



Public Safety Business Agency and Other Legislation Amendment Bill 2016

Report No. 33, 55th Parliament
Legal Affairs and Community Safety Committee
August 2016

Legal Affairs and Community Safety Committee

Chair	Mr Mark Furner MP, Member for Ferny Grove
Deputy Chair	Mr Michael Crandon MP, Member for Coomera
Members	Mr Don Brown MP, Member for Capalaba Mr Jon Krause MP, Member for Beaudesert Ms Joan Pease MP, Member for Lytton Mrs Jann Stuckey MP, Member for Currumbin
Staff	Mr Stephen Finnimore, Research Director Mrs Kelli Longworth, Principal Research Officer Mrs Lynda Pretty, Principal Research Officer Mr Gregory Thomson, Principal Research Officer Ms Lorraine Bowden, Committee Support Officer
Technical Scrutiny Secretariat	Ms Renée Easten, Research Director Mr Michael Gorringer, Principal Research Officer Ms Kellie Moule, Principal Research Officer Miss Carla Campillo, Committee Support Officer
Contact details	Legal Affairs and Community Safety Committee Parliament House George Street Brisbane Qld 4000
Telephone	+61 7 3553 6641
Fax	+61 7 3553 6699
Email	lacsc@parliament.qld.gov.au
Web	www.parliament.qld.gov.au/lacsc

Acknowledgements

The committee acknowledges the assistance provided by the Public Safety Business Agency, the Queensland Police Service and Queensland Fire and Emergency Services.

Contents

Abbreviations	ii
Chair’s foreword	iii
Recommendations	v
1 Introduction	1
1.1 The committee	1
1.2 The inquiry process	1
1.3 Outcome of committee consideration	1
1.4 Policy objectives of the Public Safety Business Agency and Other Legislation Amendment Bill 2016	2
1.4.1 <i>Objectives of the Bill</i>	2
1.4.2 <i>Reasons for the Bill</i>	2
1.4.3 <i>Implementation</i>	2
1.5 Background	3
1.5.1 <i>Police and Community Safety Review</i>	4
1.5.2 <i>Public Safety Business Agency</i>	4
1.5.3 <i>Public Service Commission’s review</i>	5
1.6 Consultation on the Bill	7
2 Examination of the Public Safety Business Agency and Other Legislation Amendment Bill 2016	9
2.1 Proposed changes to the Public Safety Business Agency	9
2.1.1 <i>Amending the functions of the Public Safety Business Agency</i>	9
2.1.2 <i>Establishing the Board of Management</i>	11
2.1.3 <i>Changing role of Chief Executive Officer to Chief Operating Officer</i>	12
2.2 Transitioning Blue Card Services	12
2.3 Integrating State Government Security into the Queensland Police Service	13
2.4 Other amending legislation	15
3 Compliance with the <i>Legislative Standards Act 1992</i>	17
3.1 Fundamental legislative principles	17
3.2 Explanatory notes	17
Appendix A – List of submissions	19
Appendix B – List of witnesses	19
Appendix C – Public Safety Business Agency review recommendations	21

Abbreviations

Act	<i>Public Safety Business Agency Act 2014</i>
BoM	Board of Management
CEO	Chief Executive Officer
COO	Chief Operating Officer
EMQ	The former Emergency Management Queensland
FLPs	fundamental legislative principles
IGEM	Inspector-General of Emergency Management
Interim board	interim PSBA board of management
Minister	the Minister for Police, Fire and Emergency Services and Minister for Corrective Services, the Hon Bill Byrne MP
PACS review	the 2013 review of police and community safety, conducted by former Federal Police Commissioner, Mick Keelty
PSBA	Public Safety Business Agency
PSBA review	the 2015 review of the Public Safety Business Agency, conducted by the Public Service Commission
PSBA review report	the report of the PSBA review tabled on 17 February 2016
QFES	Queensland Fire and Emergency Services
QFRS	former Queensland Fire and Rescue Service
QPCOU	The Queensland Police Commissioned Officers' Union
QPS	Queensland Police Service
SBPS Act	<i>State Buildings Protective Security Act 1983</i>
SGS	State Government Protective Security Service
UFU	United Firefighters' Union Queensland

Chair's foreword

This report details the examination by the Legal Affairs and Community Safety Committee of the Public Safety Business Agency and Other Legislation Amendment Bill 2016.

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 in accordance with section 4 of the *Legislative Standards Act 1991*.

The committee recommends that the Bill be passed.

On behalf of the committee, I thank those who lodged written submissions on this Bill. I also thank the Public Safety Business Agency, and its portfolio partners, the Queensland Police Service and Queensland Fire and Emergency Services, for the support they have provided the committee during this inquiry.

In particular, I thank all members of the committee for their efforts during this inquiry and committee office staff for the support they have provided us.

I commend this report to the House.



Mark Furner MP
Chair

Recommendations

Recommendation 1

1

The Committee recommends the Public Safety Business Agency and Other Legislation Amendment Bill 2016 be passed.

1 Introduction

1.1 The committee

The Legal Affairs and Community Safety Committee is a portfolio committee of the Legislative Assembly.¹ The committee's primary areas of responsibility include:

- Justice and Attorney-General
- Police Service
- Fire and Emergency Services
- Training and Skills.

