

**Public Safety Business Agency
Bill 2014**

Report No. 61

Legal Affairs and Community Safety Committee

April 2014

Legal Affairs and Community Safety Committee

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Abbreviations

Bill	Public Safety Business Agency Bill 2014
CEO	Chief Executive Officer of the Public Safety Business Agency
Committee	Legal Affairs and Community Safety Committee
DCS	Department of Community Safety
DM Act	<i>Disaster Management Act 2003</i>
EMQ	Emergency Management Queensland
ESU	Emergency Service Unit
FES Act	<i>Fire and Emergency Services Act 1990</i> (previously, <i>Fire and Rescue Service Act 1990</i>)
Fire Commissioner	Commissioner of Queensland Fire and Emergency Service
FLP	Fundamental Legislative Principles
FRS Act	<i>Fire and Rescue Service Act 1990</i>
IGEM	Inspector-General of Emergency Management
LSA	<i>Legislative Standards Act 1992</i>
Minister	Minister for Police, Fire and Emergency Services (previously, Minister for Police and Community Safety)
PACS Report	Police and Community Safety Review final report, ' <i>Sustaining the Unsustainable</i> '
PACS Review	Police and Community Safety Review
Police Commissioner	Commissioner of Police
PSA Act	<i>Police Service Administration Act 1990</i>
PSA Regulation	Police Service Administration Regulation 1990
PSBA	Public Safety Business Agency
QFES	Queensland Fire and Emergency Service
QFRS	Queensland Fire and Rescue Service
QPCOU	Queensland Police Commissioned Officers' Union
QPS	Queensland Police Service
QPU	Queensland Police Union of Employees
SES	State Emergency Service
SLC	the former Scrutiny of Legislation Committee

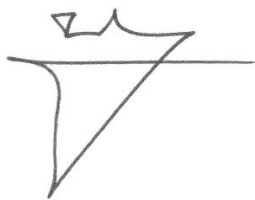
Chair's foreword

This Report presents a summary of the Legal Affairs and Community Safety Committee's examination of the Public Safety Business Agency Bill 2014.

The Committee's task was to consider the policy outcomes to be achieved by the legislation, as well as the application of fundamental legislative principles – that is, to consider whether the Bill had sufficient regard to the rights and liberties of individuals, and to the institution of Parliament.

On behalf of the Committee, I thank those individuals and organisations who lodged written submissions on this Bill. I also thank the Committee's Secretariat and the Public Safety Business Agency.

I commend this Report to the House.



Ian Berry MP

Chair

Recommendations

Recommendation 1

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The Committee recommends the Public Safety Business Agency Bill 2014 be passed.

Recommendation 2

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The Committee recommends the Minister for Police, Fire and Emergency Services clarify to the House - the vetting processes which will be used by non-Queensland Police Service officers employed in the Public Safety Business Agency and confirm that appropriate levels of vetting will be used to ensure the security of information is maintained throughout the new agency.

1. Introduction

1.1 Role of the Committee

The Legal Affairs and Community Safety Committee (Committee) is a portfolio committee of the Legislative Assembly which commenced on 18 May 2012 under the *Parliament of Queensland Act 2001* and the Standing Rules and Orders of the Legislative Assembly.¹

The Committee's primary areas of responsibility include:

- Justice and Attorney-General;
- Police Service; and
- Fire and Emergency Services.

Section 93(1) of the *Parliament of Queensland Act 2001* provides that a portfolio committee is responsible for examining each bill and item of subordinate legislation in its portfolio areas to consider:

- the policy to be given effect by the legislation;
- the application of fundamental legislative principles; and
- for subordinate legislation – its lawfulness.

The Public Safety Business Agency Bill 2014 (Bill) was introduced into the House and referred to the Committee on 6 March 2014. In accordance with the Standing Orders, the Committee of the Legislative Assembly required the Committee to report to the Legislative Assembly by 29 April 2014.

1.2 Inquiry process

On 10 March 2014, the Committee wrote to the Public Safety Business Agency (PSBA) seeking advice on the Bill, and on 11 March 2014 invited stakeholders and subscribers to lodge written submissions by 28 March 2014.

The Committee received written advice from the PSBA on 1 April 2014 and received two submissions (see **Appendix A**). The Committee received written advice from the PSBA on 4 April 2014, which responded to matters raised in the submissions.

1.3 Policy objectives of the Public Safety Business Agency Bill 2014

In his Introductory Speech, the Minister for Police, Fire and Emergency Services (Minister) stated that the Bill '*...demonstrates the government's commitment to stronger, more efficient and effective emergency services for all Queenslanders*'². The policy objectives of the Bill are to implement appropriate recommendations from the Australian Federal Police's '*Police and Community Safety Review*' (PACS Review), which can only be achieved through legislative reform.

On 2 January 2013, the former Australian Federal Police Commissioner, Mick Keelty, commenced the PACS Review.³ The review examined the two departments within the portfolio of the Minister for Police and Community Safety⁴, being the Queensland Police Service (QPS) and the Department of

¹ *Parliament of Queensland Act 2001*, section 88 and Standing Order 194.

² *Record of Proceedings (Hansard)*, 6 March 2014, page 499.

³ *Explanatory Notes*, Public Safety Business Agency Bill 2014, page 1.

⁴ The Minister for Police, Fire and Emergency Services was formerly the Minister for Police and Community Safety. The latter ministerial portfolio existed during the period of the PACS Review.

Community Safety (DCS).⁵ The latter comprised the Queensland Ambulance Service, the Queensland Fire and Rescue Service (QFRS), and the Queensland Corrective Services and Emergency Management Queensland (EMQ).

The PACS Review culminated on 10 September 2013 in the public release of a report titled, '*Sustaining the Unsustainable*' (PACS Report). The report made 127 recommendations, 87 of which applied directly to the QPS and the DCS.⁶ In his Introductory Speech, the Minister stated:

This Government believes that adopting recommendations from the report will ensure a more cohesive approach to emergency and disaster management across this great state. Adopting these recommendations will also allow portfolio priorities to be better aligned and, therefore, lead to improved operational and corporate efficiencies. The objective of this bill is to make the appropriate legislative amendments necessary to bring these key recommendations to life.⁷

The PSBA have advised the Committee that, given the number and nature of PACS Report recommendations, implementation is to be undertaken by a two stage process:

Stage One prioritises those legislative amendments required to achieve changes to the portfolio of the Minister... Stage Two will implement any remaining PACSR recommendations and other associated reform initiatives.⁸

The Bill implements the following significant PACS Report recommendations:

- the QFRS be merged with EMQ within a new department, namely the Queensland Fire and Emergency Services (QFES);
- the Office of the Inspector-General of Emergency Management (IGEM) be established and tasked with reviewing and assessing the effectiveness of disaster management in Queensland; 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, 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 QFES and the newly established IGEM.⁹

The Explanatory Notes lists the Acts and Regulations amended by the Bill in order to implement the appropriate PACS Report recommendations:

- *Disaster Management Act 2003* (DM Act);
- *Drugs Misuse Act 1986*;
- *Evidence Act 1977*;
- *Fire and Rescue Service Act 1990* (FRS Act);
- *Police Powers and Responsibilities Act 2000*;
- *Police Service Administration Act 1990* (PSA Act);
- *Police Service Administration Regulation 1990* (PSA Regulation);

⁵ *Explanatory Notes*, Public Safety Business Agency Bill 2014, page 1.

⁶ *Explanatory Notes*, Public Safety Business Agency Bill 2014, page 1.

⁷ *Record of Proceedings (Hansard)*, 6 March 2014, page 499.

⁸ Letter from Minister for Police, Fire and Emergency Services attaching *PSBA Briefing to the Legal Affairs and Community Safety Committee on the Public Safety Business Agency Bill 2014*, 1 April 2014, p.1.

⁹ *Explanatory Notes*, Public Safety Business Agency Bill 2014, page 1.

- *Prostitution Act 1999*; and
- *Public Service Act 2008*.¹⁰

The effect of the amendments is to make necessary changes to the Minister's portfolio agencies, including re-assigning some functions and responsibilities. As a result, the Police, Fire and Emergency Services Ministerial portfolio will include:

- the QPS;
- the QFES;
- the PSBA; and
- the Office of the IGEM.¹¹

In his Introductory Speech, the Minister spoke of the Bill's objectives:

*...the bill and the establishment of the Public Safety Business Agency provide significant opportunities to drive efficiencies and focus on the delivery of core services in the Queensland community. The bill supports the Queensland Police Service and the Queensland Fire and Emergency Services to focus on operational responsibilities and allows operational personnel to concentrate on front-line services. Ultimately, the bill will see a more cohesive approach to emergency and disaster management responses... and will provide Queensland with the opportunity to continue to strive towards achieving best practice in important areas. The government is committed to revitalising front-line services and this bill will help us deliver on that commitment.*¹²

1.4 Context

Although the Bill establishes the PSBA, the agency has already come into existence. The Explanatory Notes reveal that the PSBA was gazetted as a department of Government on 1 November 2013 and is intended to be transformed from a department of Government to a public service office.¹³

For the purposes of financial reporting obligations, the PSBA will not be considered abolished at the time of transformation: '*...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.*'¹⁴

In its written briefing, the PSBA advised the Committee that the QFES was established on 1 November 2013 through a 'machinery of government' change which amalgamated the previous QFRS and EMQ.¹⁵

In summary, the PSBA advised that the QPS and QFES are departments for the purposes of the *Public Service Act 2008* whilst the PSBA and the Office of the IGEM are public service offices for the purposes of that Act.¹⁶

¹⁰ *Explanatory Notes*, Public Safety Business Agency Bill 2014, page 1.

