

I hereby certify that this PUBLIC BILL has finally passed the  
Legislative Assembly of Queensland.



Legislative Assembly Chamber,  
Brisbane,

*M. Reis*  
The Clerk of the Parliament.

21 May 2014

In the name and on behalf of the Queen, I assent to this Bill.

*Penelope Wensley*  
Government House,

Brisbane, 21st May,

2014



Queensland

No. 17 of 2014

A BILL for

an Act to establish the Public Safety Business Agency and for related purposes, to amend this Act, the Disaster Management Act 2003, the Fire and Rescue Service Act 1990, the Drugs Misuse Act 1986, the Evidence Act 1977, the Police Powers and Responsibilities Act 2000, the Police Service Administration Act 1990, the Police Service Administration Regulation 1990, the Prostitution Act 1999 and the Public Service Act 2008 for particular purposes and to make consequential and minor amendments of other legislation as stated in schedule 1 for purposes related to those particular purposes





Queensland

# Public Safety Business Agency Bill 2014

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## A Bill

for

**an Act to establish the Public Safety Business Agency and for related purposes, to amend this Act, the *Disaster Management Act 2003*, the *Fire and Rescue Service Act 1990*, the *Drugs Misuse Act 1986*, the *Evidence Act 1977*, the *Police Powers and Responsibilities Act 2000*, the *Police Service Administration Act 1990*, the *Police Service Administration Regulation 1990*, the *Prostitution Act 1999* and the *Public Service Act 2008* for particular purposes and to make consequential and minor amendments of other legislation as stated in schedule 1 for purposes related to those particular purposes**

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[s 1]

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**The Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **Division 1 Introduction**

#### **1 Short title**

This Act may be cited as the *Public Safety Business Agency Act 2014*.

#### **2 Act binds all persons**

- (1) This Act binds all persons, including the State and, to the extent the legislative power of the Parliament permits, the Commonwealth and the other States.
- (2) Nothing in this Act makes the State liable to be prosecuted for an offence.

### **Division 2 Object of Act**

#### **3 Object**

The object of this Act is to establish the Public Safety Business Agency to provide support services and perform other functions in relation to public safety entities.

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## Division 3 Interpretation

### 4 Definitions

The dictionary in schedule 2 defines particular words used in this Act.

### 5 Meaning of *public safety entity*

- (1) Each of the following is a *public safety entity*—
  - (a) the Queensland Fire and Emergency Service under the *Fire and Emergency Services Act 1990*;
  - (b) the department in which the *Fire and Emergency Services Act 1990* is administered;
  - (c) the Queensland Police Service;
  - (d) the Office of the Inspector-General of Emergency Management established under the *Disaster Management Act 2003*.
- (2) Also, the Minister may, by gazette notice, declare an entity, or part of an entity, to be a *public safety entity* for this Act.

## Part 2 Public Safety Business Agency

### Division 1 Establishment

#### 6 Establishment

The Public Safety Business Agency is established.

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## **Division 2                      Functions**

### **7                      Agency's functions**

- (1) The main functions of the agency are as follows—
  - (a) to provide support services to public safety entities;
  - (b) to hold and maintain infrastructure, fleet and communication technology assets for public safety entities;
  - (c) to develop, in consultation with each public safety entity, performance measures that apply to the entity in carrying out the entity's functions;
  - (d) to review, assess and report on the performance of public safety entities against the measures mentioned in paragraph (c);
  - (e) to report to and advise the Minister about resourcing public safety entities and the matters mentioned in paragraphs (a) to (d);
  - (f) to perform a function incidental to a function mentioned in paragraphs (a) to (e).
- (2) Also, the Minister may, by gazette notice, declare that the agency is responsible for the operation and management of a public safety entity.

*Example—*

The Minister may declare the State Government Protective Security Service and Queensland Government Air Services to be public safety entities under section 5(2). The Minister may declare the agency is responsible for the operation and management of these entities under this section.

- (3) The agency's functions also include any other function given to the agency under this Act or another Act.

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## **Division 3                    Membership of the agency**

### **8                    Membership of agency**

The agency consists of—

- (a) the chief executive officer; and
- (b) the staff of the agency.

## **Division 4                    Staff of the agency**

### **Subdivision 1            Chief executive officer**

#### **9                    Chief executive officer**

- (1) There is to be a chief executive officer for the agency.
- (2) The chief executive officer is appointed by the Governor in Council on the recommendation of the Minister.
- (3) The Minister may recommend a person for appointment as the chief executive officer only if the Minister is satisfied the person is appropriately qualified to perform the functions and exercise the powers of the chief executive officer effectively and efficiently.

#### **10                  Chief executive officer employed under this Act**

The chief executive officer is employed under this Act and not under the *Public Service Act 2008*.

#### **11                  Functions of chief executive officer**

- (1) The main functions of the chief executive officer are as follows—
  - (a) to manage the agency in a way that ensures the agency performs its functions effectively and efficiently;

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- (b) to prepare a budget for the agency;
  - (c) to report to the Minister about any matter that—
    - (i) relates to the effectiveness and efficiency of the performance or exercise of the agency's or chief executive officer's functions; or
    - (ii) may help the Minister in the proper administration of this Act.
- (2) The chief executive officer's functions also include any other function given to the chief executive officer under this Act or another Act.

## **12 Ministerial direction**

- (1) The chief executive officer is subject to the direction of the Minister in performing the chief executive officer's functions under this Act.
- (2) The chief executive officer must comply with a direction given by the Minister.

## **13 Conditions of appointment**

- (1) The chief executive officer is to be paid the remuneration and allowances decided by the Governor in Council.
- (2) The chief executive officer holds office on the terms and conditions, not provided by this Act, that are decided by the Governor in Council.

## **14 Vacancy in office of chief executive officer**

- (1) The office of the chief executive officer becomes vacant—
  - (a) if the chief executive officer—
    - (i) resigns office by signed notice to the Minister giving at least 1 month's notice; or
    - (ii) is convicted of an indictable offence; or

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- (iii) is a person who is an insolvent under administration under the Corporations Act, section 9; or
      - (iv) is removed from office by the Governor in Council under subsection (2); or
    - (b) if the chief executive officer is suspended by the Minister under subsection (4)—during the period of the suspension.
  - (2) The Governor in Council may, at any time, remove the chief executive officer from office on the recommendation of the Minister.
  - (3) The Minister may recommend the chief executive officer's removal from office only if the Minister is satisfied the chief executive officer—
    - (a) has been guilty of misconduct; or
    - (b) is incapable of performing his or her duties; or
    - (c) has neglected his or her duties or performed them incompetently.
  - (4) The Minister may suspend the chief executive officer for up to 60 days by signed notice to the chief executive officer if—
    - (a) there is an allegation of misconduct against the chief executive officer; or
    - (b) the Minister is satisfied a matter has arisen in relation to the chief executive officer that may be grounds for removal under this section.

## **15 Preservation of rights of chief executive officer**

- (1) This section applies if a person who is a public service employee is appointed as the chief executive officer.
- (2) The person keeps all rights accrued or accruing to the person as a public service employee as if service as the chief executive officer were a continuation of service as a public service employee.

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- (3) At the end of the person's term of office or on resignation as the chief executive officer, the person's service as the chief executive officer is taken to be service of a like nature in the public service for deciding the person's rights as a public service employee.

## **16 Acting chief executive officer**

The Minister may appoint a person to act in the office of chief executive officer during—

- (a) a vacancy in the office of chief executive officer; or
- (b) any period, or all periods, when the chief executive officer is absent from duty, or can not, for another reason, perform the functions of the office.