A portfolio committee is responsible for examining each bill and item of subordinate legislation in its portfolio areas to consider:²

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

1.2 The inquiry process

The Minister for Police, Fire and Emergency Services and Minister for Corrective Services, the Hon Bill Byrne MP, introduced the Public Safety Business Agency and Other Legislation Amendment Bill 2016 (Bill) on 24 May 2016. The Bill was referred to the committee for detailed consideration. The committee was required to report by 2 August 2016.

The committee invited written submissions from the public and from identified stakeholders, to be received by 24 June 2016. The committee received two submissions (listed at **Appendix A**).³

The committee received a written briefing on the Bill and subsequent advice on issues raised in submissions from the Public Safety Business Agency (PSBA). The PSBA, the Queensland Police Service (QPS), and Queensland Fire and Emergency Services (QFES) provided an oral briefing on 15 June 2016. (See **Appendix B** for a list of the representatives who contributed to the public briefing).

1.3 Outcome of committee consideration

Standing Order 132(1)(a) requires the committee to determine whether or not to recommend that the Bill be passed.

Recommendation 1

The Committee recommends the Public Safety Business Agency and Other Legislation Amendment Bill 2016 be passed.

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

² *Parliament of Queensland Act 2001*, Section 93(1).

³ View submissions at <http://www.parliament.qld.gov.au/work-of-committees/committees/LACSC/inquiries/current-inquiries/20-PSBAOtherAB2016>

1.4 Policy objectives of the Public Safety Business Agency and Other Legislation Amendment Bill 2016

1.4.1 Objectives of the Bill

The Bill proposes to amend the *Public Safety Business Agency Act 2014* (the Act), and other legislation, to fully implement the government endorsed recommendations of the Public Service Commission's 2015 review (PSBA review) of the PSBA.⁴

The explanatory notes state that, although many of the changes required to implement these recommendations could occur administratively, the legislative amendments proposed by the Bill are required to:

- amend the functions of the PSBA
- establish the PSBA board of management (board)
- change the role of PSBA Chief Executive Officer (CEO) to PSBA Chief Operating Officer (COO)
- finalise the machinery of government changes that will allow Blue Card Services to transition to the Department of Justice and Attorney-General
- allow for the comprehensive integration of the State Government Protective Security Service (SGS) into the QPS.⁵

1.4.2 Reasons for the Bill

In introducing the Bill, the Minister stated:

*It is about undoing the inefficiencies created by the current PSBA model and ... about returning control of relevant resources and processes to the Police Commissioner and the Fire and Emergency Services Commissioner.*⁶

The explanatory notes state the Bill provides legislative reform to facilitate machinery of government changes to implement recommendations from the PSBA review.⁷

1.4.3 Implementation

The Minister advised that implementation teams have been formed in each agency:

*...to make the transition of staff as smooth as possible with no disruption to the services provided. Staff are being kept up to date on transition and implementation activities. Relevant employee unions were also involved in the Public Service Commission review. In particular, the Queensland Police Union, the United Firefighters Union of Queensland and the Together Union all provided substantial input into the review. These unions are also being kept up to date with implementation activities.*⁸

⁴ Letter from the Public Safety Business Agency, 7 June 2016, p 2.

⁵ Explanatory notes, p 3.

⁶ Hansard transcript, 24 May 2016 (explanatory speech) p 1939.

⁷ Explanatory notes, p 4.

⁸ Hansard transcript, 24 May 2016 (explanatory speech) p 1940.

The PSBA advised that an interim PSBA board of management (interim board) has been formed, pending establishment of the formal board.⁹ The role of the interim board is to oversee implementation of the government endorsed recommendations of the PSBA review:

The interim PSBA board comprises the QPS Commissioner, QFES Commissioner and Mr Geoff Waite, Assistant Under Treasurer, Queensland Treasury who was appointed as the independent member by the Minister.

...The interim board is supported by the PSBA Joint Implementation Working Group which consists of members from the QPS, QFES and the PSBA. These agencies have established implementation teams to manage the changes resulting from the endorsement of recommendations made in the PSBA review.¹⁰

According to the PSBA, the interim board held its first meeting on 16 May 2016 and approved the following units to transition to the QPS and QFES by 1 July 2016:

- PSBA Media (QPS) to transition to the QPS
- PSBA Media (QFES) to transition to the QFES
- PSBA Content and Multimedia to transition to the QFES who will provide services to the QPS and the PSBA, if required, through a Service Level Agreement
- training and development including training academies to transition to the QPS and QFES
- PSBA Recruiting to transition to the QPS and QFES.¹¹

The interim board will continue to operate until the PSBA board is formed upon assent of the Bill.¹²

In response to committee questioning in relation to employee sentiment towards the proposed changes, the QPS advised:

Generally there is a far more positive feeling about this move than negative. There might be the odd individual who may very well not want change because they do not like change. Far and above, there has been an expectation of the return of people back from whence they came, ostensibly back to the Queensland Police Service, and generally there has been a very good feeling towards this. Certainly from my sense of the negotiations that we have entered into, with the various work units within the PSBA transitioning back to the organisation generally, people are very welcoming of this as a very positive move.¹³

QFES endorsed this view, stating that:

There will always be the odd individual who is disgruntled about change and the circumstances, but for the Queensland Fire and Emergency Services collectively and the units that are affected by these particular changes I think the general attitude is incredibly positive.¹⁴

1.5 Background

There have been a number of reviews and legislative initiatives in the public safety portfolio in recent years.