¹¹ Letter from Minister for Police, Fire and Emergency Services attaching *PSBA Briefing to the Legal Affairs and Community Safety Committee on the Public Safety Business Agency Bill 2014*, 1 April 2014, page 2.

¹² *Record of Proceedings (Hansard)*, 6 March 2014, page 499.

¹³ *Explanatory Notes*, Public Safety Business Agency Bill 2014, page 9.

¹⁴ *Explanatory Notes*, Public Safety Business Agency Bill 2014, page 9.

¹⁵ Letter from Minister for Police, Fire and Emergency Services attaching *PSBA Briefing to the Legal Affairs and Community Safety Committee on the Public Safety Business Agency Bill 2014*, 1 April 2014, page 3.

¹⁶ Letter from the Minister for Police, Fire and Emergency Services attaching *PSBA Briefing to the Legal Affairs and Community Safety Committee on the Public Safety Business Agency Bill 2014*, 1 April 2014, page 2.

1.5 Consultation on the Bill

As set out in the Explanatory Notes, consultation has occurred with the following government departments and agencies:

- Department of the Premier and Cabinet;
- Queensland Treasury and Trade;
- Department of Justice and Attorney-General; and
- Office of the Queensland Parliamentary Counsel.¹⁷

In its written briefing to the Committee, the PSBA commented: *'Widespread public consultation on the Bill was not undertaken due to the fact the Bill provides legislative reform to facilitate machinery of government changes'*.¹⁸

As a precursor to the Bill, the PACS Review undertook its own program of consultation. Given the nature of the review, this consultation was limited. The PACS Report noted:

*The Review is only a review, not an Inquiry and hence had no powers to apply to its processes, such as calling for submissions and taking evidence. We relied solely upon the goodwill and cooperation of government agencies, employee representative groups, academics and other persons with a genuine desire to improve the delivery of front line services.*¹⁹

The PACS Report outlined the consultation undertaken as part of the PACS Review:

The Review team wrote to each agency and also received several representations although there was no general call for submissions. We sought to understand the strategic alignment of each agency as well as the level of interoperability.

The Review team conducted interviews across the state with representatives from all of the portfolio agencies. The Review team either met with or conducted video conferences with several interstate and overseas agencies... and many districts within the Brisbane metropolitan area.

*In all, 265 interviews or meetings were conducted. During the course of conducting the Review, several submissions were made to the Public Sector Renewal Board and an Interim Report was delivered to the Minister on 27 March 2013.*²⁰

The PACS Report continued:

*The Review team was also encouraged by the level of engagement with academic institutions, mostly based within Queensland that are providing valuable contributions in terms of research outcomes and emerging technologies.*²¹

¹⁷ Explanatory Notes, Public Safety Business Agency Bill 2014, page 5.

¹⁸ Letter from the Minister for Police, Fire and Emergency Services attaching *PSBA Briefing to the Legal Affairs and Community Safety Committee on the Public Safety Business Agency Bill 2014*, 1 April 2014, page 4.

¹⁹ Police and Community Safety Review, Final Report, *Sustaining the Unsustainable*, August 2013, pages 9-10.

²⁰ Police and Community Safety Review, Final Report, *Sustaining the Unsustainable*, August 2013, page 10.

²¹ Police and Community Safety Review, Final Report, *Sustaining the Unsustainable*, August 2013, page 11.

1.6 Should the Bill be passed?

Standing Order 132(1) requires the Committee to recommend whether or not the Bill should be passed. The Committee provides its support to the policy objectives of the Bill, acknowledging the Bill as a mechanism to facilitate machinery of government changes.

After examination of the Bill and consideration of written submissions from stakeholders and further information provided by the Department, the Committee is satisfied the Bill should be passed.

Recommendation 1

The Committee recommends the Public Safety Business Agency Bill 2014 be passed.

2. Examination of the Public Safety Business Agency Bill 2014

The policy objectives of the Bill are to implement appropriate recommendations from the PACS Review, which can only be achieved through legislative reform. The Bill implements structural changes, by merging existing bodies to form a new department and by creating new entities for review, assessment, support and other purposes. The Bill is largely procedural in nature and has not attracted controversy. This is reflected by the response to the Committee's public consultation process, which resulted in the Committee receiving two written submissions only.

2.1 Establishment of Queensland Fire and Emergency Services

The Bill proposes to create the QFES by amalgamating EMQ with the previous QFRS. This is achieved through amending the DM Act and merging relevant provisions from the DM Act with the FRS Act, which will be renamed the *Fire and Emergency Services Act 1990* (FES Act).

The FES Act:

- establishes the QFES and provides for the appointment of the Commissioner of the QFES (Fire Commissioner);
- amalgamates the roles and functions of the former DCS chief executive and the Fire Commissioner; and
- increases the Fire Commissioner's functions to reflect the PACS Report recommendation that the Fire Commissioner oversee the operation of QFES, which includes the State Emergency Service (SES), emergency service units (ESUs) and authorised rescue officers - this will be achieved through relocating provisions relating to the SES from the DM Act into the FES Act.²²

Relocation of DM Act provisions to the FES Act

The relocation of DM Act provisions to the FES Act necessarily involves amendments to the DM Act and FRS Act, including changing the name of the FRS Act to the FES Act. In its commentary on the Bill's amendments to the DM Act and FRS Act, the Explanatory Notes identify clauses making different types of amendments for different purposes.

In considering how the Bill establishes the QFES, this section of the report is limited to addressing amendments to the DM Act which facilitate relocation of provisions from the DM Act to the FES Act. Consideration of that aspect of QFES establishment involving the amalgamation of DM Act and FRS Act provisions for inclusion in the FES Act will be addressed in the below section of the Report. Amendments to the DM Act associated with the creation of the Office of the IGEM will be addressed in section 2.2 of the report.

The Bill amends the DM Act to facilitate relocation of provisions to the FES Act by way of technical, minor technical and consequential amendments, including the omission of existing provisions.²³ For example, clause 26 of the Bill makes a minor technical amendment to omit a current object of the DM Act, namely that the DM Act establish a framework for the management of the SES and ESUs. According to the Explanatory Notes, the omission is made because arrangements for the management of the SES and ESUs will be relocated to the FES Act.²⁴

²² *Explanatory Notes*, Public Safety Business Agency Bill 2014, page 2.

²³ Part 5 of the Bill provides for amendments to the *Disaster Management Act 2003*; *Explanatory Notes*, Public Safety Business Agency Bill 2014, pages 9-15.

²⁴ *Explanatory Notes*, Public Safety Business Agency Bill 2014, page 9.

The Bill includes numerous amendments of a similar mechanical, procedural nature. Due to the technical nature of the Bill's amendments, the Committee does not consider it a valuable exercise to detail each amendment in this Report. Accordingly, the Committee will limit its comments to explaining the nature of amendments generally, and comment only on those individual amendments deserving particular focus.

In that regard, Clause 37 of the Bill omits Parts 6 to 8 of the DM Act. The Explanatory Notes state the amendment is necessary to bring into effect the PACS Review recommendation that sections pertinent to the SES and ESUs are transferred to the FES Act: *'Relevant provisions from these Parts are inserted into the Fire and Emergency Services Act 1990 by clause 100 of this Bill.'*²⁵

Clause 100 of the Bill inserts a new Chapter 4, 'State Emergency Service, emergency service units and authorised rescue officers'. The Explanatory Notes claim that, in transferring provisions from the DM Act, the new Chapter 4 was not intended to change the content of these sections: *'However, amendments were made to modernise these sections so that they complied with contemporary drafting standards.'*²⁶ The Explanatory Notes include a table outlining the sections of the DM Act that have been transferred into Chapter 4 of the FES Act.²⁷

To provide an indication of the types of amendments made as part of the relocation of provisions, existing references to 'chief executive' in the DM Act are amended to 'Commissioner' when transferred to the FES Act. Given the nature of these amendments, the Committee sees little value in addressing each of the amendments individually.

