clause inserts a new Part 1A, Division 6 'Miscellaneous' which allows for information sharing between a public sector unit and the office of the IGEM. Section 16P 'Provision of information' allows the office to request information from a public sector unit. Information must be provided unless the disclosure:

- is prohibited under another Act;
- is impracticable;
- would prejudice the investigation of a contravention, or possible contravention of the law;
- would prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law; or
- would endanger a person's life or physical safety.

If the public sector unit does not provide the information the unit must provide its reasons for not providing the information.

This clause also confirms that the office may enter into an arrangement in relation to the provision of information by a public sector unit to the office.

Finally, new section 16Q 'Delegation' provides that the IGEM may delegate functions to an appropriately qualified person. The provision also allows for the sub delegation of the function to an appropriately qualified person.

31. Amendment of s 19 (Membership)

Clause 31 provides that the Police Commissioner must be a member of the State Disaster Management group (the State group). This amendment is necessary as a consequence of the recommendation made by PACSR that the *Disaster Management Act 2003* be amended to specify the Police Commissioner as Deputy Chair of the State group.

This clause also makes a minor technical amendment by re-numbering section 19 of the *Disaster Management Act 2003*.

32. Amendment of s 20 (Chairperson and deputy chairperson)

Clause 32 provides that the Police Commissioner is the deputy chairperson of the State group. This amendment brings into effect the specific PACSR recommendation that the *Disaster Management Act 2003* be amended to specify the Police Commissioner as Deputy Chair of the State group.

This clause also makes a technical amendment by re-numbering this section.

33. Amendment of s 21B (State disaster coordinator)

Clause 33 brings into effect a PACSR recommendation by providing that a Deputy Commissioner of Police is the default choice for appointment as a State Disaster Coordinator.

34. Amendment of s 50 (Requirements of plan)

Clause 34 makes a minor amendment to provide that the State disaster management plan must be consistent with disaster management guidelines and the disaster management standards produced by the office of the IGEM.

35. Amendment of s 54 (Requirements of plan)

Clause 35 makes a minor amendment to provide that the district disaster management plan must be consistent with disaster management guidelines and the disaster management standards produced by the office of the IGEM.

36. Amendment of s 58 (Requirements of plan)

Clause 36 makes a minor amendment to provide that the local disaster management plan must be consistent with disaster management guidelines and the disaster management standards produced by the office of the IGEM.

37. Omission of pts 6 to 8

Clause 37 omits Parts 6-8 of the *Disaster Management Act 2003*. This amendment is necessary to bring into effect the PACSR recommendation that sections pertinent to the State Emergency Service (SES) and emergency services units (ESUs) are transferred to the *Fire and Emergency Services Act 1990*. Relevant provisions from these Parts are inserted into the *Fire and Emergency Services Act 1990* by clause 100 of this Bill.

38. Amendment of s 113 (Definition for pt 10)

Clause 38 is a consequential amendment caused by Parts 6-8 of the *Disaster Management Act 2003* being transferred to the *Fire and Emergency Services Act 1990*. As terms such as 'SES member', 'ESU member', etc. found within the definition of the term 'authorised person', no longer have applicability to the *Disaster Management Act 2003*, this amendment allows for their omission.

This clause also makes a technical amendment by re-numbering this section.

39. Amendment of s 116 (Failure to comply with direction)

Clause 39 is a consequential amendment caused by Parts 6-8 of the *Disaster Management Act 2003* being transferred to the *Fire and Emergency Services Act 1990*. This clause amends section 116(d) to omit a reference to section 112(3)(f) which has become superfluous due to the transfer of these provisions.

This clause also makes a technical amendment by re-numbering this section.

40. Amendment of s 117 (Failure to help particular persons)

Clause 40 is a consequential amendment caused by Parts 6-8 of the *Disaster Management Act 2003* being transferred to the *Fire and Emergency Services Act 1990*. This clause amends section 117(b) to omit a reference to section 107(2)(h) which has become superfluous due to the transfer of these provisions

This clause also makes technical amendments by re-numbering this section and by changing the term 'any' to 'either' to comply with contemporary drafting practices.

41. Omission of s 118 (Using names etc.)

Clause 41 is a consequential amendment caused by Parts 6-8 of the *Disaster Management Act 2003* being transferred to the *Fire and Emergency Services Act 1990*. Components of this omitted section are inserted by clause 100 into the *Fire and Emergency Services Act 1990*.

42. Omission of s 119 (Entitlement to compensation)

Clause 42 is a consequential amendment to omit references that have become superfluous upon the transfer of Parts 6-8 of the *Disaster Management Act 2003* to the *Fire and Emergency Services Act 1990*.

43. Omission of s 121 (Applying for compensation)

Clause 43 is a consequential amendment to omit references that have become superfluous upon the transfer of Parts 6-8 of the *Disaster Management Act 2003* to the *Fire and Emergency Services Act 1990*.

44. Amendment of s 132 (Appointments and authority)

Clause 44 omits a redundant reference to the term 'authorised rescue officer' and instead provides that appointments of the deputy chairperson of the State group or a State disaster coordinator must be presumed in any proceeding under the *Disaster Management Act 2003* unless reasonable notice is given that proof is required.

45. Amendment of s 134 (Other evidentiary aids)

Clause 45 is a consequential amendment caused by Parts 6-8 of the *Disaster Management Act 2003* being transferred to the *Fire and Emergency Services Act 1990*. This clause omits a reference to section 134(e)(iii) which has become superfluous due to the transfer of these provisions

This clause also makes technical amendments by changing the term 'any' to 'either' to comply with contemporary drafting practices.

46. Omission of pt 13, div 1

Clause 46 omits Part 13, Division 1 which has become superfluous upon Parts 6-8 of the *Disaster Management Act 2003* being transferred to the *Fire and Emergency Services Act 1990*.

47. Omission of pt 13, div 2, hdg

Clause 47 makes a technical amendment to omit a heading that is no longer applicable.

48. Replacement of ss 139 to 142

Clause 48 is a consequential amendment to omit references that have become superfluous upon the transfer of Parts 6-8 of the *Disaster Management Act 2003* to the *Fire and Emergency Services Act 1990*. This clause also inserts a new section 139 'Confidentiality' that creates an offence provision for the improper disclosure of information obtained by a person performing a function under the *Disaster Management Act 2003*.

This clause also amends section 142 'Chief executive to insure particular persons' by removing references that have become superfluous upon the transfer of Parts 6-8 of the *Disaster Management Act 2003* to the *Fire and Emergency Services Act 1990*.

49. Amendment of s 143 (Delegations)

Clause 49 widens the scope of delegations the Minister may make under the *Disaster Management Act 2003* to include an appropriately qualified person. This clause also omits a definition of the term 'appropriately qualified' which has become redundant.

50. Amendment of s 144 (Protection from liability)

Clause 50 is a consequential amendment to omit references that have become superfluous upon the transfer of Parts 6-8 of the *Disaster Management Act 2003* to the *Fire and Emergency Services Act 1990*.

This clause also makes a technical amendment by re-numbering this section.

51. Amendment of s 145 (Appointments)

Clause 51 amends section 145 to make that section subject to section 16M so that appointment of office staff for the IGEM may be made under the *Public Service Act 2008*.

52. Amendment of s 146 (Arrangements for identification)

Clause 52 is a consequential amendment to omit references that have become superfluous upon the transfer of Parts 6-8 of the *Disaster Management Act 2003* to the *Fire and Emergency Services Act 1990*.

53. Amendment of schedule

Clause 53 makes consequential amendments to the schedule of the *Disaster Management Act 2003* to omit references that have become superfluous upon the transfer of Parts 6-8 of the *Disaster Management Act 2003* to the *Fire and Emergency Services Act 1990*.

Additionally, this clause inserts definitions in the schedule to the *Disaster Management Act 2003* to clarify that reference to the Fire Act means a reference to

the *Fire and Emergency Service Act 1990*. This clause also provides that a reference to the inspector-general is a reference to the Inspector-General of Emergency Management.

Part 6 Amendment of Drugs Misuse Act 1986

54. Act amended

Clause 54 provides that this part amends the *Drugs Misuse Act 1986*.