⁹ Letter from the Public Safety Business Agency, 7 June 2016, p 4.

¹⁰ Letter from the Public Safety Business Agency, 7 June 2016, p 4.

¹¹ Letter from the Public Safety Business Agency, 7 June 2016, p 4.

¹² Letter from the Public Safety Business Agency, 7 June 2016, p 4.

¹³ Hansard transcript, public briefing, 15 June 2016, p 4.

¹⁴ Hansard transcript, public briefing, 15 June 2016, p 5.

1.5.1 Police and Community Safety Review

The Police and Community Safety Review (PACS review) by the former Australian Federal Police Commissioner, Mick Keelty, commenced in January 2013.

This review examined two entities, being the QPS and the then Department of Community Safety, which comprised:

- the Queensland Ambulance Service
- Queensland Corrective Services
- the Queensland Fire and Rescue Service (QFRS)
- Emergency Management Queensland (EMQ).¹⁵

The PACS review culminated on 10 September 2013 with the release of the report *Sustaining the Unsustainable*. The report made 127 recommendations, 87 of which applied directly to the QPS and the Department of Community Safety.¹⁶

The then government endorsed recommendations that:

- merged QFRS with EMQ to form Queensland Fire and Emergency Services (QFES)
- established the Office of the Inspector-General of Emergency Management (IGEM), tasked with reviewing and assessing the effectiveness of disaster management in Queensland
- created the PSBA, tasked with providing the corporate and business services for the public safety portfolio.¹⁷

1.5.2 Public Safety Business Agency

The PSBA was initially created through administrative arrangements in November 2013.¹⁸ The 2014 Act formally established the PSBA on 21 May 2014, implementing the aforementioned recommendations of the PACS Review. The PSBA was to:

- hold all infrastructure, fleet and information and communication technology assets and manage human resourcing, financial management, legal, policy, media and strategic planning functions for the QPS, QFES and the IGEM
- perform additional functions, including the operation and management of declared public safety entities.¹⁹

The PSBA currently administers the SGS, all Queensland government air services and Blue Card Services.²⁰

The Act established the position of the CEO, which has responsibility for administering the PSBA and reports directly to the Minister.²¹

The PSBA's *Strategic Plan 2014-2018* identified the following objectives:

- ensuring a more effective and sustainable approach to delivering public safety outcomes

¹⁵ Legal Affairs and Community Safety Committee, Public Safety Business Agency Bill 2014, Report No 61, 54th Parliament, April 2014, pp 1-2.

¹⁶ Legal Affairs and Community Safety Committee, Public Safety Business Agency Bill 2014, Report No 61, 54th Parliament, April 2014, p 2.

¹⁷ Letter from the Public Safety Business Agency, 7 June 2016, p 1.

¹⁸ Letter from the Public Safety Business Agency, 7 June 2016, p 1.

¹⁹ Explanatory notes, p 1.

²⁰ Explanatory notes, p 1.

²¹ Explanatory notes, p 1.

- allowing frontline staff to focus on delivering professional public safety services to the community
- enhancing the Queensland community's ability to access public safety services, when and where they need them
- ensuring Queenslanders get the best quality public safety services
- improving the portfolio's efficiency to ensure Queenslanders get value-for-money public safety services
- increasing interoperability and eliminating duplication and waste, within and between the public safety agencies
- providing transparency and accountability to government and the community
- promoting innovation and cultural change.²²

1.5.3 Public Service Commission's review

In 2015, the government engaged the Public Service Commission to conduct the PSBA review, which was overseen by a cross-agency steering committee.²³

The review's terms of reference outlined the overall purpose of the review, being to:

Review the scope, function and structure of the PSBA to ensure that it is effectively supporting public safety service delivery to the community, and transparent administration and decision-making on critical corporate decisions.²⁴

In order to determine the overall and functional effectiveness of the PSBA, the review process involved:

- *evaluating the current service delivery model in the context of determining a clear scope and role for the PSBA*
- *undertaking an evidence-based assessment of PSBA activities, based on quantitative and qualitative data analysis and bench-marking*
- *working with frontline staff (including firefighters and police officers) to ensure a full understanding of the impacts of the implementation of the 2013 Police and Community Safety (Keelty) Review, and seek to ameliorate negative aspects as identified*
- *undertaking extensive engagement, consulting both employees within the portfolio, their unions and relevant external stakeholders, to ensure a comprehensive view is determined, and*
- *considering interstate and international jurisdictional analysis of similar service delivery models.²⁵*

The review included a significant stakeholder engagement process, to hear the key challenges facing the staff of the PSBA and the partner agencies:

This included holding employee workshops, inviting confidential individual submissions, engaging with unions and employee associations, and hearing from a variety of other stakeholders with an interest or involvement in the PSBA.

²² Public Safety Business Agency, *Strategic Plan 2014-2018*.

²³ Letter from the Public Safety Business Agency, 7 June 2016, p 1.