The Explanatory Notes outline numerous consequential amendments to the DM Act caused by the transfer of Parts 6 to 8 of the DM Act to the FES Act.²⁸ For example, clause 38 of the Bill amends section 113 of the DM Act to allow for the omission of terms such as 'SES member' and 'ESU member' as they are no longer applicable.

In addition to making a consequential amendment, clause 48 of the Bill inserts a new section 139 'Confidentiality' into the DM Act that creates an offence provision for the improper disclosure of information obtained by a person performing a function under the DM Act.²⁹ Subject to certain exemptions, new section 139 of the DM Act provides:

- (1) *A person must not disclose, use or make a record of information the person has acquired—*
- (a) *in performing a function, or exercising a power, under this Act; or*
 - (b) *because of an opportunity provided by the performance of the person's function, or exercise of the person's power, under this Act.*

Maximum penalty—40 penalty units.

Clause 49 of the Bill widens the scope of delegations the Minister may make under the DM Act to include an appropriately qualified person.

²⁵ *Explanatory Notes*, Public Safety Business Agency Bill 2014, page 9.

²⁶ *Explanatory Notes*, Public Safety Business Agency Bill 2014, page 20.

²⁷ *Explanatory Notes*, Public Safety Business Agency Bill 2014, pages 20-21.

²⁸ *Explanatory Notes*, Public Safety Business Agency Bill 2014, pages 12-14.

²⁹ *Explanatory Notes*, Public Safety Business Agency Bill 2014, page 14.

Committee Comment

The Committee acknowledges the Bill relocates DM Act provisions to the FES Act, including sections pertinent to the SES and ESUs. The Bill transfers existing provisions in order to implement the recommendations of the PACS Report. The Committee notes these particular amendments are mechanical in nature and reflect a mere relocation of legislative provisions. Technical and consequential amendments form part of this process. The Committee supports the policy objectives related to the relocation of clauses, namely the achievement of a more cohesive approach to emergency and disaster management across Queensland, and the better alignment of portfolio priorities that will lead to improved operational and corporate efficiencies.

Amongst the Bill's relocation provisions, the Committee notes that clause 48 of the Bill inserts a new confidentiality provision into the DM Act. A similar clause does not currently exist. The new provision does not appear to constitute a consequential amendment or relate to the establishment of the QFES. Further, the new provision includes a maximum penalty of 40 penalty units. Given these observations, the Committee considers it appropriate to draw attention to it in this Report. However, the Committee is not critical of the content of the provision and supports the Bill's amendment of the DM Act to include it. Further, the Committee observes no submissions were received in relation to this issue.

Merging DM Act and FRS Act provisions to be included in the FES Act

In addition to relocating isolated provisions of the DM Act, establishing the QFES involves amalgamating DM Act and FRS Act provisions, inserting the merged provisions in the FES Act and making other amendments to the FRS Act. This necessarily involves making amendments to the DM Act and FRS Act, including changing the name of the FRS Act to the FES Act.

The Bill merges the DM Act and FRS Act and otherwise amends the FRS Act by way of minor and technical amendments, omitting existing provisions, inserting new provisions and relocating and renumbering provisions. The Explanatory Notes outline these amendments to the FRS Act.³⁰

Due to the technical nature of the relevant clauses of the Bill, the Committee does not consider it a valuable exercise to detail each amendment in this report. Accordingly, the Committee will limit its comments to explaining the nature of amendments generally, and comment only on those individual amendments deserving particular focus.

In that regard, clause 62 of the Bill inserts a new section 2 into the FRS Act which outlines the objects of the FES Act:

*...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.*³¹

Clause 66 of the Bill inserts a new section 7A outlining 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.'*³²

³⁰ Part 8 of the Bill provides for amendments to the *Fire and Rescue Service Act 1990*; *Explanatory Notes*, Public Safety Business Agency Bill 2014, pages 15-24.

³¹ *Explanatory Notes*, Public Safety Business Agency Bill 2014, page 16.

³² *Explanatory Notes*, Public Safety Business Agency Bill 2014, page 16.

Amongst the many technical amendments, there are numerous instances where provisions of the Bill replace existing references to the 'chief executive' with the 'fire commissioner' and 'service' with 'QFES'.

Clause 73 of the Bill omits a requirement that the Fire Commissioner have professional experience in fire prevention and firefighting.³³

Clause 100 of the Bill inserts a new Chapter 5 'General' into the FES Act, which relocates and merges sections from the DM Act and FRS Act:

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 DM Act and the FRS Act into this new chapter. These sections were also simultaneously updated to conform to modern drafting practices.³⁴

According to the Explanatory Notes, inserting new Chapter 5 involves amending specific provisions to ensure consistency. For example:

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.

In amalgamating the existing DM Act and FRS Act offence provisions, the Bill provides for an offence under the FES Act similar to the existing offences. The new maximum penalty merges aspects of the existing penalties.

Similarly, the Bill includes a new section 150G 'Impersonating authorised rescue officer etc.' to be inserted into the FES Act, which is an amalgamation of existing legislative provisions.³⁵ The new section: '*...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*'.³⁶ In amalgamating the existing DM Act and FRS Act offence provisions, the Bill provides for an offence under the FES Act similar to the existing offences. The new maximum penalty merges aspects of the existing penalties.

In its initial written briefing to the Committee, the PSBA acknowledged the '*...amalgamation of provisions pertaining to the QFES and SES into the one Act resulted in some offence provisions being inconsistent*' and advised: '*Where an inconsistency existed in the elements of an offence or applicable penalty, the respective provisions were amalgamated and consistency achieved in wording and maximum penalties*'.³⁷

³³ Explanatory Notes, Public Safety Business Agency Bill 2014, page 17.

³⁴ Explanatory Notes, Public Safety Business Agency Bill 2014, page 21.

³⁵ The new section amalgamates 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*.

³⁶ Explanatory Notes, Public Safety Business Agency Bill 2014, page 21.

³⁷ Letter from the Minister for Police, Fire and Emergency Services attaching *PSBA Briefing to the Legal Affairs and Community Safety Committee on the Public Safety Business Agency Bill 2014*, 1 April 2014, page 3.

The Explanatory Notes include a table outlining the sections of the DM Act and FRS Act that have been consolidated and transferred into Chapter 5 of the FES Act.³⁸ Given the nature of these amendments, the Committee sees little value in addressing each of the amendments individually.

Committee Comment

The Committee acknowledges the Bill amalgamates DM Act and FRS provisions. The Bill merges existing provisions in order to implement the recommendations of the PACS Report. The Committee notes these particular amendments are mechanical in nature and reflect an intention to consolidate existing legislative provisions. Technical amendments form part of this process. The Committee supports the policy objectives related to the relocation of clauses, namely the achievement of a more cohesive approach to emergency and disaster management across Queensland, and the better alignment of portfolio priorities that will lead to improved operational and corporate efficiencies.

The Committee acknowledges the Bill consolidates certain offence provisions. Although it appears the amendments may result in a greater penalty being imposed on *some* offenders, this is directly related to the process of consolidating similar, but not identical, provisions, from different Acts. Regardless, the Committee considers the consolidated penalties to be acceptable and not greatly removed from the existing penalties. The Committee notes no submissions were received in relation to this issue.

Miscellaneous aspects of QFES establishment

In order to protect the industrial entitlements of fire officers, the FES Act establishes the QFES the 'Service', as distinct from QFES the 'department':

*Whilst in practical terms QFES the department and QFES the Service are 'one and the same', it was necessary to create a technical distinction to ensure that the full industrial entitlements of fire officers that currently exist, continue to apply without change under the new arrangements. This is achieved by listing the Queensland Fire and Emergency Service in Schedule 1 of the Public Service Regulation 2008 specifically for this purpose. This approach reflects the existing arrangements.*³⁹

A number of minor and technical amendments are also made to the renamed FES Act to facilitate the changes, for example, replacing references to 'chief executive' with 'commissioner'.⁴⁰

The Explanatory Notes outline transitional provisions included in the amendments to the FRS Act.⁴¹ New section 201 'Validation of things done by former commissioner' 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*'.⁴² This section is intended to remove any doubt that a person may hold the position of Fire Commissioner and chief executive simultaneously.

³⁸ Explanatory Notes, Public Safety Business Agency Bill 2014, pages 21-23.

³⁹ Letter from Minister for Police, Fire and Emergency Services attaching *PSBA Briefing to the Legal Affairs and Community Safety Committee on the Public Safety Business Agency Bill 2014*, 1 April 2014, page 3.

⁴⁰ Letter from Minister for Police, Fire and Emergency Services attaching *PSBA Briefing to the Legal Affairs and Community Safety Committee on the Public Safety Business Agency Bill 2014*, 1 April 2014, page 3.

⁴¹ Clause 102 of the Public Safety Business Agency Bill 2014.

⁴² Explanatory Notes, Public Safety Business Agency Bill 2014, page 24.