## **Subdivision 2 Staff**

### **17 Agency staff**

- (1) The agency may employ the staff it considers appropriate to perform its functions.
- (2) The staff are to be employed under the *Public Service Act 2008*.

### **18 Police officers working for the agency**

- (1) The chief executive officer may enter into, and give effect to a secondment or work performance arrangement, under the *Police Service Administration Act 1990*, section 5.13C, with the commissioner of the Queensland Police Service for a police officer to provide services or perform work for the agency.
- (2) A police officer providing services to, or performing work for, the agency under the arrangement—



- (a) is subject to the direction and control of the chief executive officer to the extent the police officer is providing the services or performing the work; but
- (b) otherwise continues to be a police officer and to have the functions, powers and responsibilities of an officer.

## **Part 3                      Miscellaneous**

### **19        Annual report**

- (1) The agency must include in its annual report—
  - (a) details of any direction given to the agency by the Minister that relates to the financial year for which the report is prepared; and
  - (b) details of any action taken by the agency as a result of the direction during the financial year for which the report is prepared; and
  - (c) any information required by the Minister.
- (2) Also, the agency may include in its annual report information, opinions and recommendations about any matter relating to the agency's functions.
- (3) In preparing its annual report, the agency may consult with the public safety entities it considers may be affected by the report.

*Note—*

See the *Financial Accountability Act 2009*, section 63, for requirements about tabling the annual report in the Legislative Assembly.

### **20        Provision of information**

- (1) Subsection (2) applies if the chief executive officer considers a public safety entity has information necessary for the

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performance of the chief executive officer's or the agency's functions.

- (2) The chief executive officer may ask the public safety entity to give the chief executive officer the information within a stated reasonable time.
- (3) The public safety entity must comply with the request unless the entity reasonably considers the disclosure of the information—
  - (a) is prohibited under an Act; or
  - (b) is impracticable; or
  - (c) would prejudice the investigation of a contravention, or possible contravention, of a law; or
  - (d) would prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of a law; or
  - (e) would endanger a person's life or safety.
- (4) If the public safety entity decides not to comply with the request, the entity must advise the chief executive officer of its reasons for not doing so.
- (5) The chief executive officer may enter into an arrangement with a public safety entity about the provision by the entity of information to the chief executive officer.
- (6) In this section—

*public safety entity* includes the chief executive, however described, of the public safety entity.

## 21 Delegations

- (1) The chief executive officer may delegate a function of the chief executive officer under this Act to an appropriately qualified person.
- (2) A delegation of a function may permit the subdelegation of the function.

- (3) In this section—  
*function* includes power or responsibility.

## **22 Protecting Minister from liability**

- (1) 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 under this Act.
- (2) If subsection (1) prevents a civil liability attaching to the Minister, the liability attaches instead to the State.

## **23 Regulation-making power**

The Governor in Council may make regulations under this Act.

# **Part 4 Transitional provision**

## **24 Transitional provision**

For the *Financial Accountability Act 2009*, sections 62, 63 and 80—

- (a) the department known as the Public Safety Business Agency, in existence immediately before the commencement of this section, is taken not to be abolished; and
- (b) section 80(2) of that Act applies to the redistribution of the public business of the department to the agency.

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## **Part 5    Amendment of Disaster Management Act 2003**

### **25        Act amended**

This part amends the *Disaster Management Act 2003*.

### **26        Amendment of s 3 (Main objects of Act)**

Section 3(c)—

*omit.*

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

Section 4(e) and (f)—

*omit, insert—*

(e) establishing the Office of the  
Inspector-General of Emergency  
Management.

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

Section 8(1), examples, second dot point, ‘Fire Act’—

*omit, insert—*

*Fire and Emergency Services Act 1990*

### **29        Amendment of s 16A (Functions of chief executive)**

(1) Section 16A(a) and (b)—

*omit.*

(2) Section 16A(d)(iii)—

*omit, insert—*

(iii) the disaster management standards;

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- (iv) the disaster management guidelines;
- (3) Section 16A(f), note—  
*omit.*
- (4) Section 16A(c) to (f)—  
*renumber* as section 16A(a) to (d).

**30 Insertion of new pt 1A**

After section 16A—

*insert—*

**Part 1A                      Office of the  
Inspector-General of  
Emergency  
Management**

**Division 1                  Establishment**

**16B Establishment**

The Office of the Inspector-General of Emergency Management (the *office*) is established.

**Division 2                  Functions**

**16C Office's functions**

The office has the following functions—

- (a) to regularly review and assess the effectiveness of disaster management by the State, including the State disaster management plan and its implementation;

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- (b) to regularly review and assess the effectiveness of disaster management by district groups and local groups, including district and local disaster management plans;
- (c) to regularly review and assess cooperation between entities responsible for disaster management in the State, including whether the disaster management systems and procedures employed by those entities are compatible and consistent;
- (d) to make disaster management standards;
- (e) to regularly review and assess disaster management standards;
- (f) to review, assess and report on performance by entities responsible for disaster management in the State against the disaster management standards;
- (g) to work with entities performing emergency services, departments and the community to identify and improve disaster management capabilities, including volunteer capabilities;
- (h) to monitor compliance by departments with their disaster management responsibilities;
- (i) to identify opportunities for cooperative partnerships to improve disaster management outcomes;
- (j) to report to, and advise, the Minister about issues relating to the functions mentioned in paragraphs (a) to (i);
- (k) to make all necessary inquiries to fulfil the functions mentioned in this section;
- (l) to perform a function incidental to a function mentioned in paragraphs (a) to (k).

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## **Division 3          Membership of the office**

### **16D Membership of office**

The office consists of—

- (a) the inspector-general; and
- (b) the staff of the office.

## **Division 4          Staff of the office**

### **Subdivision 1      Inspector-General of Emergency Management**

#### **16E Inspector-General of Emergency Management**

- (1) There is to be an Inspector-General of Emergency Management.
- (2) The inspector-general is appointed by the Governor in Council on the recommendation of the Minister.
- (3) The Minister may recommend a person for appointment as the inspector-general only if the Minister is satisfied the person is appropriately qualified to exercise the inspector-general's functions and powers effectively and efficiently.

#### **16F Inspector-general employed under this Act**

The inspector-general is employed under this Act and not the *Public Service Act 2008*.

#### **16G Term of office**

The inspector-general holds office for the term, of not more than 5 years, stated in the inspector-general's instrument of appointment.

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### **16H Functions of inspector-general**

- (1) The main functions of the inspector-general are as follows—
  - (a) to ensure the effective and efficient administration and operation of the office and the performance of its functions;
  - (b) to manage the staff of the office in accordance with the requirements of this Act and the *Public Service Act 2008*.
- (2) The inspector-general's functions also include any other function given to the inspector-general under this Act or another Act.

### **16I Conditions of appointment**

- (1) The inspector-general is to be paid the remuneration and allowances decided by the Governor in Council.
- (2) The inspector-general holds office on the terms and conditions, not provided by this Act, that are decided by the Governor in Council.

### **16J Vacancy in office of inspector-general**

- (1) The office of the inspector-general becomes vacant—
  - (a) if the inspector-general—
    - (i) resigns office by signed notice to the Minister giving at least 1 month's notice; or
    - (ii) is convicted of an indictable offence; or
    - (iii) is a person who is an insolvent under administration under the Corporations Act, section 9; or



- (iv) is removed from office by the Governor in Council under subsection (2); or
  - (b) if the inspector-general is suspended by the Minister under subsection (4)—during the period of the suspension.
- (2) The Governor in Council may, at any time, remove the inspector-general from office on the recommendation of the Minister.
  - (3) The Minister may recommend the inspector-general's removal only if the Minister is satisfied the inspector-general—
    - (a) has been guilty of misconduct; or
    - (b) is incapable of performing his or her duties; or
    - (c) has neglected his or her duties or performed them incompetently.
  - (4) The Minister may suspend the inspector-general for up to 60 days by signed notice to the inspector-general if—
    - (a) there is an allegation of misconduct against the inspector-general; or
    - (b) the Minister is satisfied a matter has arisen in relation to the inspector-general that may be grounds for removal under this section.