²⁴ Public Service Commission, *Review of the Public Safety Business Agency*, November 2015, p 5.

²⁵ Public Service Commission, *Review of the Public Safety Business Agency*, November 2015, p 5.

In total, over 600 employees participated in workshops around the state, and more than 60 submissions were received, which provided valuable intelligence to the review.²⁶

The review, undertaken over a six month period, culminated on 17 February 2016 in the tabling of the report on the review (the PSBA review report).²⁷

While finding that the PSBA had achieved some successes, and that the model does create many potential opportunities, the PSBA review concluded that stakeholders primarily identified concerns and frustrations with existing arrangements:

Fundamentally, it was found that the majority of the identified problems are caused by confusion over the scope, purpose and function of the PSBA. This theme holds true for employees in the partner agencies and the PSBA.

There is a lack of clarity of:

- *what the role of the PSBA is and what it is trying to achieve*
- *what services the PSBA delivers and what services are the responsibility of the partner agencies or others*
- *what the service expectations are for both providers and clients*
- *who does what and who is ultimately responsible, and*
- *where accountabilities lie.*

This has resulted from an absence of:

- *clearly articulated and communicated vision of the agency*
- *clearly defined identity as a support agency*
- *jointly developed approach to service and supported service culture*
- *effective change management during the implementation of the PSBA, and*
- *visible leadership across the PSBA, particularly in regional areas.²⁸*

Following an analysis of stakeholder-provided information, the review team developed three operating model and organisational design options to ‘...seek to address the shortcomings of the current approach and realise the potential of the portfolio model’.²⁹

The alternative options for the operating model were:

1. return all services currently performed by the PSBA to the respective agencies, and disassemble the PSBA
2. retain the PSBA to perform transactional services (largely ICT, finance, procurement, information management) for the respective agencies, or
3. retain the PSBA to perform transactional services, some tactical services (including human resource advisory), and a portfolio coordination role.³⁰

²⁶ Public Service Commission, *Review of the Public Safety Business Agency*, November 2015, p 5.

²⁷ Letter from the Public Safety Business Agency, 7 June 2016, p 1.

²⁸ Public Service Commission, *Review of the Public Safety Business Agency*, November 2015, pp 5-6.

²⁹ Public Service Commission, *Review of the Public Safety Business Agency*, November 2015, p 6.

³⁰ Public Service Commission, *Review of the Public Safety Business Agency*, November 2015, p 6.

The PSBA review advocated that the PSBA ...'focus on providing corporate support and move away from operational or regulatory functions'.³¹ The report made eight recommendations regarding the ongoing role, functions and structure of the PSBA:

*The Public Safety Business Agency review recommended that a number of functions of, and services provided by, the Public Safety Business Agency would be returned to the Queensland Police Service and Queensland Fire and Emergency Services respectively including operational functions, strategy, recruitment, education and training, local workplace health and safety, ethical standards, media services, right to information, ministerial services, and cabinet legislation and liaison.*³²

Seven of the eight recommendations have been endorsed by the government. (Recommendation 6, which was to approve the transfer of the Police Air Wing to the QPS has not been endorsed).³³

1.6 Consultation on the Bill

The PSBA review involved extensive engagement and consultation with employees within the public safety portfolio, including relevant unions and external stakeholders, such as the Queensland Police Union of Employees, The Queensland Police Commissioned Officers' Union (QPCOU), United Firefighters' Union of Queensland (UFU) and Together Queensland.³⁴

The explanatory notes identify an intention to continue consultation with affected groups, including relevant unions, during the implementation process.³⁵ As noted earlier, implementation teams have been established within the QPS, QFES and PSBA.

The explanatory notes state:

*In these circumstances, and given that the amendments made in the Bill are simply designed to bring the recommendations of the PSBA review into effect, including allowing machinery of government changes to take place, it is not considered necessary to seek community consultation on the specifics of the Bill.*³⁶

During development of the Bill, consultation was undertaken with the Department of the Premier and Cabinet, the Public Service Commission, Queensland Treasury, the QPS, QFES, the PSBA, and the Department of Justice and Attorney-General.³⁷

³¹ Letter from the Public Safety Business Agency, 7 June 2016, p 1.

³² Hansard transcript, public briefing, 15 June 2016, p 1. The eight recommendations are set out in Appendix C of this report.

³³ Explanatory notes, p 1.

³⁴ Explanatory notes, p 4.

³⁵ Explanatory notes, p 5.

³⁶ Explanatory notes, p 5.

³⁷ Explanatory notes, p 5.

2 Examination of the Public Safety Business Agency and Other Legislation Amendment Bill 2016

The Bill would amend the Act, and other legislation, to fully implement those recommendations of the PSBA review that have been endorsed by government.³⁸

2.1 Proposed changes to the Public Safety Business Agency

The government has endorsed changes to the functions of the PSBA and modification to its organisational structure, including establishing the board and changing the role of the CEO to the COO.