The Bill's transitional provisions include a deeming provision, which allows a reference to the chief executive under the FRS Act to be taken to be a reference to the Fire Commissioner if the context allows.⁴³

New section 204 'Transitional regulation-making power' 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.*⁴⁴

2.2 Establishment of the Office of the Inspector-General of Emergency Management

The Bill proposes to create the Office of the IGEM and task it with reviewing and assessing the effectiveness of disaster management in Queensland. The objective of establishing the Office of the IGEM is achieved by amending the DM Act to insert a new Part 1A. According to the Explanatory Notes, Part 1A:

- *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.*⁴⁵

In his Introductory Speech, the Minister stated: *'The inspector-general will ensure disaster responses in Queensland are better coordinated by regularly reviewing, assessing and reporting to government with respect to the preparation for and the management of disasters.'*⁴⁶ In its written briefing to the Committee, the PSBA noted the IGEM will report directly to the Minister.⁴⁷

The Explanatory Notes outline the insertion of new Part 1A into the DM Act. In creating the Office of the IGEM, the Explanatory Notes observe that Clause 30 of the Bill specifically meets one of the PACS Review recommendations.⁴⁸ Other elements of the new Part 1A to be added to the DM Act include:⁴⁹

- section 16E outlines that the Governor in Council may appoint the IGEM 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 functions;⁵⁰
- section 16J outlines the circumstances that may lead to a vacancy in the office of inspector-general and provides that the Governor in Council may at any time remove the IGEM upon the Minister's recommendation – the section prescribes when the Minister can make such a recommendation and outlines circumstances where they Minister may suspend the IGEM;⁵¹

⁴³ Explanatory Notes, Public Safety Business Agency Bill 2014, page 24.

⁴⁴ Explanatory Notes, Public Safety Business Agency Bill 2014, page 24.

⁴⁵ Explanatory Notes, Public Safety Business Agency Bill 2014, page 2.

⁴⁶ Record of Proceedings (Hansard), 6 March 2014, page 499.

⁴⁷ Letter from Minister for Police, Fire and Emergency Services attaching *PSBA Briefing to the Legal Affairs and Community Safety Committee on the Public Safety Business Agency Bill 2014*, 1 April 2014, page 4.

⁴⁸ Explanatory Notes, Public Safety Business Agency Bill 2014, page 10.

⁴⁹ Clause 30 of Public Safety Business Agency Bill 2014.

⁵⁰ Explanatory Notes, Public Safety Business Agency Bill 2014, page 10.

⁵¹ Explanatory Notes, Public Safety Business Agency Bill 2014, pages 10-11.

- sections 16K and 16L provide for further employment matters pertaining to the office of the inspector-general;⁵²
- section 16M(2) provides that office staff for the IGEM are to be employed under the *Public Service Act 2008*;⁵³
- section 16N (located in Division 5 'Disaster management standards') outlines that the IGEM may make 1 or more standards about the way in which relevant entities may undertake disaster management;⁵⁴
- section 16P allows for information sharing between a public sector unit and the Office of the IGEM – the section outlines when a public sector unit is not required to provide requested information and provides for other rules related to information sharing;⁵⁵
- section 16Q provides that the IGEM may delegate functions to an appropriately qualified person, and provides for sub-delegation.⁵⁶

The Explanatory Notes outline amendments necessary as a consequence of PACS Review recommendations relating to role of the Commissioner of Police (Police Commissioner) with the State Disaster Management Group, and minor and technical amendments.

Committee Comment

The Committee supports the Bill's establishment of the Office of the IGEM and acknowledges the IGEM will ensure better coordination of disaster responses in Queensland. The Committee sees great value in the role of the IGEM and recognises the importance of regular review and assessment of disaster preparation and management, and of reporting to government with respect to these matters.

2.3 Establishment of the Public Safety Business Agency

The Bill proposes to create the PSBA as a public service office, under the direction of the CEO, and outlines the functions of the PSBA. When introducing the Bill, the Minister made the following comments on the PSBA:

The PSBA is responsible for providing corporate services to the Queensland Police Service, the new Queensland Fire and Emergency Services and the newly established office of the Inspector-General of Emergency Management. The nature of the corporate services... include such things as managing supporting infrastructure; fleet and information and communication technology assets; the provision of human resource, financial management, legal policy and media services; and strategic policy and planning functions. The PSBA will also have a role to play in managing other government services.⁵⁷

In establishing the PSBA, the Bill classifies the QFES, the department administering the FES Act, the QPS and the Office of the IGEM as a '*public safety entity*'.⁵⁸ This means that the PSBA is required to provide certain services for these entities.

⁵² *Explanatory Notes*, Public Safety Business Agency Bill 2014, page 11.

⁵³ *Explanatory Notes*, Public Safety Business Agency Bill 2014, page 11.

⁵⁴ *Explanatory Notes*, Public Safety Business Agency Bill 2014, page 11.

⁵⁵ *Explanatory Notes*, Public Safety Business Agency Bill 2014, page 11.

⁵⁶ *Explanatory Notes*, Public Safety Business Agency Bill 2014, page 11.

⁵⁷ *Record of Proceedings (Hansard)*, 6 March 2014, page 499.

⁵⁸ Clause 5 of the Bill.

In its initial written briefing to the Committee, the PSBA outlines its functions as set out in the Bill:

- *holding and maintaining infrastructure, fleet and communication technology assets for the 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.*

*The Bill also provides that the Minister may declare, by gazette notice, that the PSBA is responsible for the operation and management of other public service entities. This provides government and the PSBA with a sufficient level of flexibility to support future departmental structural arrangements in response to changing service delivery obligations.*⁵⁹

The PSBA, which commenced national operations on 1 November 2013, has become responsible for:

- managing Queensland government air services; and
- administering the state government protective security service, which provide security services to state government buildings.⁶⁰

QPS functions and responsibilities transitioning to 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.

The Explanatory Notes list amendments in the Bill that support particular QPS functions and responsibilities transitioning to the PSBA. An overview of these amendments is set out below.

Outlining Police Commissioner's responsibilities by regulation

The PSA Act legislates for the functions of the police service⁶¹ and the duties imposed on the Police Commissioner in relation to the police service.⁶² Section 4.8(1) of the PSA Act places a general obligation on the Police Commissioner to provide for '*...the efficient and proper administration, management and functioning of the police service in accordance with law*'. Without limiting the extent of the Police Commissioner's prescribed responsibility, section 4.8(2) lists matters that are included in that responsibility.

Amongst other amendments, the Bill relocates section 4.8(2) of the PSA Act to the PSA Regulation (by inserting a new Part 2A 'Commissioner's responsibilities' in the Regulation⁶³) and replaces the section with the following new section 4.8(2):

- (2) Without limiting subsection (1), a regulation may prescribe-*
- (a) particular matters within the scope of the prescribed responsibility; or*
 - (b) additional responsibilities of the commissioner.*⁶⁴

⁵⁹ Letter from Minister for Police, Fire and Emergency Services attaching *PSBA Briefing to the Legal Affairs and Community Safety Committee on the Public Safety Business Agency Bill 2014*, 1 April 2014, page 2.

⁶⁰ The former responsibility was transferred to the PSBA in November 2013; responsibility for the latter role commenced on 1 January 2014; *Record of Proceedings (Hansard)*, 6 March 2014, pages 499-500.

⁶¹ Section 2.3 of the *Police Service Administration Act 1990*.

⁶² Section 4.8 of the *Police Service Administration Act 1990*.

⁶³ Clause 142 of the Bill.

According to the Explanatory Notes:

*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.*⁶⁵

This amendment was raised in submissions received by the Committee. Please see section 2.5 of this Report.

Granting Police Commissioner broader delegable powers

The Bill amends section 4.10 'Delegation' of the *Police Service Administration Act 1990* to broaden the Police Commissioner's powers of delegation. The Explanatory Notes observe that current legislation limits the Police Commissioner's ability to delegate powers and functions to staff within the QPS.⁶⁶ The proposed 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*'.⁶⁷

Clarifying Police Commissioner's ability to enter into certain arrangements

The Bill inserts a new section 5.2A into the *Police Service Administration Act 1990* to clarify that the Police Commissioner may enter into arrangements with the CEO for secondment of, or work to be performed by, police officers within PSBA.

Retaining alcohol and drug testing regime

The Bill amends 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.

Authorising Police prosecutors and service legal officers to appear at QFES prosecutions

The Bill amends 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.

Authorising certain PSBA employees to possess firearms and other weapons

The Bill amends 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. According to the Explanatory Notes, 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*'.⁶⁸

⁶⁴ Clause 117 of the Bill.

⁶⁵ *Explanatory Notes*, Public Safety Business Agency Bill 2014, page 2.

⁶⁶ *Explanatory Notes*, Public Safety Business Agency Bill 2014, page 2.

⁶⁷ *Explanatory Notes*, Public Safety Business Agency Bill 2014, page 3.

⁶⁸ *Explanatory Notes*, Public Safety Business Agency Bill 2014, page 3.