### **16K Preservation of rights of inspector-general**

- (1) This section applies if a person who is a public service employee is appointed as the inspector-general.
- (2) The person keeps all rights accrued or accruing to the person as a public service employee as if service as the inspector-general were a continuation of service as a public service employee.

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- (3) At the end of the person's term of office or on resignation as the inspector-general, the person's service as the inspector-general is taken to be service of a like nature in the public service for deciding the person's rights as a public service employee.

### **16L Acting inspector-general**

The Minister may appoint a person to act in the office of inspector-general during—

- (a) a vacancy in the office of inspector-general;  
or
- (b) any period, or all periods, when the inspector-general is absent from duty, or can not, for another reason, perform the functions of the office.

## **Subdivision 2 Staff**

### **16M Office staff**

- (1) The office may employ the staff it considers appropriate to perform its functions or exercise its powers.
- (2) The staff are to be employed under the *Public Service Act 2008*.

## **Division 5 Disaster management standards**

### **16N Making standards**

- (1) The inspector-general may make 1 or more standards (each a *disaster management standard*) about the way in which entities

responsible for disaster management in the State are to undertake disaster management.

### **160 Access to standards**

The inspector-general must ensure the disaster management standards are published on the office's website.

## **Division 6            Miscellaneous**

### **16P Provision of information**

- (1) Subsection (2) applies if the inspector-general considers a public sector unit has information necessary for the performance of the inspector-general's or the office's functions.
- (2) The inspector-general may ask the public sector unit to give the inspector-general the information within a stated reasonable time.
- (3) The public sector unit must comply with the request unless it reasonably considers the disclosure of the information—
  - (a) is prohibited under an Act; or
  - (b) is impracticable; or
  - (c) would prejudice the investigation of a contravention, or possible contravention, of a law; or
  - (d) would prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of a law; or
  - (e) would endanger a person's life or safety.

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- (4) If the public sector unit decides not to comply with the request, the unit must advise the inspector-general of its reasons for not doing so.
- (5) The inspector-general may enter into an arrangement with a public sector unit about the provision by the unit of information in the unit's possession that is required by the inspector-general.
- (6) In this section—  
*public sector unit* includes the chief executive, however described, of the unit.

### 16Q Delegations

- (1) The inspector-general may delegate a function of the inspector-general under this Act to an appropriately qualified person.
- (2) A delegation of a function may permit the subdelegation of the function.
- (3) In this section—  
*function* includes power or responsibility.

## 31 Amendment of s 19 (Membership)

- (1) Section 19(1)—  
*insert—*  
(ba) the commissioner of the police service;
- (2) Section 19(1)(ba) to (i)—  
*renumber* as section 19(1)(c) to (j)
- (3) Section 19(2), '(1)(c) to (i)'—  
*omit, insert—*  
(1)(d) to (j)

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

(1) Section 20(2) and (3)—

*omit, insert—*

(2) The commissioner of the police service is the deputy chairperson of the State group.

(2) Section 20(4)—

*renumber* as section 20(3).

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

(1) Section 21B(1), ‘appoint the person.’—

*omit, insert—*

appoint—

(a) a deputy commissioner of the police service;  
or

(b) another person the chairperson decides, after considering the nature of the disaster operations, should be appointed to coordinate the operations.

(2) Section 21B(4), after ‘a person’—

*insert—*

, other than a deputy commissioner of the police service,

**34 Amendment of s 50 (Requirements of plan)**

Section 50, after ‘with the’—

*insert—*

disaster management standards and

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**35 Amendment of s 54 (Requirements of plan)**

Section 54, after ‘with the’—

*insert—*

disaster management standards and

**36 Amendment of s 58 (Requirements of plan)**

Section 58, after ‘with the’—

*insert—*

disaster management standards and

**37 Omission of pts 6 to 8**

Parts 6 to 8—

*omit.*

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

(1) Section 113, definition *authorised person*, paragraphs (c), (e), (f) and (g)—

*omit.*

(2) Section 113, definition *authorised person*, paragraph (d)—

*renumber* as paragraph (c).

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

(1) Section 116(c)—

*omit.*

(2) Section 116(d)—

*renumber* as section 116(c).

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

(1) Section 117, ‘any’—

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*omit, insert—*

either

(2) Section 117(b)—

*omit.*

(3) Section 117(c)—

*renumber* as section 117(b).

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

Section 118—

*omit.*

**42 Amendment of s 119 (Entitlement to compensation)**

Section 119, ‘98, 107,’—

*omit.*

**43 Amendment of s 121 (Applying for compensation)**

Section 121(1), ‘98, 107,’—

*omit.*

**44 Amendment of s 132 (Appointments and authority)**

Section 132(a)(iii)—

*omit, insert—*

(iii) the deputy chairperson of the State  
group; or

(iv) a State disaster coordinator.

**45 Amendment of s 134 (Other evidentiary aids)**

(1) Section 134(e), ‘any’—

*omit, insert—*

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either

- (2) Section 134(e)(iii)—  
*omit.*

**46 Omission of pt 13, div 1**

Part 13, division 1—

*omit.*

**47 Omission of pt 13, div 2, hdg**

Part 13, division 2, heading—

*omit.*

**48 Replacement of ss 139 to 142**

Sections 139 to 142—

*omit, insert—*

**139 Confidentiality**

- (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.

- (2) Subsection (1) does not apply if the information is disclosed or used, or a record of the information is made—
- (a) under this Act; or



- 
- (b) as permitted or required under another Act;  
or
  - (c) in compliance with a lawful process requiring production of documents to, or giving evidence before, a court or tribunal.

### **142 Chief executive to insure particular persons**

- (1) The chief executive must enter into a contract of insurance with WorkCover or another entity to insure persons required to give reasonable help under section 77(1)(q) or 112(3)(g).
- (2) The contract of insurance must cover the persons mentioned in subsection (1) while they are giving the reasonable help.
- (3) In this section—

*WorkCover* means WorkCover Queensland established under the *Workers' Compensation and Rehabilitation Act 2003*.

### **49 Amendment of s 143 (Delegations)**

- (1) Section 143(1) and (2), 'officer of the department'—  
*omit, insert—*  
person
- (2) Section 143(9), definition *appropriately qualified—*  
*omit.*

### **50 Amendment of s 144 (Protection from liability)**

- (1) Section 144(3), definition *official*, paragraphs (c) and (f)—  
*omit.*
- (2) Section 144(3), definition *official*, paragraph (e), '  
107(2)(h)'—

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*omit.*

- (3) Section 144(3), definition *official*, paragraphs (d) and (e)—  
*renumber* as paragraphs (c) and (d).