2.1.1 Amending the functions of the Public Safety Business Agency

Recommendation 1 of the PSBA review reads:

*Approve the principles of operating model option 3, the associated organisational design and board of management structure as the desired future state of the PSBA, so that the PSBA continues to operate but with a more clearly defined role, more targeted scope and clearer governance arrangements.*³⁹

Recommendation 4 states:

In line with recommendation 1, approve the following services and functions as the responsibility of the respective operational agencies:

- a) operational functions
- b) strategy
- c) recruitment
- d) education and training
- e) local workplace health and safety
- f) ethical standards
- g) media services
- h) legal services
- i) right to information
- j) ministerial services, and
- k) cabinet legislation liaison.⁴⁰

According to the PSBA, the services and functions outlined in recommendation 4:

*currently performed by the PSBA for the QPS and QFES will return to the primary agencies on 1 July 2016 through Machinery of Government (MoG) changes.*⁴¹

The PSBA advised that it will continue to deliver to the operational agencies the following services:

- all information communications and technology services
- all financial services
- all procurement services

³⁸ Letter from the Public Safety Business Agency, 7 June 2016, p 2.

³⁹ Public Service Commission, *Review of the Public Safety Business Agency*, November 2015, p 8; Explanatory notes, p 1.

⁴⁰ Public Service Commission, *Review of the Public Safety Business Agency*, November 2015, p 8; Explanatory notes, p 2.

⁴¹ Letter from the Public Safety Business Agency, 7 June 2016, p 2.

- all asset management services
- some tactical human resource services
- some advisory services on corporate service strategies.⁴²

The Minister summarised the impact of the amendments proposed in the Bill:

*The bill amends various legislation within the public safety portfolio in order to implement the key recommendations made by the Public Service Commission review. Firstly, the functions and purpose of the Public Safety Business Agency have been reduced so that certain resources and functions can be returned to the Queensland Police Service and Queensland Fire and Emergency Services. These include services such as operational functions, strategy, recruitment, education and training, local workplace health and safety, ethical standards, media services, right to information, ministerial services and cabinet legislation liaison. The Public Safety Business Agency will retain control of all ICT services, all financial services, all procurement services, all asset management services, some tactical human resource services, and advisory services on corporate service strategies.*⁴³

In its submission, the UFU noted that, prior to the creation of the PSBA, it dealt with matters listed in recommendation 4 of the PSBA review through direct consultation and negotiation with the then Department of Community Safety and with the Queensland Fire and Rescue Service.⁴⁴

The UFU stated that it was frequently involved in dealing with these entities on all functions listed at recommendation 4, but it was most impacted by the creation of the PSBA, in relation to operational functions, recruitment, education and training, and local workplace health and safety.⁴⁵

The UFU supported the proposal to return the functions specified in recommendation 4 to QFES.⁴⁶

The QPCOU commented on the Bill's implementation of Recommendation 4 and argued for amendments to the Bill:

It is the stance of this union that all areas previously belonging to the Service should be returned. In particular those services involving the physical and psychological wellbeing of our staff (Employee Wellbeing, Injury Management, Human Services Officers) - the current deployment of these areas does not allow for the proper support of the staff and has led to "a dysfunctional application of services.

Again, as indicated in Recommendation 2 - Human Resources, ICT and Finance need to be returned to the Queensland Police Service. At local levels, since the establishment of the original PSBA legislation, police were required to reduce their focus on operational functions and allocate members to assist in areas of finance and human resources management. In some regions/commands, inadequate staffing by PSBA in these areas caused more police being committed to these subsidiary functions.

*Numerous requests were made to increase staffing levels so as to meet the demands of the Queensland Police Service; this was ignored at higher levels within the PSBA, even with higher level requests being continually made by the Queensland Police Service.*⁴⁷

⁴² Letter from the Public Safety Business Agency, 7 June 2016, p 1.

⁴³ Hansard transcript, 24 May 2016 (explanatory speech) p 1939.

⁴⁴ Submission 2, p 4.

⁴⁵ Submission 2, p 4.

⁴⁶ Submission 2, p 6.

⁴⁷ Submission 1, pp 1-2.

The QPCOU submitted that, if the Bill is not amended to return all previous services to the QPS:

...at a minimum, the inclusion of more AO5 levels in Finance, Human Resources and ICT should be provided to regions and commands. Should any region or command be sharing AO5 Finance, Human Resources, ICT personnel, that each region/command be provided their stand-alone AO5, thus at least allowing for police currently performing duties to be returned to their operational policing function.⁴⁸

In response, the PSBA noted the QPCOU's general support for the government endorsed recommendations made in the PSBA review, and noted that the QPCOU's concerns could be addressed through the management of the PSBA and operational agencies, rather than by amendment to the Bill:

An interim PSBA board of management... has been established to bring these Government endorsed recommendations into effect. The interim PSBA board of management is supported by the PSBA Joint Implementation Working Group... which... is tasked with overseeing and monitoring the re-orientation of PSBA policies, plans and practices in accordance with the Government endorsed review recommendations.

The concerns raised by the Queensland Police Commissioned Officers' Union will be forwarded to the interim PSBA board of management and the PSBA Joint Implementation Working Group for consideration and implementation where considered appropriate.⁴⁹

2.1.2 Establishing the Board of Management

In implementing recommendation 2 of the PSBA review, the Bill establishes the board as the PSBA's governing body:

The board will consist of the QPS Commissioner, the QFES Commissioner and an independent, external member appointed by the Minister (the appointed member). The role of the Chair of the board will rotate between the QPS Commissioner and the QFES Commissioner on a yearly basis.