Expanding certain powers and responsibilities of PSBA employees

The Bill expands 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 particular legislation to include certain PSBA employees

The Bill expands 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 particular exemption to include certain PSBA employees

The Bill expands 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.

Authorising Police Commissioner to disclose certain information to the CEO

The Bill includes the PSBA as an 'approved agency' for the purposes of 7C.4 of the Police Service Administration Regulation 1990. According to the Explanatory Notes: *'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'*.⁶⁹

Re-defining particular legislative term

The Bill re-defines the term 'QPS database' to include any database held by or on behalf of the Police Commissioner.

DCS functions and responsibilities transitioning to the PSBA

The Explanatory Notes list amendments in the Bill that support particular DCS functions and responsibilities transitioning to the PSBA. An overview of these amendments is set out below.

Renaming Act

The Bill renames the *Fire and Rescue Service Act 1990* to the FES Act.

Granting particular Chief Executive Officers delegable powers

The Bill amends:

- section 143(2) of the DM Act to allow the chief executive under that Act to delegate powers and functions to appropriately qualified persons; and
- the FES Act to allow the Fire Commissioner to delegate powers and functions to appropriately qualified persons.

⁶⁹ Explanatory Notes, Public Safety Business Agency Bill 2014, page 3.

2.4 Other amendments to Acts

The Bill makes technical and consequential amendments to the *Prostitution Act 1999* as a result of a PACS Review recommendation that the Prostitution Licensing Authority be moved to the Department of Justice and Attorney-General.⁷⁰ Administrative responsibility of the *Prostitution Act 1999* was transferred to that department via a 'machinery of government' change on 1 November 2013.⁷¹

2.5 Issues raised in submissions

As a result of its public consultation on the Bill, the Committee received submissions from:

- The Queensland Police Commissioned Officers' Union; and
- Queensland Police Union of Employees.

Objection to outlining Police Commissioner's responsibilities by regulation

In its submission to the Committee, The Queensland Police Commissioned Officers' Union (QPCOU) expressed 'serious concerns' with the proposed amendment believing it will '...erode the current safeguards...':

The position of Commissioner of Police has always been unique as compared to Directors-General or CEOs of other Government departments.

To allow changes to be made by Regulation to the responsibilities of the Commissioner of Police would give a perception of allowing political interference and/or manipulation with the role of the Commissioner of Police. Any proposed changes to the role of the Commissioner of Police should be debated in Parliament under the current well accepted and transparent process.

*The ability to change quickly the responsibilities of the Commissioner of Police by regulation could be prejudicial to members of the QPS, other Government employees and members of the public and is not supported by this Union.*⁷²

The QPCOU supported the current legislation, arguing it '...allows for the Commissioner of Police to properly manage and administer the QPS...' and concluding '...there has not been any identified reason(s) why the current legislation should be amended in the manner being currently considered'.⁷³

In its written response to submissions received by the Committee, the PSBA advised:

The Bill transfers the prescribed responsibilities of the commissioner to Part 2A of the Police Service Administration Regulation 1990. The intent of the commissioner's responsibilities will not be modified with the initial transfer, however, the wording of some of these responsibilities may change to comply with modern drafting practices.

The amendment is required as a consequence of the creation of the PSBA. The PSBA is tasked with providing executive, corporate and business services to the Queensland Police Service. Over time, the PSBA will become responsible for a range of corporate functions that were previously undertaken by commissioner. As that process occurs, keeping the commissioner statutorily obligated and therefore responsible for performing those functions

⁷⁰ Letter from Minister for Police, Fire and Emergency Services attaching *PSBA Briefing to the Legal Affairs and Community Safety Committee on the Public Safety Business Agency Bill 2014*, 1 April 2014, page 4.

⁷¹ Letter from Minister for Police, Fire and Emergency Services attaching *PSBA Briefing to the Legal Affairs and Community Safety Committee on the Public Safety Business Agency Bill 2014*, 1 April 2014, page 4.

⁷² The Queensland Police Commissioned Officers' Union, Submission No. 1, page 1.

⁷³ The Queensland Police Commissioned Officers' Union, Submission No. 1, page 2.

*would be unnecessary. For example, as the PSBA takes over responsibility for the training of police recruits and officers, there would appear to be no need to hold the commissioner statutorily responsible for the training of these personnel.*⁷⁴

The PSBA continued, observing that if it is decided that the commissioner should be responsible for additional responsibilities, they may be prescribed more readily through regulation than through an amendment to the Act: *'Prescribing the commissioner's responsibilities by regulation will allow those responsibilities to be efficiently modified in response to changes in community and government expectations'*.⁷⁵

Further, the PSBA stated that the Bill does not amend the aforementioned sections of the PSA Act in terms of QPS functions:

*The commissioner will continue to have an overriding responsibility for the efficient and proper administration, management and functioning of the police service. Regardless of whether there is a specific prescribed function, the commissioner will continue to be under a general obligation to ensure the police service is able to perform its prescribed functions.*⁷⁶

In further support of the proposed amendments, the PSBA noted that the proposed approach is consistent with many jurisdictions in Australia:

Section 8 of the Police Act 1990 (NSW) provides that 'the responsibility of the [NSW] Commissioner includes the effective, efficient and economical management of the functions and activities of the NSW Police Force'. The NSW legislature has not considered it necessary to extensively list what may be considered to be a responsibility of the commissioner.

Section 5 of the Police Act 1892 (WA) places an obligation upon the West Australian commissioner of police to be in charge of their Police Force but does not list specific responsibilities for the commissioner.

*Section 5 of the Police Regulation Act 1958 (Vic) provides a general authority upon the Victorian chief commissioner to control the Victorian Police Force. Section 5 does however, make the commissioner responsible for making certain minor determinations...*⁷⁷

Committee Comment

The Committee is satisfied with the response from the PSBA and considers the approach taken in the Bill which allows the commissioner's responsibilities by Regulation is acceptable. The Committee notes the approach is consistent with other jurisdictions and will allow for efficient modification as and when required. Further, the Committee notes that any changes to the regulation will come before this Committee again for scrutiny as part of the Committee's scrutiny of subordinate legislation functions.

⁷⁴ Letter from Minister for Police, Fire and Emergency Services attaching *PSBA Report on Submissions for the Public Safety Business Agency Bill 2014*, 4 April 2014, pages 3-4.

⁷⁵ Letter from Minister for Police, Fire and Emergency Services attaching *PSBA Report on Submissions for the Public Safety Business Agency Bill 2014*, 4 April 2014, page 4.

⁷⁶ Letter from Minister for Police, Fire and Emergency Services attaching *PSBA Report on Submissions for the Public Safety Business Agency Bill 2014*, 4 April 2014, page 4.

⁷⁷ Letter from Minister for Police, Fire and Emergency Services attaching *PSBA Report on Submissions for the Public Safety Business Agency Bill 2014*, 4 April 2014, page 4.

Concerns regarding security checks and access to information relating to employees

In its submission to the Committee, the QPCOU identified its concerns in relation to the legislative requirements for employment of persons in the QPS, in particular staff members, observing that the Bill:

*...appears to be silent on the security checks and appropriate access to information of former Department of Child Safety (DCS) employees **and** therefore defaults to the Public Service Standards. The general access to information is broadly approved for PSBA being designated an approved agency under the PSBA Bill...*

The Public Service Standards apply to employees in departments such as Health, Education. However, these organisations do not hold databases of information or access to databases with personal details, criminal/traffic history, addresses, family members etc of community members, politicians, police officers and other government employees, through QPRIME, TRAILS, TMR, Aurion and other databases. There is a risk, without security clearance of employees accessing QPS databases, of misuse of that information or inappropriate access to information and potential release to the media or unauthorised persons, such as criminal gangs.⁷⁸

The QPCOU submitted a table identifying the current security checks undertaken when employing QPS staff members, PSBA staff members, external providers and contractors. Importantly, the table identified significant distinctions between the thoroughness of security checking mechanisms applicable to, on the one hand, the employment of QPS staff members, and, on the other hand, the employment of PSBA staff members and external service providers. The QPCOU highlighted its concerns with '*...the disparity of security checks for members who are now and will become PSBA (those members formerly DCS)*'⁷⁹ and observed the Bill's silence on these sensitive issues.

Whilst concluding the aforementioned amendment of section 7C.4 of the PSA Regulation is aimed at including the PSBA as an 'approved agency' so as to allow the QPS to disclose information to the PSBA in order to assist in its business support role, and acknowledging this proposed amendment as '*...vital to the workings of the PSBA as a support agency...*', the QPCOU argued:

*there **MUST** be greater clarification of the vetting processes to be employed by the PSBA once entrusted with the access to QPS Data Bases. Presently all those members transitioning over from the QPS have already been through a QPS Vetting Process. Non QPS employees who have transitioned over to PSBA from Emergency Services and the QFRS were subject of [sic] their own vetting processes.⁸⁰*

The QPCOU considered that '*...the real concern will come when the PSBA begins to employ new personnel directly from the private sector and or other government agencies but does not enforce a vetting standard which replicates that which is currently employed in the QPS*'.⁸¹

⁷⁸ The Queensland Police Commissioned Officers' Union, Submission 1, page 2.