55. Amendment of s 125 (Prescribed persons permitted to receive and dispose of dangerous drugs)

Clause 55 permits a public service employee in the PSBA to possess dangerous drugs under the *Drugs Misuse Act 1986* whilst performing functions similar to a QPS property officer or QPS drug control officer.

Part 7 Amendment of Evidence Act 1977

56. Act amended

Clause 56 provides that this part amends the *Evidence Act 1977*.

57. Amendment of s 134A (Production of documents by agencies in relation to civil proceedings)

Section 134A 'Production of documents by agencies in relation to civil proceedings' of the *Evidence Act 1977* allows a person who is party to a civil proceeding to make a written application to the principal officer of an agency to produce for inspection a document that is relevant to the proceedings and is under the power of or in the agency's possession.

The principal officer may permit the person to inspect and copy the relevant document. This section further provides that the principal officer may delegate the principal officer's powers to an officer or employee of the principal officer's agency.

Clause 57 amends section 134A of the *Evidence Act 1977* to allow the principal officers of Queensland Fire and Emergency Services, the QPS, the Office of the IGEM and the PSBA to delegate the principal officer's powers under this section to any appropriately qualified person in the PSBA. This amendment will allow agencies to efficiently produce documents pursuant to that section. For example, the Police Commissioner, as the principal officer for the QPS, may delegate his power to a legal officer employed in the PSBA who has access to QPS documents.

Part 8 Amendment of Fire and Rescue Service Act 1990

58. Act amended

Clause 58 provides that this part amends the *Fire and Rescue Services Act 1990*.

59. Amendment of long title

Clause 59 amends the long title of this Act to refer to the Queensland Fire and Emergency Service.

60. Replacement of pt 1, hdg (Preliminary)

Clause 60 makes a technical amendment to replace the Part 1 heading of the *Fire and Rescue Service Act 1990* with the heading 'Chapter 1 Preliminary' to comply with contemporary drafting practices.

61. Amendment of s 1 (Short title)

Clause 61 is a technical amendment to rename the *Fire and Rescue Services Act 1990* as the *Fire and Emergency Services Act 1990*.

62. Insertion of new s 2

Clause 62 inserts a new section 2 which outlines the objects of the *Fire and Emergency Services Act 1990*. This clause outlines that the objects of the Act are to provide for the prevention of, and response to, fires, rescues and other emergency incidents for the State. This clause emphasises that an object of the Act is to establish a framework for the management of the State Emergency Service.

63. Renumbering of ss 6 and 7

Clause 63 is a technical amendment made to renumber sections to comply with modern drafting practices.

64. Relocation and renumbering of s 6A (Authorised fire officers)

Clause 64 is a technical amendment done to comply with modern drafting practices.

65. Replacement of pt 2, hdg and div 1, hdg

Clause 65 makes a technical amendment to replace the Part 2 and Division 1 heading with the heading 'Chapter 2 Commissioner' to accurately reflect the contents of this chapter.

66. Insertion of new s 7A

Clause 66 outlines the functions of the Fire Commissioner. The Fire Commissioner is to manage QFES effectively and efficiently and to make recommendations to the Minister that may help the Minister in the proper administration of the Act.

This clause also provides that other functions of the Fire Commissioner may be outlined in another Act.

67. Insertion of new ch 3, hdg and pt 1, hdg

Clause 67 inserts new chapter and part headings to reflect the establishment of the Queensland Fire and Emergency Service.

68. Amendment of s 8 (Establishment of service)

Clause 68 establishes the Queensland Fire and Emergency Service.

69. Amendment of s 8A (Membership of service)

Clause 69 makes a technical amendment to omit the term 'service' and instead insert the term 'QFES'.

70. Amendment of s 8B (Functions of service)

Clause 70 makes a technical amendment to omit the terms 'service' and 'service's' and instead inserts the terms 'QFES' and 'QFES's'.

71. Omission of s 8C (Chief executive's responsibility)

Clause 71 omits the reference to the chief executive and the chief executive's responsibility. The responsibilities previously undertaken by the chief executive will now be borne by the Fire Commissioner.

72. Omission of div 3, hdg (Commissioner)

Clause 72 omits a heading that has become superfluous.

73. Amendment, relocation and renumbering of s 9 (Appointment of commissioner)

Clause 73 omits a requirement for the Fire Commissioner to have professional experience in fire prevention and firefighting. Further, this clause makes minor technical amendments for drafting purposes by renumbering sections and omitting a reference to 'for the service'.

74. Relocation and renumbering of ss 10 and 11

Clause 74 relocates and renumbers the existing sections 10 and 11 to sections 6 and 7 for drafting purposes.

75. Omission of s 12 (Role of commissioner)

Clause 75 omits section 12 of the *Fire and Rescue Services Act 1990*. These functions have been incorporated into new section 7A in the *Fire and Emergency Services Act 1990*.

76. Amendment, relocation and renumbering of s 18 (Codes of practice)

Clause 76 omits a reference to 'chief executive' that is no longer required. This amendment reflects that previous functions performed by the chief executive will now be undertaken by the Fire Commissioner. This clause also relocates section 18 to Chapter 2 and renumbers the section as section 7B.

77. Omission of div 4, hdg

Clause 77 omits the Division 4 heading in the *Fire and Rescue Services Act 1990*.

78. Omission of ss 19 and 19C

Clause 78 omits sections 19 and 19C of the *Fire and Rescue Services Act 1990*. These sections are no longer required as a result of new section 153 'Delegation' being inserted into the Act by clause 100 of the Bill.

79. Amendment of s 20 (Fund)

Clause 79 makes technical amendments to replace the term 'chief executive' with the term 'commissioner' and to replace the term 'Queensland Fire and Rescue Service' with the term 'QFES'.

80. Amendment of s 25 (Staff of service)

Clause 80 makes technical amendments to omit the term 'service' and instead insert the term 'QFES'. This clause also replaces the term 'chief executive' with the term 'commissioner'.

81. Amendment of s 25C (Requirement to disclose previous history of serious disciplinary action to commissioner)

Clause 81 makes a technical amendment to omit the term 'service' and instead insert the term 'QFES'.

82. Amendment of s 27 (Additional remuneration)

Clause 82 makes a technical amendment to correctly refer to 'QFES' instead of 'service' and 'commissioner' instead of 'chief executive'.

83. Amendment of s 28 (Retirement)

Clause 83 makes technical amendments to replace the term 'chief executive' with the term 'commissioner' and replace the term 'the service' with the term 'QFES'.

84. Insertion of new ss 29A and 29B

Clause 84 inserts the new ss 29A 'Surrender of equipment' and 29B 'Vacating premises'. Section 29A(1) obliges a person ceasing to be a fire service officer to surrender to the Fire Commissioner anything issued to the person for official use including an identity card, unless otherwise ordered by the Fire Commissioner. A justice may issue a warrant to search for any property not surrendered under subsection (1).

Section 29B(1) obliges a person ceasing to be a fire service officer to vacate any premises the property of the State or to which the State is entitled to possess, unless otherwise ordered by the Fire Commissioner. If the premises are not vacated immediately or within a timeframe as allowed by the Fire Commissioner, the Fire Commissioner may give the person a notice to quit. If the premises are not vacated within 14 days, the Fire Commissioner may seek a warrant of possession for the premises.

These sections are a simple relocation of previous provisions (ss 141 'Surrender of equipment' and 142 'Vacating premises' of the *Fire and Rescue Services Act 1990*) saving that reference is made to the Fire Commissioner rather than the Chief Executive.

85. Amendment of s 30 (Grounds for disciplinary action)

Clause 85 makes technical amendments to section 30 to replace references to 'chief executive' with 'commissioner' and replace the term 'the fire service' with the term 'QFES'.

86. Amendment of s 30C (Definitions for sdiv 2)

Clause 86 makes a technical amendment to omit the definition of 'employing chief executive' from section 30C.

87. Amendment of s 30F (Declaration if same chief executive is the previous chief executive and employing chief executive)

Clause 87 makes technical amendments to section 30F to allow for the fact that the commissioner has assumed the role previously performed by the chief executive.