## **51 Amendment of s 145 (Appointments)**

Section 145, ‘An’—

*insert*—

Subject to section 16M, an

## **52 Amendment of s 146 (Arrangements for identification)**

Section 146, ‘98,’—

*omit.*

## **53 Amendment of schedule**

- (1) Schedule, definitions *authorised rescue officer, emergency related function, emergency service area, emergency service unit, ESU function, ESU member, ES unit, ES unit coordinator, ES vehicle, Fire Act, fire coordinator, government fire officer, local controller, relevant ES unit, SES, SES coordinator, SES function, SES member, SES unit, SES vehicle* and *State Emergency Service*—

*omit.*

- (2) Schedule—

*insert*—

***disaster management standard*** see section 16N.

***government fire officer*** means a fire officer under the *Fire and Emergency Services Act 1990*.

***inspector-general*** means the Inspector-General of Emergency Management appointed under section 16E.

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*office* means the Office of the Inspector-General of Emergency Management established under section 16B.

- (3) Schedule, definition *non-government fire officer*, ‘Rescue’—  
*omit, insert—*

Emergency

## Part 6                      Amendment of Drugs Misuse Act 1986

### 54      Act amended

This part amends the *Drugs Misuse Act 1986*.

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

Section 125(3) and (4)—

*omit, insert—*

- (3) It is lawful for a person who—
- (a) as a staff member within the meaning of the *Police Service Administration Act 1990*, section 1.4, is performing the duties of a property officer in the police service; or
  - (b) as a public service employee employed in the Public Safety Business Agency (the *PSBA*) established under the *Public Safety Business Agency Act 2014*, is performing functions similar to the duties of a property officer in the police service;

to possess a dangerous drug while actually performing the duties or functions.

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- (4) It is lawful for a person who—
- (a) as a drug control officer within the meaning of the *Police Powers and Responsibilities Act 2000*, section 726, is performing the functions of a drug control officer in the police service; or
  - (b) as a public service employee employed in the PSBA, is performing functions similar to the duties of a drug control officer in the police service;
- to possess a dangerous drug while actually performing the functions.

## Part 7                                  **Amendment of Evidence Act 1977**

### **56      Act amended**

This part amends the *Evidence Act 1977*.

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

Section 134A—

*insert—*

- (4B) Also, the principal officer of a public safety entity under the *Public Safety Business Agency Act 2014* may delegate the officer's powers under this section to an appropriately qualified person in the Public Safety Business Agency.

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## Part 8                      **Amendment of Fire and Rescue Service Act 1990**

### 58      **Act amended**

This part amends the *Fire and Rescue Service Act 1990*.

*Note—*

See also the amendments in schedule 1, part 4.

### 59      **Amendment of long title**

Long title, from ‘Rescue’ to ‘other’—

*omit, insert—*

**Emergency Service, to establish a fund for  
particular purposes, to provide for the prevention  
of and response to fires and emergency**

### 60      **Replacement of pt 1, hdg (Preliminary)**

Part 1, heading—

*omit, insert—*

## **Chapter 1      Preliminary**

### 61      **Amendment of s 1 (Short title)**

Section 1, ‘*Fire and Rescue Service Act*’—

*omit, insert—*

*Fire and Emergency Services Act*

### 62      **Insertion of new s 2**

After section 1—

*insert—*

[s 63]

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## **2 Objects of Act**

The objects of this Act are—

- (a) to provide for the prevention of, and responses to, fires and other emergency incidents; and
- (b) to provide for rescue services and operations; and
- (c) to establish a framework for the management of—
  - (i) the Queensland Fire and Emergency Service; and
  - (ii) the State Emergency Service; and
  - (iii) emergency service units established for an emergency service area; and
  - (iv) the conduct of authorised rescue officers.

### **63 Renumbering of ss 6 and 7**

Sections 6 and 7—

*renumber* as sections 3 and 4.

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

Section 6A—

*relocate* to part 6 and *renumber* as section 52.

### **65 Replacement of pt 2, hdg and div 1, hdg**

Part 2, heading and division 1, heading—

*omit, insert*—

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## Chapter 2 Commissioner

### 66 Insertion of new s 7A

Chapter 2, as inserted—

*insert—*

#### 7A Functions of commissioner

- (1) The main functions of the commissioner are as follows—
  - (a) to manage QFES in a way that ensures QFES performs its functions under this Act effectively and efficiently;
  - (b) to establish management and support services for the SES and ES units;
  - (c) to make recommendations to the Minister about any matter that—
    - (i) relates to the performance of functions or exercise of powers by the commissioner or QFES; and
    - (ii) may help the Minister in the proper administration of this Act.
- (2) The commissioner's functions also include any other function given to the commissioner under this Act or another Act.

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

After section 7A, as inserted—

*insert—*

[s 68]

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## **Chapter 3 Queensland Fire and Emergency Service**

### **Part 1 Establishment, membership and functions**

#### **68 Amendment of s 8 (Establishment of service)**

Section 8, 'Rescue Service'—

*omit, insert—*

Emergency Service (*QFES*)

#### **69 Amendment of s 8A (Membership of service)**

Section 8A, 'The service'—

*omit, insert—*

QFES

#### **70 Amendment of s 8B (Functions of service)**

(1) Section 8B, heading, 'service'—

*omit, insert—*

**QFES**

(2) Section 8B, 'the service'—

*omit, insert—*

QFES

(3) Section 8B(b), 'the service's'—

*omit, insert—*

QFES's



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

Section 8C—

*omit.*

**72 Omission of div 3, hdg (Commissioner)**

Division 3, heading—

*omit.*

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

(1) Section 9(1), 'for the service'—

*omit.*

(2) Section 9(2)—

*omit.*

(3) Section 9(4)—

*renumber* as section 9(2).

(4) Section 9—

*relocate* and *renumber*, in chapter 2, as section 5.

**74 Relocation and renumbering of ss 10 and 11**

Sections 10 and 11—

*relocate* and *renumber*, in chapter 2, as sections 6 and 7.

**75 Omission of s 12 (Role of commissioner)**

Section 12—

*omit.*

[s 76]

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

- (1) Section 18(1)(b), ‘or chief executive’—  
*omit.*
- (2) Section 18—  
*relocate and renumber*, in chapter 2, as section 7B.

**77 Omission of div 4, hdg**

Division 4, heading—  
*omit.*

**78 Omission of ss 19 and 19C**

Sections 19 and 19C—  
*omit.*

**79 Amendment of s 20 (Fund)**

- (1) Section 20(1), ‘, Fire and Rescue’—  
*omit.*
- (2) Section 20(4)(c), ‘chief executive’—  
*omit, insert—*  
commissioner
- (3) Section 20(5)(b), ‘the Queensland Fire and Rescue Service’—  
*omit, insert—*  
QFES

**80 Amendment of s 25 (Staff of service)**

- (1) Section 25, heading, ‘service’—  
*omit, insert—*

**QFES**

(2) Section 25, 'chief executive'—

*omit, insert—*

commissioner

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

Section 25C(1) and (3), 'the service'—

*omit, insert—*

QFES

**82 Amendment of s 27 (Additional remuneration)**

Section 27, from 'the service'—

*omit, insert—*

QFES any fee or reward not authorised by the commissioner.

**83 Amendment of s 28 (Retirement)**

(1) Section 28, 'chief executive'—

*omit, insert—*

commissioner

(2) Section 28(1), 'the service'—

*omit, insert—*

QFES

**84 Insertion of new ss 29A and 29B**

After section 29—

*insert—*

[s 84]

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## **29A Surrender of equipment**

- (1) A person, upon ceasing to be a fire service officer, must surrender to the commissioner—
  - (a) any form of identification; and
  - (b) anything issued to the person for official use;unless otherwise ordered by the commissioner.
- (2) A justice, acting upon the complaint of the commissioner, may issue a warrant authorising any person named in, or belonging to a class of person specified in, the warrant to search for and seize anything not surrendered in accordance with subsection (1).
- (3) A person authorised to execute a warrant may, for that purpose—
  - (a) enter any premises in which the person believes the thing sought may be located; and
  - (b) break open anything the person believes may contain the thing sought.