⁷⁹ The Queensland Police Commissioned Officers' Union, Submission 1, page 2.

⁸⁰ The Queensland Police Commissioned Officers' Union, Submission 1, page 3.

⁸¹ The Queensland Police Commissioned Officers' Union, Submission 1, page 3.

In its written response to submissions received by the Committee, the PSBA addressed the issues raised by QPCOU:

The PSBA recognises the importance of maintaining the security of information held in databases that it may maintain on behalf of other agencies. This issue is currently being considered by government. The QPCOU submission will be beneficial in informing possible solutions to the issue.⁸²

Committee Comment

The Committee shares the concerns of the QPCOU in relation to the vetting processes to be employed by the PSBA and considers this is an important issue that must be re-examined by the Government and clarified. There should be no uncertainty as to whether anyone has the appropriate security clearances to access the QPS databases. The misuse of information or inappropriate access to information and potential release to any external party is a real threat and appropriate vetting standards must be applied.

Recommendation 2

The Committee recommends the Minister for Police, Fire and Emergency Services clarify to the House - the vetting processes which will be used by non-Queensland Police Service officers employed in the Public Safety Business Agency and confirm that appropriate levels of vetting will be used to ensure the security of information is maintained throughout the new agency.

Concerns regarding removing sworn police officers from the Queensland Police Service

The QPU, in general terms, did not support the Bill. In its submission to the Committee, it argued that merging sworn Police Officers and unsworn QPS employees into the PSBA with other departments displayed a failure to consider broader implications:

Whilst a bureaucrat may well be able to find a few monetary savings by joining departments (and even this is debatable), no one has considered the impact of removing sworn police from the Queensland Police Service.

There is a reason for the widely accepted term "the police family" and that is because all sworn police and QPS employees go way beyond what is industrially mandated to ensure the safety and wellbeing of fellow officers and the community.

There is a tangible commitment and an intangible goodwill by all of these sworn and unsworn employees that contributes greatly to the efficient running of the QPS. The tangible aspects include extra hours of work, unpaid overtime and missed meal breaks.

The intangible include a genuine commitment to do whatever it takes to assist fellow colleagues to do their best for the public and community.

By removing these employees from the QPS, removing them from the internal communication networks and removing their access to some QPS systems has effectively split the "police family" and undermined the goodwill and sense of purpose that led these people to the QPS in the first place.⁸³

⁸² Letter from Minister for Police, Fire and Emergency Services attaching *PSBA Report on Submissions for the Public Safety Business Agency Bill 2014*, 4 April 2014, page 5.

⁸³ Queensland Police Union of Employees, Submission No. 2, page 1.

The QPU claimed many police who have transferred to the PSBA '*...believe their careers in the QPS are effectively over...*' and that the creation of the PSBA '*...has blurred the hierarchical reporting lines and chains of command for many police and police work units*'.⁸⁴

In the QPU's view, to directly undermine the 'sense of belonging' that is inherent in all police organisations is to undermine the long term efficiency of the QPS itself:

...this Bill is designed to "tighten the belt" and create efficiencies and it was compiled by people who have no "hands on" knowledge of working in the Queensland Police Service.

While this bill may aim to save costs, I fear the real costs of fragmenting the QPS will far outweigh any bureaucratic belt tightening.

*Essentially, this bill is about taking police further from the front line and rather than utilising their policing skills, turning them into bureaucrats.*⁸⁵

In response to the QPU's submission to the Committee, the PSBA noted the concerns raised, but advised: '*As the QPU... submission does not raise any technical issues in relation to the Bill, the PSBA has no comment to make in relation to the submission*'.⁸⁶

⁸⁴ Queensland Police Union of Employees, Submission No. 2, page 2.

⁸⁵ Queensland Police Union of Employees, Submission No. 2, page 2.

⁸⁶ Letter from Minister for Police, Fire and Emergency Services attaching *PSBA Report on Submissions for the Public Safety Business Agency Bill 2014*, 4 April 2014, page 5.

3. Fundamental legislative principles

Section 4 of the *Legislative Standards Act 1992* (LSA) states that ‘fundamental legislative principles’ (FLPs) are the ‘principles relating to legislation that underlie a parliamentary democracy based on the rule of law’. The principles include that legislation has sufficient regard to:

- the rights and liberties of individuals, and
- the institution of Parliament.

The Committee has examined the application of the FLPs to the Bill. The Committee brings the following to the attention of the House.

3.1 Rights and liberties of individuals

Section 4(2)(a) of the LSA requires that legislation has sufficient regard to the rights and liberties of individuals.

Consolidation of offences

As discussed earlier in this Report, clause 100 of the Bill inserts a new Chapter 5 ‘General’ into the FES Act, which relocates and merges sections from the DM Act and FRS Act. Clause 100 includes section 150C ‘Obstruction of persons performing functions’, providing that a person must not obstruct another person in the performance of a function unless the person has a reasonable excuse, and section 150G ‘Impersonating authorised rescue officer etc.’ The penalty units included in these sections were detailed earlier.

Additionally, clause 100 includes a proposed new clause 153A ‘Confidentiality’, providing that a person must not disclose, use or make a record of information the person has acquired in performing a function, or exercising a power, under this Act; or because of an opportunity provided by the performance of the person’s functions, or exercise of the person’s power, under this Act.

The maximum penalty under proposed section 153A is 40 penalty units. The content of this section was previously included in section 142A of the FRS Act.

Potential FLP issues

The increase in penalties pursuant to clause 100 may adversely affect those persons who would have been the subject of a lesser penalty before the amendment. This potentially impacts the rights and liberties of individuals pursuant to section 4(1) of the LSA. The Committee considers the reasonableness and fairness of treatment of individuals as relevant in deciding whether legislation has sufficient regard to rights and liberties of individuals.

Consequences imposed by legislation should be proportionate and relevant to the actions to which the consequences are applied by the legislation. The OQPC Notebook states: *‘the desirable attitude should be to maximise the reasonableness, appropriateness and proportionality of the legislative provisions devised to give effect to policy’*.⁸⁷

⁸⁷ Office of the Queensland Parliamentary Counsel, *Fundamental Legislative Principles: The OQPC Notebook*, page 120.

A penalty should be proportionate to the offence. The OQPC Notebook states: *'Legislation should provide a higher penalty for an offence of greater seriousness than for a lesser offence. Penalties within legislation should be consistent with each other'*.⁸⁸

In relation to these sections, the Explanatory Notes advise:

*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.*⁸⁹

Committee Comment

The penalties included in sections 150C and 150G reflect the current penalty of 100 penalty units at section 115 of the DM Act and the six month's imprisonment at section 147A of the FRS Act.

The Committee suggests the House may wish to satisfy itself that it is fair and reasonable that persons who would have been the subject of a lower penalty of 50 units, pursuant to section 147A of the FRS Act, may be adversely affected by the new penalties proposed by sections 150C and 150G. The prospect of such an instance is a result of the Bill's consolidation of offences. The House may wish to determine whether it supports the consolidation and considers the Bill includes appropriate and consistent penalties.

The Committee brings proposed section 153A to the attention of the House and suggests the House may wish to consider whether the penalty of 40 penalty units in the proposed section is proportional and relevant in the circumstances.

The Committee notes the failure to include a reference to the new penalty in the Bill's Explanatory Notes.

Delegation of administrative power

Several provisions of the Bill allow for the delegation and sub-delegation of a function or power.

Clause 21 provides the CEO may delegate a function of the CEO to an appropriately qualified person. A delegation of a function may permit the sub-delegation of the function.

As discussed earlier in the report, new section 16Q 'Delegation' (inserted by clause 30 of the Bill) 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.

As addressed earlier, clause 49 widens the scope of delegations the Minister may make under the DM Act to include an appropriately qualified person. This clause also: *'...omits a definition of the term 'appropriately qualified' which has become redundant'*.⁹⁰

Proposed section 153 is included in clause 100 of the Bill. It provides that the Fire Commissioner may delegate a function of the Fire Commissioner to an appropriately qualified person. A delegation of a function may permit the sub-delegation of the function.

⁸⁸ Office of the Queensland Parliamentary Counsel, Fundamental Legislative Principles: *The OQPC Notebook*, page 120.

⁸⁹ *Explanatory Notes*, Public Safety Business Agency Bill 2014, page 4.

⁹⁰ *Explanatory Notes*, Public Safety Business Agency Bill 2014, page 14.