88. Amendment of s 32 (Suspension)

Clause 88 makes technical amendments to section 32 to replace the term 'the service' with the term 'QFES' and replace the term 'chief executive' with the term 'commissioner'.

89. Amendment of s 35 (Functions of council)

Clause 89 makes a technical amendment to omit the term ‘the service’ and instead insert the term ‘QFES’.

90. Amendment of s 37 (Chairperson of council)

Clause 90 makes a minor amendment to section 37 to omit a reference to ‘the chief executive’.

91. Amendment of s 60E (Functions of Investigation officers)

Clause 91 omits a reference to ‘section 146A’ and instead inserts ‘section 150B’ to reflect that section 146A has been renumbered to section 150B for drafting purposes.

92. Amendment of s 60K (General powers after entering places)

Clause 92 omits a reference to ‘section 146A’ and instead inserts ‘section 150B’ to reflect that section 146A has been renumbered to section 150B for drafting purposes.

93. Amendment of s 60N (Power to require name and address)

Clause 93 omits a reference to ‘section 146A’ and instead inserts ‘section 150B’ to reflect that section 146A has been renumbered to section 150B for drafting purposes.

94. Amendment of s 75 (Chief fire wardens and fire wardens)

Clause 94 makes a technical amendment to omit the term ‘the service’ and instead insert the term ‘QFES’.

95. Amendment of s 104DA (Additional requirement for monitored systems)

Clause 95 makes a technical amendment to omit the term ‘service’ and instead insert the term ‘QFES’.

96. Replacement of s 104FF (Access to guidelines)

Clause 96 replaces section 104FF in the *Fire and Emergency Services Act 1990*. This amendment modernises the requirements in this section by allowing for the guidelines to be made available on QFES’s website.

97. Amendment of s 104KS (Commissioner may publish occupancy numbers)

Clause 97 makes a technical amendment to omit the term ‘the service’s’ and instead insert the term ‘QFES’s’.

98. Amendment of s 125 (Proof of amounts owing re contributions)

Clause 98 makes a minor amendment to omit the term ‘re’ and instead insert the term ‘in relation to’ in the heading of this section to comply with contemporary drafting practices. The clause also replaces the term ‘chief executive’ with the term ‘commissioner’.

99. Amendment of s 126 (Where services of commercial agent engaged)

Clause 99 replaces section 126 of the *Fire and Emergency Services Act 1990* by making minor technical amendments to reflect that the functions previously

undertaken by the chief executive will instead be the responsibility of the Fire Commissioner.

100. Replacement of pt 11 (General)

Clause 100 inserts a new part 11 'Charges for services'. The introduction of this new Part is not intended to change the process previously outlined in section 144 'Charges for services' of the *Fire and Rescue Services Act 1990* which allows for the recovery of fees as a charge for service. Rather, this amendment is merely done for drafting purposes, to simplify this section by expanding it into a distinct Part.

This clause also inserts a new Chapter 4 'State Emergency Service, emergency service units and authorised rescue officers'. This amendment brings into effect a PACSR recommendation that provisions relating to the State Emergency Service and Emergency Services units are transferred from the *Disaster Management Act 2003* into the *Fire and Emergency Services Act 1990*.

It was not intended by transferring provisions from the *Disaster Management Act 2003* to change the content of these sections. However, amendments were made to modernise these sections so that they complied with contemporary drafting standards. The following table outlines the sections that have been transferred into Chapter 4 of the *Fire and Emergency Services Act 1990* from the *Disaster Management Act 2003*.

Section in the <i>Fire and Emergency Services Act 1990</i>	Previous section in the <i>Disaster Management Act 2003</i>
s.129 'SES continues in existence'	s.81 'Establishment of SES'
s.130 'Functions'	s.82 'Functions'
s.131 'Commissioner's responsibilities for SES'	s.83 'Chief executive's responsibilities for SES'
s.132 'Membership'	s.84 'Membership'
s.133 'Establishment of SES units'	s.84A 'Establishment of SES units'
s.134 'Local controller of SES unit'	s.85 'Local controller of SES unit'
s.135 'Function of local controller'	s.86 'Functions of local controller'
s.136 'SES coordinator'	s.86A 'SES coordinator'
s.137 'Functions of SES coordinator'	s.86B 'Functions of SES coordinator'
s.138 'Functions of SES unit'	s.87 'Functions of SES unit'
s.139 'Notice of functions'	s.88 'Notice of functions'
s.140 'Agreements between department and each local government to define responsibilities of each party'	s.86A 'Agreement between department and each local government to define responsibilities of each party'
s.141 'Establishment of ES units'	s.89 'Establishment of ES units'
s.142 'Functions'	s.90 'Functions'
s.143 'Notice of functions'	s.91 'Notice of functions'
s.144 'Commissioner's responsibilities for ES units'	s.92 'Responsibilities of chief executive'
s.145 'Commissioner may appoint ESU members'	s.93 'Membership'
s.146 'ES Unit coordinator'	s.94 'ES Unit coordinator'
s.146A 'Function of ES unit coordinator'	s.95 'Function of ES unit coordinator'
s.147 'Application of div 3'	s.96 'Application of div 4'

s.147A 'Appointment of fire coordinator'	s.97 'Appointment of fire coordinator'
s.147B 'Powers of fire coordinator'	s.98 'Powers of fire coordinator'
s.147C 'Particular ESU members subject to direction'	s.99 'Particular ESU members subject to direction'
s.147D 'Commissioner may make code of practice'	s.137 'Making code of practice'
s.148 'Appointment'	s.100 'Appointment'
s.148A 'Appointment conditions and limit on powers'	s.101 'Appointment conditions and limit on powers'
s.148B 'Issue of identity card'	s.102 'Issue of identity card'
s.148C 'Production or display of identity card'	s.103 'Production or display of identity card'
s.148D 'Resignation'	s.105 'Resignation'
s.148E 'Return of identity card'	s.106 'Return of identity card'
s.149 'General provision about powers'	s.107 'General provision about powers'
s.149A 'Power of entry'	s.108 'Provisions about power of entry'
s.149B 'Exercise of powers subject to direction'	s.109 'Exercise of powers subject to direction'

This clause also inserts a new Chapter 5 'General' into the *Fire and Emergency Services Act 1990*. It was not intended by inserting this new chapter to change the policy intent behind these sections. Rather, this amendment was designed to consolidate various provisions from the *Disaster Management Act 2003* and the *Fire and Rescue Service Act 1990* into this new chapter. These sections were also simultaneously updated to conform to modern drafting practices.

Specific provisions were amended to ensure consistency. Section 150C 'Obstruction of persons performing functions' of the *Fire and Emergency Services Act 1990* is an amalgamation of section 147(a) 'Offences' of the *Fire and Rescue Service Act 1990* and section 115 'Obstruction of authorised person' of the *Disaster Management Act 2003*. As section 147(a) of the *Fire and Rescue Service Act 1990* carries a maximum penalty of 50 penalty units or 6 months imprisonment and section 115 of the *Disaster Management Act 2003* imposes a maximum penalty of 100 penalty units, an appropriate maximum penalty for section 150C 'Obstruction of persons performing functions' of the *Fire and Emergency Services Act 1990* was set at 100 penalty units or 6 months imprisonment.

Similarly, section 150G 'Impersonating authorised rescue officer etc.' of the *Fire and Emergency Services Act 1990* is an amalgamation of section 114 'Impersonation of authorised person' of the *Disaster Management Act 2003* and section 147(g) 'Offences' of the *Fire and Rescue Service Act 1990*. Section 150G of the *Fire and Emergency Services Act 1990* standardises the elements of this offence and prescribes the maximum penalty for this offence as 100 penalty units or if the offence is committed in relation to a fire service officer during a declared state of fire emergency, a maximum penalty of 250 penalty units or imprisonment for 1 year.