*Note—*

The content of this section was previously included in section 141.

## **29B Vacating premises**

- (1) A person, upon ceasing to be a fire service officer, must immediately vacate any premises the property of the State or to the possession of which the State is entitled, unless the commissioner otherwise orders.
- (2) If the premises are not vacated immediately or, as the case may be, within any period ordered by the commissioner, the commissioner may give the person a notice to quit.

- (3) If the premises are not vacated within 14 days after the notice to quit is given, a magistrate, acting upon the complaint of the commissioner, may issue a warrant authorising a police officer to enter the premises and remove all persons and property not authorised by the commissioner to be on the premises and to deliver possession of the premises to the State.

*Note—*

The content of this section was previously included in section 142.

## **85 Amendment of s 30 (Grounds for disciplinary action)**

- (1) Section 30(1), ‘the chief executive to exist’—  
*omit, insert—*  
the commissioner to exist
- (2) Section 30(1)(e), (3) and (4), ‘chief executive’—  
*omit, insert—*  
commissioner
- (3) Section 30(1)(h), from ‘the chief executive’ to ‘section 25C(1)’—  
*omit, insert—*  
the commissioner under section 25B(1) or 25C(1)
- (4) Section 30(5), ‘the fire service’—  
*omit, insert—*  
QFES

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

Section 30C, definition *employing chief executive—*  
*omit.*

[s 87]

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

(1) Section 30F, heading—

*omit, insert—*

**30F Declaration if the commissioner is also the previous chief executive**

(2) Section 30F(1), from ‘the chief executive’—

*omit, insert—*

the commissioner is also the previous chief executive under this subdivision.

(3) Section 30F(2), ‘chief executive’—

*omit, insert—*

commissioner

**88 Amendment of s 32 (Suspension)**

(1) Section 32, ‘chief executive’—

*omit, insert—*

commissioner

(2) Section 32(1)(a), ‘the service’—

*omit, insert—*

QFES

**89 Amendment of s 35 (Functions of council)**

Section 35(1), ‘the service’—

*omit, insert—*

QFES

**90 Amendment of s 37 (Chairperson of council)**

Section 37(4)(c) and (d)—

*omit, insert—*

(c) a public service officer.

**91 Amendment of s 60E (Functions of investigation officers)**

Section 60E, ‘section 146A’—

*omit, insert—*

section 150B

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

Section 60K(3), ‘146A’—

*omit, insert—*

150B

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

Section 60N(1), ‘146A’—

*omit, insert—*

150B

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

Section 75(4), ‘the service’—

*omit, insert—*

QFES

[s 95]

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

Section 104DA(6), definitions *emergency alarm*, *monitored system* and *unwanted alarm*, ‘the service’—

*omit, insert—*

QFES

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

Section 104FF—

*omit, insert—*

**104FF Access to guidelines**

The commissioner must ensure a copy of the guidelines, and any document applied, adopted or incorporated by the guidelines, is available for inspection on QFES’s website.

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

Section 104KS, ‘the service’s’—

*omit, insert—*

QFES’s

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

(1) Section 125, heading, ‘re’—

*omit, insert—*

**in relation to**

(2) Section 125, ‘chief executive’—

*omit, insert—*

commissioner



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

Section 126, ‘chief executive’—

*omit, insert*—

commissioner

**100 Replacement of pt 11 (General)**

Part 11—

*omit, insert*—

**Part 11 Charges for services**

**128B Definitions for pt 11**

In this part—

*attend to*, for a fire or other incident—

- (a) means take all reasonable measures to deal with danger that is or may be caused by the fire or incident to a person or property or the environment; and
- (b) includes being in attendance at a fire or incident in readiness to act.

*service* means a service provided under this chapter.

*Note*—

The content of part 11 was previously included in section 144.

**128C Charges may be prescribed or fixed by commissioner**

- (1) A charge for a service may be prescribed by a regulation.

[s 100]

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- (2) If a charge for a service is not prescribed by a regulation, the commissioner may fix a charge for the service.
- (3) The amount of a charge fixed by the commissioner under subsection (2) must be reasonable and not more than the actual cost of providing the service.

**128D Person for whose benefit service provided is liable for charge**

A person for whose benefit a service is provided is liable for a charge for the service prescribed by a regulation or fixed by the commissioner.

**128E Person who causes fire or other incident is liable for charge**

- (1) This section applies if—
  - (a) a service is provided that involves attending to a fire or another incident; and
  - (b) a charge for the service is prescribed by a regulation or fixed by the commissioner.
- (2) The person who caused the fire or incident is liable for the charge.
- (3) If the person mentioned in subsection (2) is an agent or employee of another person (the *principal*) and caused the fire or incident when acting within the scope of the agency or employment, the principal is also liable for the charge.

**128F Property owner etc. is liable for charge for particular service**

- (1) This section applies if—

- (a) a service is provided that involves attending to a fire or a hazardous materials emergency that occurs in or on property or endangers property; and
  - (b) a charge for the service is prescribed by a regulation or fixed by the commissioner.
- (2) The owner of the property is liable for the charge.
  - (3) If the property is a seagoing ship, the ship's master is also liable for the charge.

**128G No charge for attending to authorised fire except in particular circumstances**

- (1) This section applies if—
  - (a) a service is provided that involves attending to a fire lit under the authority of an Act; and
  - (b) a charge for the service is prescribed by a regulation or fixed by the commissioner.
- (2) The only persons liable for the charge are—
  - (a) if the person who lit the fire acted recklessly or negligently in lighting, or failing to control, the fire—the person; and
  - (b) if the person mentioned in paragraph (a) is an agent or employee of another person (the *principal*) and lit the fire acting within the scope of the agency or employment—the principal.

**128H Owner of prescribed property liable only for unwanted alarm charge**

- (1) This section applies if—
  - (a) a service is provided that involves attending to a fire or other incident at or on prescribed property; and

[s 100]

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- (b) a charge for the service is prescribed by a regulation or fixed by the commissioner.
- (2) The owner of the prescribed property is not liable for the charge unless the service relates to attending to an unwanted alarm.
- (3) In this section—  
*prescribed property* see section 105(1).  
*unwanted alarm* see section 104DA(6).

### **128I Property owner not liable for charge for attendance on grass fire**

- (1) This section applies if—
  - (a) a service is provided that involves attending to a grass fire at or on, or endangering, property other than prescribed property; and
  - (b) a charge for the service is prescribed by a regulation or fixed by the commissioner.
- (2) The owner of the property is not liable for the charge unless the grass fire was lit by—
  - (a) the owner; or
  - (b) an agent or employee of the owner acting within the scope of the agency or employment.

### **128J Joint and several liability for charges**

If 2 or more persons are liable under this part for a charge for a service, the liability is joint and several.

### **128K Liability for charge does not affect other liability**

The liability of a person to pay a charge for a service of attending to an unauthorised fire does not affect the

person's liability to be proceeded against and punished for lighting the fire.

### **128L Commissioner may waive charges**

The commissioner may waive all or part of a charge for which a person is liable under this part if the commissioner is satisfied waiving the charge, or part of the charge, is reasonable in the circumstances.

## **Chapter 4 State Emergency Service, emergency service units and authorised rescue officers**

### **Part 1 State Emergency Service**

#### **Division 1 Continuation and functions**

### **129 Establishment of SES**

The State Emergency Service (the *SES*) is established.

*Note—*

The content of this section was previously included in the *Disaster Management Act 2003*, section 81.