The appointed member is to be appointed for a period of 3 years by the Governor in Council upon the recommendation of the Minister and only if the Minister is satisfied the person is appropriately qualified to perform the functions of a board member. The appointed member is to be paid the remuneration and allowances decided by the Governor in Council.⁵⁰

The functions of the board will include:

...providing leadership and oversight to the PSBA, reviewing and monitoring the PSBA's performance of its functions, making and reviewing policies about the administration of the PSBA Act and coordinating the provision of support services and programs to public safety entities. When performing its functions, the board must give effect to any direction of the Minister relevant to the functions.⁵¹

The board is empowered to:

...delegate its functions to an appropriately qualified person and may appoint committees to advise the board on particular subjects relating to the performance of the board's functions. However, in performing its functions, the board must give effect to any direction of the Minister relevant to the functions.⁵²

⁴⁸ Submission 1, p 2.

⁴⁹ Public Safety Business Agency's response to submissions, 5 July 2016, p 3.

⁵⁰ Explanatory notes, p 3.

⁵¹ Explanatory notes, p 3.

⁵² Letter from the Public Safety Business Agency, 7 June 2016, p 3.

A Board of Management Handbook will be prepared for approval by the board, to:

*...provide guidance about the functions of the board and the PSBA COO. It will outline the manner in which the business of the board is ordinarily conducted including, for example, quorum, meeting frequency, attendance of the PSBA COO, etc. Each member of the board has equal voting rights and unanimous voting is required for approval of a decision.*⁵³

Both the QPCOU and the UFU supported the proposed establishment of the board and the rotation of the chair of the board.⁵⁴

2.1.3 Changing role of Chief Executive Officer to Chief Operating Officer

In implementation of Recommendation 2 of the PSBA review report, the Bill replaces the role of CEO with that of COO. The main functions of the COO will be ‘...to help the board perform its functions and be responsible for the day-to-day operation of the PSBA’.⁵⁵

The COO must give effect to any direction of the board relevant to the functions: ‘The Bill removes the requirement the PSBA CEO has to report to the Minister and instead obliges the PSBA COO to report regularly to the board’.⁵⁶

Similar to the existing CEO, the COO will be appointed by and remunerated as decided by the Governor in Council.⁵⁷

The Governor in Council will retain the ability to remove the PSBA COO from office upon the recommendation of the Minister:

*However, to be consistent with employment conditions of chief executives employed under the Public Service Act 2008, the Bill allows the Minister to remove the PSBA COO from office by notice given to the PSBA COO at least 1 month before it is to take effect. A further amendment will clarify that the PSBA COO's term of appointment will be not more than 5 years.*⁵⁸

Both the QPCOU and the UFU supported the proposed change of the role of CEO to COO.⁵⁹

2.2 Transitioning Blue Card Services

The blue card system:

- *is a key prevention and monitoring system of people working with children and young people in Queensland*
- *aims to minimise the risks of harm to children and young people by contributing to the creation of safe and supportive environments*
- *is founded on the principle that all children have a fundamental right to be protected from harm.*⁶⁰

In line with recommendation 8 of the PSBA review, the explanatory notes state that the Bill will:

...finalise machinery of government changes to transfer the responsibility of Blue Card Services to the Department of Justice and Attorney-General... by omitting section 7 ‘Administration of this Act in the Public Safety Business Agency’ of the Working with

⁵³ Letter from the Public Safety Business Agency, 7 June 2016, p 3.

⁵⁴ Submission 1, p 1; Submission No 2, p 6.

⁵⁵ Explanatory notes, p 3.

⁵⁶ Letter from the Public Safety Business Agency, 7 June 2016, p 3.

⁵⁷ Explanatory notes, p 3.

⁵⁸ Letter from the Public Safety Business Agency, 7 June 2016, p 3.

⁵⁹ Submission No 1, p 2; Submission 2, p 6.

⁶⁰ Blue Card Services, Queensland government website, accessed on 18 July 2016: <https://www.bluecard.qld.gov.au/>

*Children (Risk Management and Screening) Act 2000 which states that the Act is to be administered in the PSBA.*⁶¹

The Minister noted the PSBA review finding that:

*...given the existing systems and processes for licensing that are already in place the Department of Justice and Attorney General is best placed to undertake the Blue Card service.*⁶²

The PSBA also cited the review report, noting its conclusion that ‘...allowing the PSBA to continue to administer Blue Card Services may be detrimental to the PSBA's dedicated focus on providing corporate support’.⁶³

This amendment will commence on proclamation to enable administrative arrangements to be finalised prior to the transfer and to enable planning to be based on a set future date.⁶⁴ According to evidence presented to the committee, this commencement date will:

*...allow the Department of Justice and Attorney-General and the Public Safety Business Agency to work together to ensure a seamless transition of staff and services on a date to be agreed’.*⁶⁵

The UFU supported the proposed transitioning of Blue Card Services to the department.⁶⁶ The QPCOU communicated ‘in principle’ support for the proposal.⁶⁷