The following table outlines the sections that have been transferred into Chapter 5 of the *Fire and Emergency Services Act 1990* from the *Disaster Management Act 2003* and the *Fire and Rescue Service Act 1990*:

Section in the <i>Fire and Emergency Services Act 1990</i>	Previous section in the <i>Disaster Management Act 2003 (DMA)</i> or <i>Fire and Rescue Service Act 1990 (FRSA)</i>
s.150 'Lighting of grass fire prohibited'	s.146 'When unauthorised grass fire a crime' of the FRSA
s.150A 'Interference with fire apparatus etc.'	s.147(d) and (e) 'Offences' of the FRSA
s.150B 'False calls'	s.146A 'False calls' of the FRSA
s.150C 'Obstruction of persons performing functions'	s.147(a) 'Offences' of the FRSA and s. 115 'Obstruction of authorised person' of the DMA
s.150D 'Failure to assist or give reasonable help'	s.117 'Failure to help particular persons' of the DMA. Please note also s.53(2)(j) 'Powers of authorised officer in dangerous situation' of the FRSA
s.150E 'Failure to comply with requisition etc.'	s.116 'Failure to comply with requisition etc.' of the DMA and s.147(c) 'Offences' of the FRSA
s.150F 'Failure to answer question or provide information'	s.147(c) 'Offences' of the FRSA
s.150G 'Impersonating authorised rescue officer etc.'	s.114 'Impersonation of authorised person' of the DMA and s.147(g) 'Offences' of the FRSA
s.150H 'Using restricted expressions etc.'	s.118 'Using names etc.' of the DMA and s.143 'Protection of name' of the FRSA
s.150I 'Warning device or lights on SES or ES vehicle'	s.139 'Warning device or lights on SES or ES vehicle' of the DMA
s.150J 'Liability of executive officer-particular offences committed by corporation'	s.151 'Liability of executive officer-particular offences committed by corporation' of the FRSA
s.150K 'Indictable and summary offence'	s.148 'Indictable and summary offence' of the FRSA
s.151 'Proceedings for indictable offences'	s.148A 'Proceedings for indictable offences' of the FRSA
s.151A 'Limitation on who may summarily hear indictable offence proceedings'	s.148B 'Limitation on who may summarily hear indictable offence proceedings' of the FRSA
s.151B 'Proceedings for offences'	s.135(1) 'Summary proceedings for offence' of the DMA and s.148C 'Proceeding for offence' of the FRSA
s.151C 'When proceeding must start'	s.135(2) 'Summary proceedings for offence' of the DMA and s.148D 'When proceeding may start' of the FRSA
s.151D 'Allegations of false or misleading information or document'	s.148E 'Allegations of false or misleading information or document' of the FRSA
s.151E 'Forfeiture on conviction'	s.148F 'Forfeiture on conviction' of the FRSA

s.151F 'Dealing with forfeited thing'	s.149 'Dealing with forfeited thing' of the FRSA
s.151G 'Court may order costs of rehabilitation etc. of protected area'	s.149A 'Court may order costs of rehabilitation etc. of protected area' of the FRSA
s.151H 'Order for payment if guilty of false call'	s.150 'Order for payment if guilty of false call' of the FRSA
s.151I 'Appointments and authority'	s.132 'Appointments and authority' of the DMA and s.153(1)(a) and (b) 'Evidentiary' of the FRSA
s.151J 'Signatures'	s.133 'Signatures' of the DMA and s.153(1)(c) 'Evidentiary' of the FRSA
s.151K 'Other evidentiary aids'	s.134 'Other evidentiary aids' of the DMA and s.153(1)(e) and (h) 'Evidentiary' of the FRSA
s.152 'Exemption from toll'	s.140 'Exemption from toll' of the DMA and s.135 'Exemption from tolls' of the FRSA
s.152A 'Right of way to fire officers'	s.134 'Right of way to fire officers' of the FRSA
s.152B 'Use of unregistered vehicles on roads'	s.138 'Use of equipment on roads while unregistered' of the FRSA
s.152C 'Inspection of records of local governments and building certifiers'	s.137 'Inspection of records of local governments and building certifiers' of the FRSA
s.152D 'Interstate assistance at fires'	s.139 'Interstate assistance at fires' of the FRSA
s.153 'Delegation'	N/A - note - see s.103 'Delegation' of the <i>Public Service Act 2008</i>
s.153A 'Confidentiality'	s.142A 'Confidentiality' of the FRSA
s.153B 'Protection from liability-acts or omissions under chapter 3'	s.129 'Protection for acts done pursuant to Act' of the FRSA
s.153C 'Protection from civil liability-acts or omissions under chapter 4'	s.144 'Protection from liability' of the DMA
s.153D 'Ownership of property'	s.140 'Ownership of property' of the FRSA
s.154 'Representation of commissioner at inquiries'	s.131 'Representation of chief executive at inquiries' of the FRSA
s.154A 'Construction of policies of fire insurance'	s.132 'Construction of policies of fire insurance' of the FRSA
s.154B 'Report of fire'	s.133 'Report of fire' of the FRSA
s.154C 'Commissioner to insure SES members etc.'	s.142 'Chief executive to insure particular persons' of the DMA
s.154D 'Approval of forms'	s.147 'Approval of forms' of the DMA and s.153B 'Approval of forms' of the FRSA

s.154E 'Regulation-making power'

s.148 'Regulation-making power' of the DMA and s.154 'Regulation-making power' of the FRSA

101. Renumbering of pt 12, hdg

Clause 101 omits the heading to Part 12 and instead inserts Chapter 5, Part 5. This amendment is made to comply with contemporary drafting practices.

102. Insertion of new ch 5, pt5, div 7

Clause 102 inserts a new division heading and introduces transitional provisions for the Act. This clause introduces section 201 'Validation of things done by former commissioner'. This section declares that, if a person holding office as the Fire Commissioner was also appointed as the chief executive under the *Fire and Rescue Service Act 1990*, then the appointment and anything done in the capacity of chief executive was valid. This section removes any doubt that a person may hold the position of Fire Commissioner and chief executive simultaneously.

Further, this clause also provides that legal proceedings commenced or could have been commenced in the name of the Queensland Fire and Rescue Services may be commenced by the QFES.

This clause also introduces section 203 'References to, and acts etc. by, the chief executive' which allows a reference to the chief executive under the *Fire and Rescue Service Act 1990* to be taken to be a reference to the Fire Commissioner if the context allows. This section deems a thing done, or omitted to be done by the chief executive under the *Fire and Rescue Service Act 1990* to be a thing done or omitted to be done by the Fire Commissioner, if the context permits.

Finally, this clause introduces section 204 'Transitional regulation-making power'. This section allows further provisions relating to savings or transitional matters to be made by regulation. However, the regulation cannot retrospectively operate to allow the regulation to have application before the commencement of this section.

103. Amendment of sch 6 (Dictionary)

Clause 103 makes amendments to schedule 6 'Dictionary' of the *Fire and Emergency Services Act 1990* to omit certain definitions and insert definitions for other terms.

Part 9 Amendment of Police Powers and Responsibilities Act 2000

104. Act amended

Clause 104 provides that this part amends the *Police Powers and Responsibilities Act 2000*.

105. Insertion of new s 687A

Clause 105 applies to property that is lawfully in the possession of the police service (a relevant thing). A relevant thing is outlined in section 686 of the *Police Powers and Responsibilities Act 2000* to include property that:

- was seized by a police officer;
- was given to a police officer as apparently lost property; or

- otherwise came into the possession of a police officer in the course of the officer's functions.

Section 686 of the *Police Powers and Responsibilities Act 2000* also provides instances where Part 3 'Dealing with things in the possession of police service' of that Act would not apply to property that would otherwise have been considered a relevant thing.

Clause 105 extends the meaning of when a thing is lawfully in the possession of the police service and is a 'relevant thing' to include when property is lawfully in the possession of the PSBA CEO for, or as a result of, the PSBA providing support services to the police service. The effect of this clause is to extend the responsibilities imposed upon police officers by virtue of this Part to also apply to property that is in the possession of a police officer or staff member performing duties as required by the CEO PSBA.

106. Insertion of new s 726A

Clause 106 deems that a dangerous drug is in the possession of the police service if the drug is possessed by the PSBA CEO for, or as a result of, the PSBA providing support services to the police service. The purpose of this clause is to allow relevant staff from PSBA to be in possession of dangerous drugs for training purposes.