### **130 Functions**

The functions of the SES are—

[s 100]

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- (a) to perform rescue or similar operations in an emergency situation; and
- (b) to perform search operations in an emergency or similar situation; and

*Examples of search operations in situations similar to an emergency situation—*

- a search for a lost bush walker
  - a search to find a weapon used in the commission of an alleged offence
- (c) to perform other operations in an emergency situation to—
    - (i) help injured persons; or
    - (ii) protect persons or property from danger or potential danger associated with the situation; and
  - (d) to perform other activities to help communities prepare for, respond to and recover from an event or a disaster; and
  - (e) to perform activities to raise the profile of the SES or raise funds to support the SES in the performance of its other functions.

*Note—*

The content of this section was previously included in the *Disaster Management Act 2003*, section 82.

## **Division 2            Responsibilities of                                  commissioner**

### **131 Commissioner's responsibilities for SES**

The commissioner's responsibilities for the SES are—

- (a) to establish management and support services for the SES; and
- (b) to develop policies to help the SES perform its functions effectively and efficiently

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including, for example, policies about training SES members; and

- (c) to ensure—
  - (i) the local controller of an SES unit performs the controller's functions; and
  - (ii) the SES performs its functions safely and efficiently.

*Note—*

The content of this section was previously included in the *Disaster Management Act 2003*, section 83.

## **Division 3      Membership and SES units**

### **132 Membership**

- (1) The SES consists of the persons appointed by the commissioner as SES members.
- (2) The commissioner may appoint a person as an SES member only if satisfied the person has the appropriate abilities to be an SES member.

*Note—*

The content of this section was previously included in the *Disaster Management Act 2003*, section 84.

### **133 Establishment of SES units**

- (1) The commissioner may establish an SES unit for a local government area if satisfied the local government area requires an SES unit to perform the functions mentioned in section 130.
- (2) Before establishing an SES unit for a local government area, the commissioner must consult with—
  - (a) the local government for the local government area; and

[s 100]

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- (b) other entities the commissioner is satisfied represent the interests of the community in the local government area.

*Note—*

The content of this section was previously included in the *Disaster Management Act 2003*, section 84A.

### **134 Local controller of SES unit**

- (1) The commissioner is to appoint a member of an SES unit as the local controller of the unit.
- (2) The member appointed as the local controller of an SES unit is to be nominated by the local government for the area for which the unit performs SES functions.
- (3) A person may be appointed as a local controller at the same time the person is appointed as an SES member.

*Note—*

The content of this section was previously included in the *Disaster Management Act 2003*, section 85.

### **135 Function of local controller**

The function of a local controller of an SES unit is to maintain the operational effectiveness of the unit by ensuring—

- (a) the unit's members have the necessary skills to competently perform their roles within the unit; and
- (b) the unit's equipment is maintained in an appropriate condition; and
- (c) the unit performs its functions and other activities in a way that is consistent with departmental or local government policies



about the performance of the functions and activities.

*Note—*

The content of this section was previously included in the *Disaster Management Act 2003*, section 86.

### **136 SES coordinator**

- (1) This section applies if—
  - (a) local government areas are affected by a disaster; and
  - (b) the commissioner considers the nature of the disaster goes beyond the capacity or capability of the SES units or the relevant ES units in the local government areas.
- (2) The commissioner may appoint a person as an SES coordinator to coordinate the performance of SES functions in the local government areas.
- (3) The commissioner may act under subsection (2) either—
  - (a) on the commissioner's own initiative; or
  - (b) on the request of a local government whose area is affected by the disaster.
- (4) The commissioner must, before making the appointment—
  - (a) consult with each local government affected by the disaster; and
  - (b) obtain the approval of the chairperson of the State group.
- (5) The appointment must be in writing.
- (6) The commissioner may only appoint a person as an SES coordinator if the commissioner is satisfied the person has the necessary expertise

[s 100]

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and experience to perform the functions of an SES coordinator.

- (7) The commissioner must advise the chairperson of each relevant local group and the relevant district disaster coordinator that an SES coordinator has been appointed.
- (8) The commissioner must terminate the appointment if the commissioner considers it is no longer necessary for an SES coordinator to be appointed.
- (9) The commissioner must advise the chairperson of each relevant local group and the relevant district disaster coordinator of the termination of the appointment.
- (10) In this section—

*district disaster coordinator* has the meaning given by the *Disaster Management Act 2003*.

*local group* has the meaning given by the *Disaster Management Act 2003*.

*relevant local group* means the local group for a local government area affected by a disaster.

*State group* has the meaning given by the *Disaster Management Act 2003*.

*Note*—

The content of this section was previously included in the *Disaster Management Act 2003*, section 86A.

### **137 Functions of SES coordinator**

- (1) An SES coordinator has the following functions—
  - (a) to coordinate the performance of SES functions in the local government areas for which the coordinator is appointed in circumstances where SES or ES unit

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resources are made available within the local government areas from outside the local government areas;

- (b) to provide advice to local controllers of the SES units and ES unit coordinators of the relevant ES units about—
    - (i) SES functions; and
    - (ii) managing the safety and fatigue of the members of the SES units and relevant ES units; and
    - (iii) logistical and financial matters;
  - (c) to perform other functions agreed between the SES coordinator and the local disaster coordinator for the relevant local group.
- (2) In performing the SES coordinator's functions, the coordinator must have regard to—
    - (a) the advice of the local disaster coordinator for a relevant local group; and
    - (b) any applicable disaster management plans.
  - (3) The SES coordinator may perform a function in relation to the relevant ES unit only to the extent the function relates to the relevant ES unit's SES functions.
  - (4) In this section—

***disaster management plan*** has the meaning given by the *Disaster Management Act 2003*.

***local disaster coordinator*** has the meaning given by the *Disaster Management Act 2003*.

***local group*** has the meaning given by the *Disaster Management Act 2003*.

***relevant local group*** means the local group for a local government area affected by a disaster.

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*Note—*

The content of this section was previously included in the *Disaster Management Act 2003*, section 86B.

## **Division 4      Functions of SES units**

### **138 Functions of SES unit**

- (1) The functions of an SES unit are the SES functions—
  - (a) the commissioner considers appropriate for the unit; and
  - (b) of which the unit has been advised under section 139.
- (2) To decide the functions of an SES unit, the commissioner must have regard to the following—
  - (a) the needs of the community in the relevant area;
  - (b) the needs of the community in other local government areas in which disaster operations need to be carried out;
  - (c) whether the members of the unit have the abilities to competently perform the functions;
  - (d) the resources available to the unit;
  - (e) whether the unit can appropriately maintain the equipment necessary for the unit to perform the functions.
- (3) Also, before deciding the functions of an SES unit, the commissioner must consult with the local government for the relevant area.
- (4) In this section—

*relevant area*, for an SES unit, means the area of local government in which the SES unit will perform its functions.

*Note—*

The content of this section was previously included in the *Disaster Management Act 2003*, section 87.

### **139 Notice of functions**

The commissioner must inform each SES unit of its functions in writing.

*Note—*

The content of this section was previously included in the *Disaster Management Act 2003*, section 88.

## **Division 5      Agreements**

### **140 Agreements between department and each local government to define responsibilities of each party**

The commissioner may enter into an agreement with a local government that sets out the responsibilities of each party in relation to the SES in the local government's area.

*Note—*

The content of this section was previously included in the *Disaster Management Act 2003*, section 88A.