Clause 118 provides for an extension of the ability of the Police Commissioner to delegate powers to a police officer or QPS staff member, including the CEO; the IGEM; the Fire Commissioner; an appropriately qualified person employed in the PSBA or the Office of the IGEM or the QFES. The clause also allows the Police Commissioner to permit the sub-delegation of the power.

Potential FLP issues

Powers should only be delegated to appropriately qualified officers or employees. The OQPC Notebook provides that the appropriateness of a limitation on delegation depends on all the circumstances, including the nature of the power, its consequences and whether its use appears to require particular expertise or experience.⁹¹

In relation to sub-delegation, section 4(5)(e) of the LSA provides that sub-delegation of power by an Act should only occur in appropriate cases and to appropriate persons. The appropriateness of a limitation on delegation depends on all the circumstances, including the nature of the power, its consequences, and whether its use appears to require particular expertise or experience.⁹²

Section 27A of the *Acts Interpretation Act 1954* contains extensive provisions dealing with delegations. At Schedule 1 it also defines *appropriately qualified person* in the following terms:

appropriately qualified—

(a) for a function or power—means having the qualifications, experience or standing appropriate to perform the function or exercise the power; or

(b) for appointment to an office—means having the qualifications, experience or standing appropriate to perform the functions of the office.

Example of standing—

a person's classification level in the public service

The Explanatory Notes address the issue, arguing the use of a regulation is appropriate for the following reason:

*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.*⁹³

Committee Comment

The Committee is satisfied the delegations are made to appropriately qualified persons.

⁹¹ Office of the Queensland Parliamentary Counsel, *Fundamental Legislative Principles: The OQPC Notebook*, page 33.

⁹² Office of the Queensland Parliamentary Counsel, *Fundamental Legislative Principles: The OQPC Notebook*, page 33.

⁹³ *Explanatory Notes*, Public Safety Business Agency Bill 2014, page 4.

Power to enter premises

Clause 100 of the Bill includes proposed section 149 'Powers of authorised rescue officers', providing that, in performing an emergency-related function, an authorised rescue officer may take reasonable steps to protect a person who is trapped or endangered. Without limiting this power, proposed subsection (2) lists a range of actions that are considered a reasonable step, such as, entering a place using reasonable force and searching any part of a place.

Proposed section 149A(1) allows a rescue officer to enter a place without a warrant or the consent of the owner or occupier. However, pursuant to proposed section 149A(2), if the occupier is present, the authorised rescue officer must do, or make a reasonable attempt to do, the following things before entering a place:

- (a) tell the occupier the purpose of the entry;
- (b) seek the consent of the occupier to the entry;
- (c) tell the occupier the authorised rescue officer is permitted under this Act to enter the place without the occupier's consent.⁹⁴

These powers were previously provided under sections 107 and 108 of the DM Act.

Potential FLP issues

Legislation should confer power to enter premises, and search for or seize documents or other property, only with a warrant issued by a judge or other judicial officer.⁹⁵ The OQPC handbook provides that this principle supports a long established rule of common law that protects the property of citizens. Power to enter premises should generally be permitted only with the occupier's consent or under a warrant issued by a judge or magistrate. Strict adherence to the principle may not be required if the premises are business premises operating under a licence or premises of a public authority. The chief concern in this context is the range of additional powers that become exercisable after entry without a warrant or consent.⁹⁶

The OQPC Notebook states: '*FLPs are particularly important when powers of inspectors and similar officials are prescribed in legislation because there powers are very likely to interfere directly with the rights and liberties of individuals*'.⁹⁷

Residential premises should not be entered except with consent or under a warrant or in the most exceptional circumstances.⁹⁸

The Explanatory Notes do not comment on sections 149 and 149A. However, the power to enter premises without a warrant should be placed in the context of a situation where rescue officer is performing an emergency related function in which a person's life may be in danger.

⁹⁴ Proposed section 149A(2) in clause 100 of the Bill.

⁹⁵ *Legislative Standards Act 1992*, section 4(3)(e).

⁹⁶ Alert Digest 2004/5, page 31, paras. 30-36; Alert Digest 2004/1, pages 7-8, paras 49-54; Alert Digest 2003/11, pages 20-21, paras 14-19; Alert Digest 2003/9, page 4, para. 23 and page 31, paras 21-24; Alert Digest 2003/7, pages 34-35, paras 24-27; cited in Office of the Queensland Parliamentary Counsel, *Fundamental Legislative Principles: The OQPC Notebook*, page 45.

⁹⁷ Office of the Queensland Parliamentary Counsel, *Fundamental Legislative Principles: The OQPC Notebook*, page 45.

⁹⁸ Office of the Queensland Parliamentary Counsel, *Fundamental Legislative Principles: The OQPC Notebook*, page 46.

Committee Comment

The ability to enter a person's premises without a warrant pursuant to a legislative provision is a significant power. Strong justification is required to repudiate the fundamental legislative principle.

Proposed sections 149 and 149A give wide ranging powers to rescue officers in emergency situations, while also providing that '*reasonable steps*' must take place before a rescue officer can act in an emergency situation. Given the aim of the sections and the steps a rescue officer must take, the Committee considers these provisions appear justifiable in the circumstances.

Immunity from proceedings

Clause 22 provides the Minister is not civilly liable for an act done or omission made, honestly and without negligence, when performing a function or exercising a power. If the Minister is not civilly liable, liability instead attaches to the State, pursuant to proposed new section 22(2).

Clause 100 inserts proposed new sections 150J, 153B, 153C and 154A.

Proposed new section 150J 'Liability of executive officer – particular offences committed by corporation', provides that an executive officer of a corporation commits an offence if the corporation commits an offence against an executive liability provision and the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence. The maximum penalty is the penalty for a contravention of the executive liability provision by an individual. Proposed section 150J(2) lists matters a court must have regard to in deciding whether things done or omitted to be done by the executive officer constitute '*reasonable steps*'. The content of this section was previously included in section 151 of the FRS Act.

Proposed new section 153B 'Protection from liability – acts or omissions under chapter 3', provides that no liability attaches to any person for an act done, or omission made, honestly and without negligence under chapter 3. 'Acts' include using reasonable force on or against a person when performing a function under chapter 3 to avoid or reduce danger or harm to any person or property or the environment.⁹⁹ Further, the Bill provides that if a question arises in a proceeding, the party alleging that the section does not apply, bears the onus of proving the person did not do the act, or make the omission, honestly and without negligence.¹⁰⁰

Proposed new section 153C 'Protection from civil liability – acts and omissions under chapter 4', provides that civil liability does not attach to a list of specified entities because of an act done, or omission made, honestly and without negligence by the entity under chapter 4. The content of this section was previously included in section 144 of the DM Act.

Proposed new section 154A 'Construction of policies of fire insurance', applies if a person has insured an interest in property against loss or damage by fire; and because of an act done, or omitted to be done, in relation to a fire by a person performing a function or exercising a power – the insured property is damaged and the insured person suffers a loss; or the insured person incurs a charge or expense, other than a charge or expense incurred as a punishment. The loss suffered, or the charge or expense incurred, by the insured person is taken to be loss or damage by fire under the insurance policy taken out by the insured person in relation to the insured property. The content of the proposed section was previously in section 132 of the FRS Act.¹⁰¹

⁹⁹ Public Safety Business Agency Bill 2014, section 153B(2).

¹⁰⁰ Public Safety Business Agency Bill 2014, section 153B(3).

¹⁰¹ *Explanatory Notes*, Public Safety Business Agency Bill, page 23.

Potential FLP issues

Legislation should not confer immunity from proceeding or prosecution without adequate justification.¹⁰² The OQPC Notebook states a person who commits a wrong when acting without authority should not be granted immunity. Generally, a provision attempting to protect an entity from liability should not extend to liability for dishonesty or negligence. The entity should remain liable for damage caused by the dishonesty or negligence of itself, its officers and employees. The preferred provision provides immunity for action done honestly and without negligence and if liability is removed it is usually shifted to the State.¹⁰³

One of the fundamental principles of law is that everyone is equal before the law, and each person should therefore be fully liable for their acts or omissions. Despite this, conferral of immunity is appropriate in certain situations.¹⁰⁴

Committee Comment

The Committee notes the Bill includes proposed provisions which confer immunity and that proposed section 153C excludes the State from civil liability. Although the Committee acknowledges it is usual for liability to attach to the State when individuals are afforded immunity from liability, proposed section 153C was previously included in section 144 of the DM Act.

Given the Bill's immunities extend only to acts or omissions that are done honestly and without negligence, the Committee considers the proposed sections are appropriate and justified in transferring provisions of the DM Act and FRS Act.

3.2 Institution of Parliament

Section 4(2)(b) of the LSA requires legislation to have sufficient regard to the institution of Parliament.

Delegation of legislative power

Several clauses in the Bill allow for matters to be carried out by regulation. These include clause 23, which allows the Governor in Council to make regulations; clause 100 (proposed sections 128, 148, 154E); clause 102 (section 204); clause 117; clause 121 and clause 139. Clauses 117 and 139 provide that the responsibilities of the Police Commissioner can be outlined by regulation.