107. Amendment of s 734 (Making commissioner direction)

Clause 107 places an obligation on the Police Commissioner to ensure that the CEO PSBA has made appropriate arrangements to comply with directions made by the Police Commissioner about dangerous drugs in the possession of the PSBA.

108. Amendment of s 735 (Entering into agency arrangement)

Clause 108 extends the obligation of the Police Commissioner under section 735 of the *Police Powers and Responsibilities Act 2000* to ensure the CEO PSBA makes arrangements to ensure PSBA employees comply with agency arrangements.

109. Amendment of s 736 (Requirements for keeping of dangerous drugs for training purposes)

Clause 109 outlines that audits of drug vaults controlled by the PSBA will be conducted by an inspector of police or a PSBA employee authorised by the CEO PSBA provided that these persons are not otherwise directly associated with the keeping or use of dangerous drugs for training purposes on behalf of the police service.

110. Amendment of s 737 (Register of dangerous drugs for training)

Clause 110 authorises the PSBA to keep a register of dangerous drugs for training on behalf of the police service providing that this register is kept in the way the Police Commissioner considers appropriate.

111. Amendment of s 754 (Offence for driver of motor vehicle to fail to stop motor vehicle)

Clause 111 is a technical amendment to change the definition of an emergency vehicle from a motor vehicle driven by a fire officer in the course of their duties with 'the Queensland Fire and Rescue Authority' to a motor vehicle driven by a fire officer in the course of their duties with 'the Queensland Fire and Emergency Service'.

112. Amendment of s 793 (Helping at fire or hazardous materials emergency)

Clause 112 is a technical amendment to change a reference from the *Fire and Rescue Service Act 1990* to the *Fire and Emergency Services Act 1990*.

113. Amendment of sch 6 (Dictionary)

Clause 113 includes additional definitions of terms used in Schedule 6 'Dictionary'. The meaning of 'property point' is expanded to include a place lawfully used for the storage of relevant things by the CEO PSBA.

This clause also defines 'PSBA employee' to mean 'a public service employee in the PSBA'. The clause further includes definitions for the terms 'PSBA' and 'PSBA chief executive'.

Part 10 Amendment of Police Service Administration Act 1990

114. Act amended

Clause 114 provides that this part amends the *Police Service Administration Act 1990*.

115. Amendment of s 1.4 (Definitions)

Clause 115 includes further definitions for the *Police Service Administration Act 1990*. The term 'PSBA' is defined to mean the Public Safety Business Agency established under the *Public Safety Business Agency Act 2014*.

'PSBA employee' is defined to mean an employee of the PSBA.

A 'seconded officer' is defined to mean an officer on secondment from the QPS to the PSBA or an officer performing work for the PSBA under a work performance arrangement.

The term 'QPS database' is expanded to include any database kept by or on behalf of the Police Commissioner. This expanded definition is more reflective of the range of databases that are kept by or are under the control of the QPS.

116. Amendment of s 2.3A (Presence of police officers at fire or chemical incident)

Clause 116 is a technical amendment which updates references to the *Fire and Emergency Services Act 1990*.

117. Amendment of s 4.8 (Commissioner's responsibility)

This clause amends section 4.8 'Commissioner's responsibility' of the *Police Service Administration Act 1990* to provide a generalised responsibility imposed upon the Police Commissioner to efficiently and properly administer the police service. Additionally, this clause omits an extensive list of responsibilities imposed upon the Police Commissioner and instead allows the responsibilities of the Police Commissioner to be prescribed by regulation. Clause 142 makes a corresponding amendment to the *Police Service Administration Regulation 1990*, by inserting the list of responsibilities omitted from section 4.8 into section 2A.1 of the *Police Service Administration Regulation 1990*. Allowing the responsibilities of the Police Commissioner to be prescribed by regulation allows these responsibilities to be changed more readily in response to Government and community expectations.

118. Amendment of s 4.10 (Delegation)

Clause 118 extends the ability of the Police Commissioner to delegate his powers under any Act to a police officer or QPS staff member to also include:

- the PSBA chief executive;
- the Inspector-General of Emergency Management;
- the Commissioner of the Queensland Fire and Emergency Service;
- an appropriately qualified person employed in—
 - (i) the PSBA; or
 - (ii) the Office of the Inspector-General of Emergency Management; or
 - (iii) the Queensland Fire and Emergency Service.

This clause allows the Police Commissioner to delegate certain functions to the CEO PSBA or to other persons listed in this amendment. The delegation of functions from the Police Commissioner to the CEO PSBA is fundamental in allowing the CEO PSBA to perform the CEO's functions relating to the QPS.

This clause also allows the Police Commissioner to permit the subdelegation of the power.

119. Insertion of new s 5.13C

Clause 119 inserts new section 5.13C into the *Police Service Administration Act 1990* to clarify that the Police Commissioner may enter into an arrangement with the CEO PSBA for a police officer to perform duties with the PSBA under a secondment or a work performance agreement. Further, new section 5.13C clarifies that while a police officer is performing duties with the PSBA, the officer is under the control and direction of the CEO PSBA but otherwise continues to be a police officer.

120. Amendment of s 5A.1 (Object of pt 5A)

Part 5A 'Alcohol and drug tests' of the *Police Service Administration Act 1990* creates the alcohol and drug testing regime used by the QPS to monitor QPS staff members and police officers. Testing programs include pre-employment screening, targeted testing, random testing or testing following certain accidents or critical incidents.

Certain staff members working in critical areas, police recruits and police officers will transition to the PSBA upon its establishment. To ensure that the current alcohol and drug testing regime continues to apply to appropriate persons, Part 5A of the *Police Service Administration Act 1990* requires amendment.

Clause 120 amends the objects of Part 5A to emphasise that current alcohol and drug testing involving police officers and relevant QPS staff members under the *Police Service Administration Act 1990* will be amended to also apply to relevant PSBA employees.

121. Amendment of s 5A.2 (Definitions for pt 5A)

Clause 121 omits the definition for 'relevant member' and instead inserts definitions for the terms 'relevant person' and 'relevant PSBA employee'. A relevant person is defined in amended s 5A.3. A relevant PSBA employee is defined to mean a public service employee in the PSBA either performing duties in a critical area or prescribed to be a relevant PSBA employee. The definition of a relevant PSBA employee does not include a seconded officer.

122. Amendment of s 5A.3 (Persons to whom pt 5A applies)

Clause 122 expands the persons to whom the alcohol and drug testing regime outlined in the *Police Service Administration Act 1990* will apply (a relevant person). The amendment continues the alcohol and drug testing regime for persons performing certain functions, despite some of those functions transferring to the PSBA. A person is a 'relevant person' if they are:

- an officer, whether or not the officer is a seconded officer;
- a staff member whose duties include performing functions in a critical area;
- a watch-house officer;
- a police radio and electronics technician;
- a recruit; or
- a relevant PSBA employee.

This clause additionally restricts the applicability of Part 5A in critical areas that are driver training facilities to staff members or relevant PSBA employees who are drivers, instructors or mechanics at that facility.

123. Amendment of s 5A.7 (Alcohol limits)

Clause 123 makes technical amendments to reflect the change in terminology from 'relevant member' to 'relevant person'. These amendments allow Part 5A of the *Police Service Administration Act 1990* to apply to certain staff members in the PSBA.

124. Amendment of s 5A.8 (Circumstances for alcohol testing)

Clause 124 makes a technical amendment to omit the term 'member' and instead insert the term 'person'. This amendment allows Part 5A of the *Police Service Administration Act 1990* to apply to certain staff members in the PSBA.

125. Amendment of s 5A.9 (Random alcohol testing)

Clause 125 makes technical amendments to reflect the change in terminology from 'relevant member' to 'relevant person'. These amendments allow Part 5A of the *Police Service Administration Act 1990* to apply to certain staff members in the PSBA.

126. Amendment of s 5A.10 (Providing specimen of breath for alcohol test or random alcohol test)

Clause 126 makes a technical amendment to omit the term 'member' and instead insert the term 'person'. This amendment allows Part 5A of the *Police Service Administration Act 1990* to apply to certain staff members in the PSBA.