2.3 Integrating State Government Security into the Queensland Police Service

The SGS was established under the *State Buildings Protective Security Act 1983* (SBPS Act). Under that Act, the primary function of ‘security officers’ is to carry into effect the systems formulated for the security of state buildings, including, for example, the systems for the entry of vehicles into state buildings and the parking of the vehicles.⁶⁸

In relation to a state building, a ‘senior protective security officer’ possesses the powers and authorities of a police officer, except the power of arrest.⁶⁹

The explanatory notes state that the Bill will:

*...allow the SGS to be effectively integrated into the QPS and ensure that the objectives supporting the transfer of the SGS to the QPS in recommendation 8 of the PSBA are met.*⁷⁰

In introducing the Bill, the Minister noted that the PSBA review identified a number of reasons why the protective security service would best fit within the QPS, including:

*...the benefit of the police maintaining overall responsibility for public safety in Queensland and having the ability to easily coordinate responses and deployment in emergencies’.*⁷¹

⁶¹ Explanatory notes, p 3. Clause 56 of the Bill omits section 7 of the *Working with Children (Risk Management and Screening) Act 2000* to remove a legislative impediment for the transfer of blue card services to the Department of Justice and Attorney-General.

⁶² Hansard transcript, 24 May 2016 (explanatory speech), p 1940.

⁶³ Letter from the Public Safety Business Agency, 7 June 2016, p 4.

⁶⁴ Letter from the Public Safety Business Agency, 7 June 2016, p 4; Clause 2 of the Bill.

⁶⁵ Hansard transcript, public briefing, 15 June 2016, p 1.

⁶⁶ Submission 2, p 6.

⁶⁷ Submission 1, p 2.

⁶⁸ Section 18(1) ‘Functions of security officers’ *State Buildings Protective Security Act 1983*.

⁶⁹ Section 19 ‘Powers of senior protective security officer’ *State Buildings Protective Security Act 1983*.

⁷⁰ Explanatory notes, p 4.

⁷¹ Hansard transcript, 24 May 2016 (explanatory speech) p 1940.

Additionally, the PSBA identified that the QPS taking responsibility for the SGS would:

- *increase the potential for the SGS to be used as an employment platform for recruits who cannot meet the entry requirements for the QPS or to allow for the transition of sworn police officers*
- *ensure access of training and support for SGS officers.*⁷²

The PSBA stated that meeting the above policy objectives can only be achieved through the proposed amendments that:

*...integrate SGS staff into the QPS by deeming them to be staff members under the Police Service Administration Act 1990. This will allow the management and administration of SGS staff to be consistent with other QPS staff members.*⁷³

However, the PSBA observed that:

*...SGS staff's employment entitlements and conditions will not change as section 11 of the State Buildings Protective Security Act 1983 will continue to operate, confirming that SGS staff will remain employed under the Public Service Act 2008.*⁷⁴

The Bill does not change the existing powers of security officers, the circumstances in which they can exercise those powers, or their employment conditions. The QPS advised that the Bill would:

*...fully integrate protective security personnel into the Queensland Police Service to ensure the Police Commissioner can effectively manage this new responsibility—a responsibility that we have not had previously. This is achieved by the bill prescribing the provision of security services as a function of the Police Service and the responsibility of the Police Commissioner.*⁷⁵

The UFU supported the proposed integration of SGS into the QPS.⁷⁶ The QPCOU supported the proposal in principle, provided that *adequate funding is provided and no further burden is placed on the Queensland Police Service budget*.⁷⁷

In response, the PSBA noted that the concerns raised:

- could be addressed through the management of the PSBA and operational agencies rather than by amendment to the Bill
- will be forwarded to the interim PSBA board of management and the PSBA Joint Implementation Working Group for consideration and implementation where considered appropriate.⁷⁸

In response to committee questioning as to whether the proposed integration of protective security officers would result in the loss of any entitlements under existing employment conditions, the QPS advised:

It is something that we have been very conscious of when we have looked at the implications of transitioning this group of employees to a very different set of arrangements ... we have given the workforce an undertaking that they will not lose entitlements. The entitlements should be protected. We have worked very fastidiously to make sure that they are protected. Certainly that is the basis of the negotiation that we

⁷² Letter from the Public Safety Business Agency, 7 June 2016, p 3.

⁷³ Letter from the Public Safety Business Agency, 7 June 2016, p 3.

⁷⁴ Letter from the Public Safety Business Agency, 7 June 2016, p 3.

⁷⁵ Hansard transcript, public briefing, 15 June 2016, p 3.

⁷⁶ Submission 2, p 6.

⁷⁷ Submission 1, p 2.

⁷⁸ Public Safety Business Agency's response to submissions, 5 July 2016, p 3.