[s 100]

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## **Part 2                      Emergency service units**

### **Division 1                Establishment and functions**

#### **141 Establishment of ES units**

- (1) The commissioner may establish an emergency service unit (an *ES unit*) for an area of the State (an *emergency service area*) if satisfied—
  - (a) the area is in a remote or rural location; and
  - (b) the establishment of the unit would help the community in the area to use resources available to it to provide for the effective and efficient performance of a function under section 142(1).
- (2) Before establishing an ES unit for an area, the commissioner must consult with—
  - (a) each local government whose area is completely or partly in the area; and
  - (b) other entities the commissioner is satisfied represent the interests of the community in the area.

*Note—*

The content of this section was previously included in the *Disaster Management Act 2003*, section 89.

#### **142 Functions**

- (1) The functions of an ES unit are any of the following functions the commissioner considers appropriate for the unit—
  - (a) an SES function;
  - (b) fire fighting or fire prevention.

- (2) In deciding the functions of an ES unit, the commissioner must have regard to the following—
  - (a) the needs of the community in the emergency service area for the unit;
  - (b) whether the members of the unit have the abilities to competently perform the function;
  - (c) the resources available to the unit;
  - (d) whether the unit can appropriately maintain the equipment necessary for the unit to perform the function.
- (3) Also, before deciding the functions of an ES unit, the commissioner must consult with each local government whose area is completely or partly in the emergency service area in which the unit performs its functions.

*Note—*

The content of this section was previously included in the *Disaster Management Act 2003*, section 90.

### **143 Notice of functions**

The commissioner must inform each ES unit of its functions in writing.

*Note—*

The content of this section was previously included in the *Disaster Management Act 2003*, section 91.

## **Division 2      Commissioner's responsibilities**

### **144 Commissioner's responsibilities for ES units**

The commissioner's responsibilities for an ES unit are—

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- (a) to establish management and support services for the unit; and
- (b) to develop policies to help the unit perform its function effectively and efficiently, including, for example, policies about training for members of the unit.

*Note—*

The content of this section was previously included in the *Disaster Management Act 2003*, section 92.

## **Division 3      Membership**

### **145 Commissioner may appoint ESU members**

- (1) An ES unit consists of the persons appointed by the commissioner as members of the unit (each an *ESU member*).
- (2) The commissioner may appoint any of the following persons as an ESU member—
  - (a) an SES member;
  - (b) an honorary ambulance officer under the *Ambulance Service Act 1991*;
  - (c) a member of a group registered as a rural fire brigade under section 79;
  - (d) another person the commissioner is satisfied has the abilities to be an ESU member.

*Note—*

The content of this section was previously included in the *Disaster Management Act 2003*, section 93.

### **146 ES unit coordinator**

- (1) The commissioner is to appoint a member of an ES unit as the ES unit coordinator of the unit.



- (2) The member appointed as an ES unit coordinator is to be nominated by the local governments whose areas are completely or partly in the emergency service area for which the ES unit is established.
- (3) A person may be appointed as an ES unit coordinator at the same time the person is appointed as an ESU member.

*Note—*

The content of this section was previously included in the *Disaster Management Act 2003*, section 94.

### **146A Function of ES unit coordinator**

The function of an ES unit coordinator of an ES unit is to maintain the operational effectiveness of the unit by ensuring—

- (a) the unit's members have the necessary skills to competently perform their roles within the unit; and
- (b) the unit's equipment is maintained in an appropriate condition; and
- (c) the unit performs its functions and other activities in a way that is consistent with departmental or local government policies about the performance of the functions and activities.

*Note—*

The content of this section was previously included in the *Disaster Management Act 2003*, section 95.

[s 100]

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## **Division 4            Matters about ES units with function of fire fighting or fire prevention**

### **147 Application of div 4**

This division applies to an ES unit that, under section 142(1), has the function of fire fighting or fire prevention.

*Note—*

The content of this section was previously included in the *Disaster Management Act 2003*, section 96.

### **147A Appointment of fire coordinator**

- (1) The commissioner is to appoint a member of the unit as the fire coordinator for the unit.
- (2) The commissioner may appoint a person as the fire coordinator only if satisfied the person has the necessary expertise or experience to exercise the powers of the fire coordinator under section 147B.

*Note—*

The content of this section was previously included in the *Disaster Management Act 2003*, section 97.

### **147B Powers of fire coordinator**

- (1) This section applies to a person appointed under section 147A(1) as a fire coordinator for an ES unit.
- (2) The person has, for controlling and extinguishing a fire in the unit's emergency service area, the powers of an authorised fire officer under this Act.
- (3) However—

- (a) the commissioner may, by written notice, impose conditions on the exercise of the powers by the person; and
- (b) if the commissioner gives the person written notice imposing conditions—the person may exercise the powers only subject to the conditions.

*Note—*

The content of this section was previously included in the *Disaster Management Act 2003*, section 98.

### **147C Particular ESU members subject to direction**

- (1) This section applies if an ES unit is assisting in operations under this Act for controlling or extinguishing a fire.
- (2) The members of the ES unit who are assisting in the operations are subject to the direction of the person who, under this Act, is in charge of the operations.

*Note—*

The content of this section was previously included in the *Disaster Management Act 2003*, section 99.

## **Part 3                      Codes of practice for SES units and ES units**

### **147D Commissioner may make code of practice**

- (1) The commissioner may from time to time issue codes of practice about any of the following—
  - (a) the conduct or practice of SES members or ESU members;

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- (b) the operation of SES units or ES units, to provide guidance to SES members or ESU members;
  - (c) other matters the commissioner considers appropriate for the effective performance of the functions of—
    - (i) SES members; or
    - (ii) SES units; or
    - (iii) ESU members; or
    - (iv) ES units.
- (2) The commissioner must, as soon as practicable after issuing a code of practice, give a copy of the code to—
- (a) for a code relating to the SES, SES members or SES units—each SES unit; and
  - (b) for a code relating to ESU members—each ES unit.
- (3) To remove any doubt, it is declared that a code of practice issued by the commissioner under this section is a statutory instrument.

*Note—*

The content of this section was previously included in the *Disaster Management Act 2003*, section 137.

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## **Part 4                      Authorised rescue officers**

### **Division 1                Appointment**

#### **148 Appointment**

- (1) The commissioner may appoint any of the following persons as an authorised rescue officer—
  - (a) an SES member;
  - (b) an ESU member who is a member of an SES unit or an ES unit the commissioner considers has the necessary equipment to perform rescue or similar operations;
  - (c) a person who performs emergency-related functions or similar functions under a law of another State or country;
  - (d) a member of a class of persons prescribed by a regulation.
- (2) However, the commissioner may appoint a person as an authorised rescue officer only if satisfied the person has the necessary expertise or experience to be an authorised rescue officer.

*Note—*

The content of this section was previously included in the *Disaster Management Act 2003*, section 100.

#### **148A Appointment conditions and limit on powers**

- (1) An authorised rescue officer holds office on any conditions stated in—
  - (a) the officer's instrument of appointment; or
  - (b) a signed notice given to the officer; or

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- (c) a regulation.
- (2) The instrument of appointment, a signed notice given to the officer or a regulation may limit the officer's powers under this Act.
- (3) In this section—  
***signed notice*** means a notice signed by the commissioner.

*Note—*

The content of this section was previously included in the *Disaster Management Act 2003*, section 101.

#### **148B Issue of identity card**

- (1) The commissioner must issue an identity card to each authorised rescue officer.
- (2) The identity card must—
  - (a) contain a recent photo of the officer; and
  - (b) contain a copy of the officer's signature; and
  - (c) identify the person as an authorised rescue officer under this Act; and
  - (d) state an expiry date for the card.

*Note—*

The content of this section was previously included in the *Disaster Management Act 2003*, section 102.