127. Amendment of s 5A.11 (Failure to provide specimen of breath)

Clause 127 makes a technical amendment to omit the term 'member' and instead insert the term 'person'. This amendment allows Part 5A of the *Police Service Administration Act 1990* to apply to certain staff members in the PSBA.

128. Amendment of s 5A.12 (Targeted substance levels)

Clause 128 makes technical amendments to replace the terms 'member' and 'member's' with the terms 'person' and 'person's' respectively. These amendments allow Part 5A of the *Police Service Administration Act 1990* to apply to certain staff members in the PSBA.

129. Amendment of s 5A.13 (Circumstances for targeted substance testing)

Clause 129 makes a technical amendment to omit the term ‘member’ and instead insert the term ‘person’. This amendment allows Part 5A of the *Police Service Administration Act 1990* to apply to certain staff members in the PSBA.

130. Amendment of s 5A.14 (Providing specimen for targeted substance test)

Clause 130 makes a technical amendment to omit the term ‘member’ and instead insert the term ‘person’. This amendment allows Part 5A of the *Police Service Administration Act 1990* to apply to certain staff members in the PSBA.

131. Amendment of s 5A.15 (Effect of failure to provide specimen of urine)

Clause 131 makes a technical amendment to omit the term ‘member’ and instead insert the term ‘person’. This amendment allows Part 5A of the *Police Service Administration Act 1990* to apply to certain staff members in the PSBA.

132. Amendment of s 5A.16 (If alcohol or targeted substance test positive)

Clause 132 makes technical amendments to replace the terms ‘member’ and ‘member’s’ with the terms ‘person’ and ‘person’s’ respectively. These amendments allow Part 5A of the *Police Service Administration Act 1990* to apply to certain staff members in the PSBA.

133. Amendment of s 5A.17 (Effect of failure to comply)

Clause 133 makes a technical amendment to omit the term ‘member’ and instead insert the term ‘person’. This amendment allows Part 5A of the *Police Service Administration Act 1990* to apply to certain staff members in the PSBA.

134. Replacement of s 5A.21A (Agreements about counselling and rehabilitation)

Clause 134 makes technical amendments to allow Part 5A of the *Police Service Administration Act 1990* to apply to certain staff members in the PSBA. Additionally, this clause allows a relevant PSBA employee to apply to enter into an agreement to provide to the person the counselling or rehabilitation the CEO PSBA has approved. The CEO PSBA is required to not disclose information in the CEO’s possession because of an application or agreement other than:

- for the purposes of the agreement;
- to the extent the commissioner or PSBA CEO considers reasonably necessary to prevent or lessen a serious threat to the public or to the health or safety of the person who disclosed the information;
- for the purposes of a compensation claim under the *Workers’ Compensation and Rehabilitation Act 2003*; or
- for the purposes of section 6.1.(c) or 8.3 of the *Police Service Administration Act 1990* if the information relates to a person who is a police officer

135. Amendment of s 5A.23 (Limitation on disciplinary proceedings)

Clause 135 makes a technical amendment to omit the term ‘member’ and instead insert the term ‘person’. This amendment allows Part 5A of the *Police Service Administration Act 1990* to apply to certain staff members in the PSBA.

136. Amendment of s 8.3 (Unfitness for duty on medical grounds)

Section 8.3 'Unfitness for duty on medical grounds' of the *Police Service Administration Act 1990* provides that, if the Police Commissioner reasonably suspects that a police officer is incapable of performing the officer's duty by reason of physical or mental infirmity or for any other health reason unfit to perform the officer's duty, the Police Commissioner must advise the officer in writing of his suspicion. If the officer disagrees with the Police Commissioner's suspicions, the Police Commissioner must obtain medical opinion on the matter. If after considering medical opinion, the prescribed authority is satisfied that the officer should not continue to be required to perform the officer's duties, the prescribed authority may call upon the officer to retire from the service.

As an alternative, section 8.3(5) of the *Police Service Administration Act 1990* allows the Police Commissioner to appoint a police officer, who would otherwise be called upon to medically retire, as a staff member provided that the Police Commissioner believes the officer is sufficiently fit to perform duties as a staff member.

Clause 136 clarifies that any arrangements for a person appointed as a staff member under section 8.3(5) of the *Police Service Administration Act 1990* to perform work for the PSBA will be made under the *Public Service Act 2008* rather than the *Police Service Administration Act 1990*.

137. Amendment of s 10.9 (Service and production of documents)

Clause 137 extends s 10.9 of the *Police Service Administration Act 1990* to allow a PSBA employee nominated by the Police Commissioner to also receive documents on behalf of the Commissioner.

138. Amendment of s 10.24 (Representation of officers in court)

Clause 138 allows a police officer or QPS or PSBA legal officer standing to appear and act for a fire service officer who has commenced a proceeding for an offence under the *Disaster Management Act 2003* or the *Fire and Emergency Services Act 2014*.

139. Amendments of s 10.28 (Regulation-making power)

Clause 139 confirms that a regulation may be made to outline the responsibilities of the Police Commissioner.

Part 11 Amendment of Police Service Administration Regulation 1990

140. Legislation amended

Clause 140 provides that this part amends the *Police Service Administration Regulation 1990*.

141. Amendment of s 1.2 (Definitions)

Clause 141 makes a technical amendment to section 1.2 of the *Police Service Administration Regulation 1990* by replacing the reference to 'ADA' with the term 'ADA State coordinator' and referencing new section 7A.3(1)(b). This amendment reflects administrative changes within the Queensland Police Service and amendments made by clause 145 of the Bill.

142. Insertion of new pt 2A

Clause 142 inserts a new Part 2A 'Commissioner's responsibilities' into the *Police Service Administration Regulation 1990* to coincide with amendments made by clause 117 of the Bill.

New section 2A.1 'Particular matters within scope of prescribed responsibility etc. – Act, s 4.8(2)' of Part 2A prescribes particular matters within the scope of the Police Commissioner's prescribed responsibility. These matters were previously outlined in section 4.8(2) of the *Police Service Administration Act 1990* but have been omitted from that section by clause 117 of the Bill.

143. Amendment of s 7A.1 (When random alcohol test may be conducted without approval of commissioner or deputy commissioner)

Clause 143 makes technical amendments to s 7A.1 of the *Police Service Administration Regulation 1990* to reflect other amendments made by the Bill to extend the application of Part 5A of the *Police Service Administration Act 1990* to relevant staff members in the PSBA.

Sub-clauses (1) and (3) replace the terms 'members' and 'member' in section 7A.1 with the terms 'persons' and 'person' respectively.

Sub-clause (2) replaces section 7A.1(3)(b) to extend its application to ensure two or more groups in the same unit of the PSBA are not selected for random alcohol testing in the one day.

144. Amendment of s 7A.2 (Time period for conducting random alcohol test)

Clause 144 makes a technical amendment to section 7A.2 of the *Police Service Administration Regulation 1990* to omit the term 'relevant member' and instead insert the term 'relevant person'. This amendment reflects other amendments made by the Bill to extend the application of Part 5A of the *Police Service Administration Act 1990* to relevant staff members in the PSBA.

145. Amendment of s 7A.3 (ADA to notify group's coordinator of group's selection)

Clause 145 replaces section 7A.3 of the *Police Service Administration Regulation 1990* to reflect administrative changes within the Queensland Police Service which replaced the Alcohol and Drug Awareness section with an Alcohol and Drug Awareness State Coordinator.

146. Amendment of s 7A.4 (Authorised person must consult with ADA before requiring certain alcohol tests under Act, s 5A.8(c))

Clause 146 makes minor amendments to section 7A.4 of the *Police Service Administration Regulation 1990* to reflect administrative changes within the Queensland Police Service which replaced the Alcohol and Drug Awareness section with an Alcohol and Drug Awareness State Coordinator.

Clause 146 also makes a technical amendment to section 7A.4 of the *Police Service Administration Regulation 1990* to omit the term 'member' and instead insert the term 'person'. This amendment reflects other amendments made by the Bill to extend the application of Part 5A of the *Police Service Administration Act 1990* to relevant staff members in the PSBA.