Potential FLP issues

Section 4(4)(a) of the LSA provides a Bill should allow the delegation of legislative power only in appropriate cases and to appropriate persons.

Such instances require consideration of the level at which delegated legislative power is used. It is usually the case that the greater the level of potential interference with individual rights and liberties, or the institution of Parliament, the greater the likelihood that the power should be prescribed in an Act of Parliament and not delegated below Parliament.

¹⁰² *Legislative Standards Act 1992*, section 4(3)(h).

¹⁰³ Office of the Queensland Parliamentary Counsel, *Fundamental Legislative Principles: The OQPC Notebook*, page 64.

¹⁰⁴ Office of the Queensland Parliamentary Counsel, *Fundamental Legislative Principles: The OQPC Notebook*, page 64; Alert Digest 1998/1, page 5.

According to the Bill, the content of proposed sections 148 and 154E has previously appeared in the DM Act and FRS Act respectively. Clause 102 (proposed section 204) is designed to allow for the transition between Acts. Clause 121(2)(a)(ii) relates to the functions of a PSBA officer employed in the public service.

As mentioned, clauses 117 and 139 provide that the Police Commissioner's responsibilities can be outlined in a regulation. Given the importance of the Police Commissioner's role, it could be argued that allowing these responsibilities to be prescribed by regulation does not give due respect regard to the institution of Parliament.

The Explanatory Notes address this issue:

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.¹⁰⁵

Committee Comment

On balance, the Committee considers the clauses with regulation making power have sufficient regard to the institution of Parliament.

Given the important role the Police Commissioner plays in the wider community, the Committee acknowledges some may query the appropriateness of placing the responsibilities of the Police Commissioner in a regulation (clauses 117 and 139).

Scrutiny of the Legislative Assembly and amendment of an Act only by another Act

Clause 5 of the Bill identifies the QFES, the department in which the FES Act is administered, the QPS and the Office of the IGEM as a '*public safety entity*'. The clause also permits the Minister to declare, by gazette notice, an entity or part of an entity as a public safety entity. The Explanatory Notes provide that this measure allows the support services provided by the PSBA to be easily made available to an entity.¹⁰⁶

Clause 7 of the Bill outlines the main functions of the PSBA. Earlier, this report summarised these functions, including, amongst other things, the PSBA's responsibility to hold and maintain infrastructure, fleet and communication technology assets for the public safety entities. Additionally, pursuant to proposed new section 7(2), the Minister may, by gazette notice, declare that the agency is responsible for the operation and management of a public safety entity.

¹⁰⁵ Explanatory Notes, Public Safety Business Agency Bill 2014, pages 4-5.

¹⁰⁶ Explanatory Notes, Public Safety Business Agency Bill 2014, page 17.

Potential FLP issues - appropriate delegation of legislation

A Bill should sufficiently subject the exercise of a delegated legislative power to the scrutiny of the Legislative Assembly.¹⁰⁷ A gazette notice is not subordinate legislation and therefore not subject to disallowance.

The OQPC Notebook states: *'For Parliament to confer on someone other than Parliament the power to legislate as the delegate of Parliament, without a mechanism being in place to monitor the use of the power, raises obvious issues about the safe and satisfactory nature of the delegation'*.¹⁰⁸ The matter involves consideration of whether the delegate may only make rules that are subordinate legislation, and thus subject to disallowance.

Whether delegated legislative power is sufficiently subjected to the scrutiny of the Legislative Assembly often arises when the power to regulate an activity is contained in a guideline (or similar instrument) that is not subordinate legislation and, therefore, not subject to parliamentary scrutiny. The former Scrutiny of Legislation Committee (SLC) commented adversely on provisions allowing matters, which might reasonably be dealt with by regulation, to be processed through some alternative means that does not constitute subordinate legislation and, therefore, is not subject to parliamentary scrutiny. In considering the appropriateness of delegated matters being dealt with through an alternative process, the SLC considered:

- the importance of the subject dealt with;
- the practicality or otherwise of including those matters entirely in subordinate legislation;
- the commercial or technical nature of the subject matter;
- whether the provisions were mandatory rules or merely to be had regard to.¹⁰⁹

Despite an instrument not being subordinate legislation, the SLC raised less concern if a provision required tabling and providing for disallowance.

The SLC also determined if a document, other than subordinate legislation, is intended to be incorporated into subordinate legislation, an express provision should require the tabling of the document at the same time as the subordinate legislation. Similar considerations apply when a non-legislative document is required to be approved by an instrument of subordinate legislation.¹¹⁰

Potential FLP issues - amendment of an Act only by another Act

A Bill should be the only instrument to authorise the amendment of an Act by another Act.¹¹¹ A clause in an Act, which enables the Act to be expressly or impliedly amended by subordinate legislation or executive action, is defined as a Henry VIII clause. The SLC would oppose a Henry VIII clause if an Act was unjustifiably purported to be amended by a statutory instrument (other than an Act). The SLC would voice its opposition by requesting Parliament disallow the part of the instrument that breaches the FLP requiring legislation to have sufficient regard for the institution of

¹⁰⁷ *Legislative Standards Act 1992*, section 4(4)(b).

¹⁰⁸ Office of the Queensland Parliamentary Counsel, *Fundamental Legislative Principles: The OQPC Notebook*, page 154.

¹⁰⁹ Office of the Queensland Parliamentary Counsel, *Fundamental Legislative Principles: The OQPC Notebook*, page 154.

¹¹⁰ Office of the Queensland Parliamentary Counsel, *Fundamental Legislative Principles: The OQPC Notebook*, page 155.

¹¹¹ *Legislative Standards Act 1992*, section 4(4)(c).

Parliament.¹¹² The SLC considered the possible use of Henry VIII clauses in the following limited circumstances:

- to facilitate immediate executive action;
- to facilitate the effective application of innovative legislation;
- to facilitate transitional arrangements;
- to facilitate the application of national scheme legislation.¹¹³

The OQPC Notebook explains the existence of these circumstances does not automatically justify the use of Henry VIII clauses, and, if the Henry VIII clause does not fall within any of the above situations, the SLC classified the clause as 'generally objectionable'.¹¹⁴

Committee Comment

The Committee suggests the House may wish to consider whether the Minister's delegated legislative power to prescribe additional public safety entities (clause 5) and the Minister's power to prescribe that the PSBA will be responsible for other government entities (clause 7) should be evidenced in subordinate legislation, rather than by gazette notice.

If the House adopted the view that these powers should more appropriately be evidenced in subordinate legislation, the Minister's decisions would be subjected to parliamentary scrutiny, and disallowance. In the Committee's view, this alternate approach would still allow the Minister to facilitate immediate executive action in an emergency situation. The Committee brings this issue to the attention of the House for consideration.

3.3 Explanatory Notes

Part 4 of the LSA relates to explanatory notes. It requires that an explanatory note be circulated when a Bill is introduced into the Legislative Assembly, and sets out the information an explanatory note should contain.

Explanatory notes were tabled with the introduction of the Bill. The notes contain the information required by Part 4 and a reasonable level of background information and commentary to facilitate understanding of the Bill's aims and origins.

The Explanatory Notes do not include a reference to the following new or amended penalties in proposed new sections: 150D and 153A(1).

¹¹² Office of the Queensland Parliamentary Counsel, *Fundamental Legislative Principles: The OQPC Notebook*, page 159.

¹¹³ Office of the Queensland Parliamentary Counsel, *Fundamental Legislative Principles: The OQPC Notebook*, page 159.

¹¹⁴ Office of the Queensland Parliamentary Counsel, *Fundamental Legislative Principles: The OQPC Notebook*, page 159; Alert Digest 2006/10, page 6, paras 21-24; Alert Digest 2001/8, page 28, para 31.

Appendix A – List of Submissions

Sub #	Submitter
001	The Queensland Police Commissioned Officers' Union
002	Queensland Police Union of Employees

Statements of Reservation



BILL BYRNE MP

SHADOW MINISTER FOR POLICE, EMERGENCY AND CORRECTIVE SERVICES,
PUBLIC WORKS AND NATIONAL PARKS; SPORT AND RECREATION

MEMBER FOR ROCKHAMPTON

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28 April 2014

Mr Brook Hastie
Research Director
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Hastie

Re: - *Public Safety Business Agency Bill 2014* - Statement of reservation

The Opposition wishes to notify the committee of its reservations about aspects of Report No. 61 of the Legal Affairs and Community Safety Committee into *the Public Safety Business Agency Bill 2014*. We will detail the reasons for our concern during the parliamentary debate on the Bill.

Yours sincerely

A handwritten signature in black ink, appearing to be 'B. Byrne', with a long horizontal line extending to the right.

Bill Byrne MP
Member for Rockhampton