*have entered into. I believe it is the basis of the EB discussions that have occurred with that particular group of employees.*⁷⁹

The QPS explained the sick leave entitlements of police officers:

*[P]olice officers routinely contribute to a sick leave bank. While they are given a certain amount of sick leave, the reality is that above and beyond that they can access a sick leave bank but it is in recognition of the nature of the work that they perform that generally they are entitled to six weeks pay. They bequeath to the sick leave bank a number of days, which usually, as I understand it, is two days per year, so there is a collective benefit for their colleagues who might need to access that.*⁸⁰

The PSBA subsequently provided specific advice on whether transitioning protective security officers would be able to access the sick leave bank. It noted that the QPS had advised the sick leave bank is only available to sworn police officers. While the Bill would allow SGS to be effectively integrated into the QPS without affecting the entitlements and benefits that SGS staff currently enjoy, it would not authorise these staff, or other QPS staff members, to access the sick leave bank.⁸¹

In response to committee questioning as to the level of training provided to police officers and protective security officers, the QPS advised:

*The difference is quite significant. The people who are currently protective security officers receive nowhere near the level of training, despite the fact that they have the means to be able to exercise certain powers narrowly with respect to security of buildings. The reality is that their training with respect to the law, their training with respect to physical skills and their training more broadly is not comparable to the training of a current police officer.*⁸²

The QPS saw the proposed integration as a very significant opportunity in this respect:

*Our intention as an employer is to actually upskill the officers. In the consultation we have undertaken with the protective security officers they have been very welcoming of that. They are very much looking forward to migrating across to the Queensland Police Service—maybe not universally, but certainly there is a very positive feeling there and they see this as being a very positive move to be aligned to an agency that fundamentally, like them, is about safety and security. They are very warmly receiving the notion of equipment, technology and upskilling generally as a very positive signal. That is our commitment to them as an employee group.*⁸³

2.4 Other amending legislation

In addition to amending the Act, the Bill would amend the following legislation:

- *Disaster Management Regulation 2014*
- *Police Powers and Responsibilities Act 2000*
- *Police Service Administration Act 1990*
- *Police Service Administration Regulation 2016*
- *Public Service Act 2008*
- *State Buildings Protective Security Act 1983*
- *State Buildings Protective Security Regulation 2008*
- *Working with Children (Risk Management and Screening) Act 2000.*

⁷⁹ Hansard transcript, public briefing, 15 June 2016, p 4.

⁸⁰ Hansard transcript, public briefing, 15 June 2016, p 4.

⁸¹ Letter from the Public Safety Business Agency responding to question taken on notice, 24 June 2016, p 1.

⁸² Hansard transcript, public briefing, 15 June 2016, p 5.

⁸³ Hansard transcript, public briefing, 15 June 2016, p 5.

3 Compliance with the *Legislative Standards Act 1992*

3.1 Fundamental legislative principles

Section 4 of the *Legislative Standards Act 1992* 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 to the institution of parliament.⁸⁴ The committee has not identified any issues of fundamental legislative principle with the Bill.

3.2 Explanatory notes

Part 4 of the *Legislative Standards Act 1992* 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. Those notes are fairly detailed and contain the information required by Part 4 and include a reasonable level of background information and commentary to facilitate understanding of the Bill’s aims and origins.

⁸⁴ *Legislative Standards Act 1992*, s 4(2)(a) and (b).

Appendix A – List of submissions

- 01 The Queensland Police Commissioned Officers' Union
- 02 United Firefighters' Union Queensland

Appendix B – List of witnesses

Public Briefing – Brisbane 15 June 2016

Department of Justice and Attorney-General:

Mr Anthony Reilly, Acting Chief Executive Officer, Public Safety Business Agency
Mr Peter Martin, Acting Deputy Commissioner, Queensland Police Service
Mr Doug Smith, Deputy Commissioner, Queensland Fire and Emergency Services
Senior Sergeant John Henderson, Public Safety Business Agency

Appendix C – Public Safety Business Agency review recommendations⁸⁵

Recommendation 1

Approve the principles of operating model option 3, the associated organisational design and board of management structure as the desired future state of the PSBA, so that the PSBA continues to operate but with a more clearly defined role, more targeted scope and clearer governance arrangements.

Recommendation 2

Approve the creation of the PSBA Board of Management to oversee the activities of the PSBA and undertake portfolio-wide planning and strategy, and approve the role of the Board of Management (BoM) chair to rotate between the QPS Commissioner, QFES Commissioner and the external member.

Recommendation 3

Support the effective operation of the PSBA and partner agencies by mandating the development of service level agreements (or similar) between agencies.

Recommendation 4

In line with recommendation 1, approve the following services and functions as the responsibility of the respective operational agencies:

- a) operational functions
- b) strategy
- c) recruitment
- d) education and training
- e) local workplace health and safety
- f) ethical standards
- g) media services
- h) legal services
- i) right to information
- j) ministerial services, and
- k) cabinet legislation liaison.

Recommendation 5

To ensure the implementation of these activities, approve the appointment of a respected change leader to begin the task of transitioning the PSBA to the new model, and approve the immediate development of a comprehensive change management strategy to be executed by the change leader.

Recommendation 6

To ensure that QPS retain operational control of their air services, approve the transfer of Police Air Wing to QPS.

Recommendation 7

Approve the role of the PSBA to maintain responsibility for asset management and maintenance, and perform a strategic air fleet management function under the guidance of the PSBA Board of Management.

⁸⁵ Public Service Commission, *Review of the Public Safety Business Agency*, November 2015, pp 8-9.

Recommendation 8

Approve the transfer of the following operational services out of the PSBA, and approve:

- a) Blue Card Services transfer to the Department of Justice and Attorney-General
- b) State Government Security transfer to Queensland Police Service.