147. Amendment of s 7A.5 (When and where relevant member may be recalled to duty for alcohol test)

Clause 147 makes technical amendments to section 7A.5 of the *Police Service Administration Regulation 1990* to omit the term 'member' and instead insert the term 'person'. This amendment reflects other amendments made by the Bill to extend the application of Part 5A of the *Police Service Administration Act 1990* to relevant staff members in the PSBA.

148. Amendment of s 7A.6 (A way of requiring relevant member to submit to alcohol test)

Clause 148 makes technical amendments to section 7A.6 of the *Police Service Administration Regulation 1990* to omit the term 'member' and instead insert the term 'person'. These amendments reflect other amendments made by the Bill to extend the application of Part 5A of the *Police Service Administration Act 1990* to relevant staff members in the PSBA.

149. Amendment of s 7A.7 (Sufficient specimen of breath for testing)

Clause 149 makes a technical amendment to section 7A.7 of the *Police Service Administration Regulation 1990* to omit the term 'member' and instead insert the term 'person'. This amendment reflects other amendments made by the Bill to extend the application of Part 5A of the *Police Service Administration Act 1990* to relevant staff members in the PSBA.

150. Amendment of s 7A.8 (Claim that alcohol is present in mouth)

Clause 150 makes technical amendments to section 7A.8 of the *Police Service Administration Regulation 1990* to omit the terms 'member' and 'member's' and instead insert the term 'person' and 'person's' respectively. These amendments reflect other amendments made by the Bill to extend the application of Part 5A of the *Police Service Administration Act 1990* to relevant staff members in the PSBA.

151. Amendment of s 7A.9 (Breath testing instruments)

Clause 151 makes a technical amendment to section 7A.9 of the *Police Service Administration Regulation 1990* to omit the term 'member' and instead insert the term 'person'. This amendment reflects other amendments made by the Bill to extend the application of Part 5A of the *Police Service Administration Act 1990* to relevant staff members in the PSBA.

152. Amendment of s 7A.10 (Authorised person must report test result)

Clause 152 makes technical amendments to section 7A.10 of the *Police Service Administration Regulation 1990* to omit the terms 'member' and 'member's' and instead insert the terms 'person' and 'person's' respectively. These amendments reflect other amendments made by the Bill to extend the application of Part 5A of the *Police Service Administration Act 1990* to relevant staff members in the PSBA.

Sub-clause (2) makes a technical amendment to coincide with other amendments in the Bill that extend the application of Part 5A of the *Police Service Administration Act 1990* to apply to relevant staff members in the PSBA. The amendment replaces existing section 7A.10(2) of the *Police Service Administration Regulation 1990*. The effect of this amendment is to extend section 7A.10(2) to make provision for a relevant person who is a relevant PSBA employee and to provide that relevant notification for that person must also be made the PSBA chief executive.

Sub-clause (4) also makes a minor amendment to section 7A.10 of the *Police Service Administration Regulation 1990* to reflect administrative changes within the QPS caused by replacing the Alcohol and Drug Awareness section with an Alcohol and Drug Awareness State Coordinator.

153. Amendment of s 7A.11 (Form of written approval of commissioner or deputy commissioner requiring submission to random alcohol test)

Clause 153 makes technical amendments to section 7A.11(1) of the *Police Service Administration Regulation 1990* to reflect the change in terminology from 'relevant members' to 'relevant persons'. These amendments reflect other amendments made by the Bill to extend the application of Part 5A of the *Police Service Administration Act 1990* to relevant staff members in the PSBA.

154. Amendment of s 7B.1 (Authorised person must consult with ADA before requiring certain targeted substance tests)

Clause 154(1) makes a minor amendment to section 7B.1 of the *Police Service Administration Regulation 1990* to reflect administrative changes within the Queensland Police Service which replaced the Alcohol and Drug Awareness section with an Alcohol and Drug Awareness State Coordinator.

Clause 154 also makes technical amendments to section 7B.1 of the *Police Service Administration Regulation 1990* to reflect other amendments made by the Bill to extend the application of Part 5A of the *Police Service Administration Act 1990* to relevant staff members in the PSBA.

155. Amendment of s 7B.2 (Deciding time and place for targeted substance testing on covert operative)

Clause 155 makes a technical amendment to section 7B.2 of the *Police Service Administration Regulation 1990* to omit the term 'member' and instead insert the term 'person'. This amendment reflects other amendments made by the Bill to extend the application of Part 5A of the *Police Service Administration Act 1990* to relevant staff members in the PSBA.

156. Amendment of s 7B.4 (When and where relevant member may be recalled to duty for targeted substance test)

Clause 156 makes technical amendments to section 7B.4 of the *Police Service Administration Regulation 1990* to omit the term 'member' and instead insert the term 'person'. These amendments reflect other amendments made by the Bill to extend the application of Part 5A of the *Police Service Administration Act 1990* to relevant staff members in the PSBA.

157. Amendment of s 7B.5 (A way of requiring relevant member to submit to targeted substance test)

Clause 157 makes technical amendments to section 7B.5 of the *Police Service Administration Regulation 1990* to omit the term 'member' and instead insert the term 'person'. These amendments reflect other amendments made by the Bill to extend the application of Part 5A of the *Police Service Administration Act 1990* to relevant staff members in the PSBA.

158. Amendment of s 7B.6 (Relevant member to advise details of medication etc.)

Clause 158 makes technical amendments to section 7B.6 of the *Police Service Administration Regulation 1990* to omit the terms 'member' and 'member's' and instead insert the terms 'person' and 'person's' respectively. These amendments reflect other amendments made by the Bill to extend the application of Part 5A of the *Police Service Administration Act 1990* to relevant staff members in the PSBA.

Sub-clause (3) also makes a minor amendment to section 7B.6(5) of the *Police Service Administration Regulation 1990* to reflect administrative changes within the Queensland Police Service which replaced the Alcohol and Drug Awareness section with an Alcohol and Drug Awareness State Coordinator.

159. Amendment of s 7B.7 (If relevant member claims to be unable to provide specimen because of a medical condition)

Clause 159 makes technical amendments to section 7B.7 of the *Police Service Administration Regulation 1990* to omit the terms 'member' and 'member's' and instead insert the terms 'person' and 'person's' respectively. These amendments reflect other amendments made by the Bill to extend the application of Part 5A of the *Police Service Administration Act 1990* to relevant staff members in the PSBA.

160. Amendment of s 7B.8 (Water may be drunk if relevant member claims to be unable to immediately provide specimen)

Clause 160 makes technical amendments to section 7B.8 of the *Police Service Administration Regulation 1990* to omit the term 'member' and instead insert the term 'person'. These amendments reflect other amendments made by the Bill to extend the application of Part 5A of the *Police Service Administration Act 1990* to relevant staff members in the PSBA.

161. Amendment of s 7B.10 (Commissioner to advise relevant member of test result)

Clause 161 makes technical amendments to section 7B.10 of the *Police Service Administration Regulation 1990* to coincide with other amendments in the Bill that extend the application of Part 5A of the *Police Service Administration Act 1990* to relevant staff members in the PSBA.

Sub-clause (1) makes a minor amendment to the heading of section 7B.10 to reflect the amendments made to that section by sub-clause (3). Sub-clause (3) replaces existing section 7B.10(2). The effect of this amendment is to extend existing section 7B.10(2) to make provision for a relevant person who is a relevant PSBA employee and to provide that that person must be advised in writing of the information mentioned in subsection (4) by the PSBA chief executive.

Sub-clauses (2) and (4) make technical amendments to section 7B.10 to omit the terms 'member' and 'member's' and instead insert the terms 'person' and 'person's' respectively.

162. Amendment of pt 7C, hdg (Self-reporting by member of the service for counselling or rehabilitation in relation to alcohol or a drug)

Clause 162 makes a technical amendment to the heading of part 7C of the *Police Service Administration Regulation 1990* to omit the terms 'by member of the service'. This amendment reflects other amendments made by the Bill to extend the

application of Part 5A of the *Police Service Administration Act 1990* to relevant staff members in the PSBA.

163. Insertion of new s 7C.1AA

Clause 163 inserts a new s 7C.1AA 'Definition for pt 7C' into the *Police Service Administration Regulation 1990* to provide a definition of 'approved person' for the purposes of Part 7C.

164. Amendment of s 7C.1 (Self-reporting)

Clause 164 makes a number of technical amendments to section 7C.1 'Self-reporting' of the *Police Service Administration Regulation 1990* to reflect other amendments made by the Bill to extend the application of Part 5A of the *Police Service Administration Act 1990* to relevant staff members in the PSBA.

Subclause (1) amends the heading of section 7C.1 of the *Police Service Administration Regulation 1990* to omit the current heading and replace it with the new heading 'Self-reporting by member of the service'.

Subclause (2) makes a minor amendment to section 7C.1 to reflect administrative changes within the Queensland Police Service which replaced the Alcohol and Drug Awareness section with an Alcohol and Drug Awareness State Coordinator.

Subclause (3) omits section 7C.1(5) which has now been incorporated into a broader definition of 'approved person' for part 7C by clause 163.

165. Insertion of s 7C.1A

Clause 165 inserts a new section 7C.1A 'Self-reporting by relevant PSBA employee' of the *Police Service Administration Regulation 1990* to give effect to other amendments in the Bill that extend the application of Part 5A of the *Police Service Administration Act 1990* to relevant staff members in the PSBA. New section 7C.1A effectively replicates section 7C.1 of the *Police Service Administration Regulation 1990* for relevant PSBA employees. Section 7C.1 relates to self-reporting by a member of the service and new section 7C.1A relates to self-reporting by a relevant PSBA employee.

166. Amendment of s 7C.4 (Approved agencies – Act, s 10.2G)

Clause 166 amends section 7C.4 of the *Police Service Administration Regulation 1990* by including the PSBA as an approved agency for the purposes of section 10.2G of the *Police Service Administration Act 1990*.

Part 12 Amendment of Prostitution Act 1999

167. Act amended

Clause 167 provides that this part amends the *Prostitution Act 1999*.

168. Amendment of s 102 (Membership)

Clause 168 extends the membership of the Prostitution Licensing Authority to include the chief executive, or person nominated by the chief executive. The Attorney-General and Minister for Justice currently has administrative responsibility for this Act. The remaining members of the Prostitution Licensing Authority are those persons appointed as members by the Governor in Council on the recommendation of the Minister (appointed members).

169. Amendment of s 103 (Term of appointment)

Clause 169 clarifies that section 103 'Term of appointment' of the *Prostitution Act 1999* only applies to appointed members and not to the chief executive or nominee of the chief executive.

170. Amendment of s 104 (Remuneration)

Clause 170 makes a technical amendment to section 104 'Remuneration' of the *Prostitution Act 1999* to provide that remuneration for a member of the Prostitution Licensing Authority is only available for appointed members and not to the chief executive or nominee of the chief executive.

171. Amendment of s 106 (Vacation of office)

Section 106 'Vacation of office' of the *Prostitution Act 1999* provides the circumstances in which a member of the Prostitution Licensing Authority may vacate office. Clause 171 amends this section to only apply to appointed members as defined under the *Prostitution Act 1999*.

172. Amendment of s 139 (Approval of forms)

Clause 172 authorises the chief executive, instead of the Police Commissioner, to approve forms to be used under the *Prostitution Act 1999*. As the chief executive now has the responsibility for administering the *Prostitution Act 1999* it is appropriate that the chief executive approves the forms that are to be used for the *Prostitution Act 1999*.

173. Amendment of sch 4 (Dictionary)

Clause 173 provides a technical definition of the term 'appointed member' by making reference to section 102(1)(b) of the *Prostitution Act 1999*.

Part 13 Amendment of Public Service Act 2008

174. Act amended

Clause 174 provides that this part amends the *Public Service Act 2008*.

175. Amendment of s 188A (Disciplinary action that may be taken against a former public service employee)

Clause 175 makes a technical amendment to section 188A(2)(b) of the *Public Service Act 2008* to correctly reference chapter 3 of the *Fire and Emergency Services Act 1990*.

176. Amendment of s 188AB (Disciplinary action that may be taken against a former ambulance service officer or former fire service officer)

Clause 176 makes a technical amendment to section 188AB(2)(b) of the *Public Service Act 2008* to correctly reference chapter 3 of the *Fire and Emergency Services Act 1990*.

177. Amendment of sch 1 (Public service offices and their heads)

Clause 177 makes a technical amendment to Schedule 1 of the *Public Service Act 2008* to nominate the Office of the Inspector-General of Emergency Management under the *Disaster Management Act 2003* and the Public Safety Business Agency under the *Public Safety Business Agency Act 2014* as offices for the purposes of section 21 of the *Public Service Act 2008*. The amendment also nominates the

heads of those offices, for the purposes of section 21 of the *Public Service Act 2008*, to be the Inspector-General of Emergency Management and the PSBA CEO respectively.

Part 14 Consequential and minor amendments of other legislation

178. Legislation amended

Clause 178 provides that Schedule 1 amends the legislation it mentions.

Schedule 1 Legislation amended

Part 1 Amendment of this Act

This part makes minor technical amendments to the Bill when enacted to conform to modern drafting practices.

Part 2 Replacement of references to the *Fire and Rescue Service Act 1990*

Part 2 of schedule 1 replaces references to the *Fire and Rescue Services Act 1990* with the *Fire and Emergency Services Act 1990* in the following legislation:

Ambulance Service Act 1991;

Anti-Discrimination Act 1992;

Building Act 1975;

Building Fire Safety Regulation 2008;

Environmental Protection Act 1994;

Environmental Protection (Waste Management) Regulation 2000;

Forestry Act 1959;

Gaming Machine Regulation 2002;

Industrial Relations Act 1999;

Land Protection (Pest and Stock Route Management) Act 2002;

Mixed Use Development Act 1993;

Nature Conservation Act 1992;

Payroll Tax Act 1971;

Public Safety Preservation Act 1986;

Public Service Act 2008;

Queensland Civil and Administrative Tribunal Regulation 2009;

Residential Services (Accreditation) Act 2002;

Residential Tenancies and Rooming Accommodation Act 2008;

State Penalties Enforcement Regulation 2000;

Sustainable Planning Regulation 2009;

Transport Operations (Road Use Management – Driver Licensing) Regulation 2010;

Transport Operations (Road Use Management – Road Rules) Regulation 2009;

Workers' Compensation and Rehabilitation Act 2003.

Part 3 Replacement of references to *Disaster Management Act 2003*

Part 3 of Schedule 1 replaces references to the *Disaster Management Act 2003* with the *Fire and Emergency Services Act 1990* in the following legislation:

Industrial Relations Act 1999;
Payroll Tax Act 1971;
Public Health Act 2005;
Stock Regulation 1988;
Transport Operations (Marine Safety) Regulation 2004.

Part 4 Other minor and consequential amendments

Part 4 of schedule 1 makes minor and consequential amendments to the following legislation as a result of other amendments made by the Bill:

Ambulance Service Act 1991;
Building Act 1975;
Civil Liability Regulation 2003;
Fire and Rescue Service Act 1990;
Forestry Act 1959;
Public Service Regulation 2008;
Public Safety Preservation Act 1986;
Residential Services (Accreditation) Regulation 2002
Security Providers (Crowd Controller Code of Practice) Regulation 2008;
Security Providers (Security Officer – Licensed Premises – Code of Practice) Regulation 2008;
State Penalties Enforcement Regulation 2000;
Superannuation (State Public Sector) Deed 1990;
Superannuation (State Public Sector) Notice 2010;
Sustainable Planning Regulation 2009;
Transport Operations (Road Use Management – Vehicle Registration) Regulation 2010;
Water Supply (Safety and Reliability) Act 2008;
Weapons Regulation 1996;
Workers’ Compensation and Rehabilitation Act 2003;
Work Health and Safety Regulation 2011.

Schedule 2 Dictionary

Schedule 2 provides a dictionary for the Bill. This schedule will be renumbered as Schedule 1 when the Bill is enacted.