#### **148C Production or display of identity card**

- (1) In exercising a power under this Act in relation to a person, an authorised rescue officer must—
  - (a) before exercising the power, produce the officer's identity card for the person's inspection; or

- (b) when exercising the power, have the identity card displayed so it is clearly visible to the person.
- (2) However, subsection (1) does not apply if, having regard to the circumstances in which the power is exercised, it is not practicable for the authorised rescue officer to comply with the subsection.

*Note—*

The content of this section was previously included in the *Disaster Management Act 2003*, section 103.

### **148D Resignation**

An authorised rescue officer may resign by signed notice given to the commissioner.

*Note—*

The content of this section was previously included in the *Disaster Management Act 2003*, section 105.

### **148E Return of identity card**

A person who stops being an authorised rescue officer must return the person's identity card to the commissioner within 21 days after the person stops being an authorised rescue officer, unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

*Note—*

The content of this section was previously included in the *Disaster Management Act 2003*, section 106.

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## **Division 2 Powers of authorised rescue officers**

### **149 General provision about powers**

- (1) In performing an emergency-related function, an authorised rescue officer may take reasonable steps to protect—
  - (a) a person who is trapped, or endangered in another way, in a place; or
  - (b) the officer or another person from danger, potential danger or assault.
- (2) Without limiting subsection (1), each of the following is a reasonable step for subsection (1)—
  - (a) entering a place using reasonable force;
  - (b) searching any part of a place;
  - (c) opening, using reasonable force, a container or other thing;
  - (d) removing any thing from a place;
  - (e) destroying or damaging premises, a vehicle, container or other thing;
  - (f) taking into or onto a place the equipment, persons or materials the authorised rescue officer reasonably requires to exercise a power under this section;
  - (g) directing a person to leave, or not to enter, an area in or near a place if the authorised rescue officer reasonably considers the direction is necessary to protect a person's life or health;
  - (h) requiring a person at or near the place to give the authorised rescue officer reasonable help to exercise the officer's powers under paragraphs (a) to (f).



- (3) When giving a direction or making a requirement mentioned in subsection (2)(g) or (h), the authorised rescue officer must warn the person it is an offence to fail to comply with the direction or requirement unless the person has a reasonable excuse.

*Notes—*

For offences about failing to comply with a direction or requirement under section 149(2)(g) or (h), see sections 150C and 150D.

The content of this section was previously included in the *Disaster Management Act 2003*, section 107.

### **149A Power of entry**

- (1) An authorised rescue officer may enter a place under section 149(2) without a warrant or the consent of the owner or occupier of the place.
- (2) However, if the occupier is present at the place, the authorised rescue officer must do, or make a reasonable attempt to do, the following things before entering the 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.
- (3) Subsection (2) does not require the authorised rescue officer to take a step the officer reasonably believes may frustrate or otherwise hinder the officer's ability to give the protection mentioned in section 149(1).

*Note—*

The content of this section was previously included in the *Disaster Management Act 2003*, section 108.

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### **149B Exercise of powers subject to direction**

- (1) This section applies to an authorised rescue officer who is not an SES member or an ESU member.
- (2) In exercising a power under this division, the officer is subject to the directions of an authorised rescue officer who is an SES member or an ESU member.

*Note—*

The content of this section was previously included in the *Disaster Management Act 2003*, section 109.

## **Chapter 5    General**

### **Part 1            Offences**

#### **150 Lighting of grass fire prohibited**

A person must not light, or attempt to light, a grass fire with the intention of injuring a person or property.

Maximum penalty—500 penalty units or 5 years imprisonment.

*Note—*

The content of this section was previously included in section 146.

#### **150A Interference with fire apparatus etc.**

A person must not wilfully and unlawfully—

- (a) destroy, damage, remove, cover or otherwise interfere with an apparatus designed for—
  - (i) warning of fire, including an alarm; or

- (ii) the prevention of fire; or
- (iii) use in the event of fire; or
- (b) enclose a fireplug so that it is difficult to locate or use; or
- (c) obliterate or cover a mark or sign used for locating a fireplug.

Maximum penalty—

- (a) if the offence is committed during a state of fire emergency at a place to which the declaration of emergency applies—250 penalty units or 1 year's imprisonment; or
- (b) otherwise—50 penalty units or 6 months imprisonment.

*Note—*

The content of this section was previously included in section 147(d) and (e).

## **150B False calls**

- (1) A person must not—
  - (a) ask QFES to provide a fire and emergency service at a place unless the service is required at the place; or
  - (b) give a false alarm of fire.

Maximum penalty—

- (a) if the offence is committed during a state of fire emergency at a place to which the declaration of emergency applies—250 penalty units or 1 year's imprisonment; or
  - (b) otherwise—100 penalty units or 1 year's imprisonment.
- (2) For subsection (1), a request may be made orally, in writing or by conduct.

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*Example of conduct being a request for QFES to provide a fire and emergency service at a place—*

activation of a break-glass alarm

(3) An infringement notice under the *State Penalties Enforcement Act 1999* may be issued to a person for a contravention of subsection (1) only if a fire investigation officer is satisfied, having investigated, the person does not have a lawful excuse.

(4) In this section—

***fire and emergency service*** means protection or rescue by QFES of—

- (a) persons, property and the environment from fire and hazardous materials emergencies; or
- (b) persons trapped in a vehicle or building or otherwise endangered.

*Note—*

The content of this section was previously included in section 146A.

### **150C Obstruction of persons performing functions**

(1) A person must not obstruct another person (an ***authorised person***) in the performance of a function under this Act unless the person has a reasonable excuse.

Maximum penalty—100 penalty units or 6 months imprisonment.

(2) If a person has obstructed an authorised person and the authorised person decides to proceed with the performance of the function, the authorised person must warn the person that—

- (a) it is an offence to obstruct the authorised person unless the person has a reasonable excuse; and

- (b) the authorised person considers the person's conduct to be an obstruction.
- (3) In this section—
- function* includes power.
- obstruct* includes abuse, assault, hinder, resist, threaten and attempt or threaten to obstruct.

*Note—*

The content of this section was previously included in section 147(a) and the *Disaster Management Act 2003*, section 115.

### **150D Failure to assist or give reasonable help**

A person who is required to assist under section 53(2)(j) or give reasonable help under 149(2)(h) must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

### **150E Failure to comply with requisition etc.**

A person must not fail to comply with a requisition made, or a direction, notification or notice given, under this Act, unless the person has a reasonable excuse.

Maximum penalty—50 penalty units or 6 months imprisonment.

*Note—*

The content of this section was previously included in section 147(b) and the *Disaster Management Act 2003*, section 116.

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### **150F Failure to answer question or provide information**

A person who is required under this Act to answer a question or provide information must not, unless the person has a reasonable excuse—

- (a) fail to answer the question or provide the information; or
- (b) give an answer, or provide information, the person knows is false or misleading.

Maximum penalty—30 penalty units.

*Note—*

The content of this section was previously included in section 147(c).

### **150G Impersonating authorised rescue officer etc.**

A person must not pretend to be—

- (a) a fire service officer; or
- (b) an authorised rescue officer; or
- (c) an ESU member; or
- (d) an SES coordinator; or
- (e) an SES member.

Maximum penalty—

- (a) 100 penalty units; or
- (b) if the person pretends to be a fire service officer during a state of fire emergency to which the declaration of emergency applies—250 penalty units or 1 year's imprisonment.

*Note—*

The content of this section was previously included in section 147(g) and the *Disaster Management Act 2003*, section 114.

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**150H Using restricted expressions etc.**

- (1) A person must not, unless the person has a reasonable excuse—
  - (a) use a restricted expression without the commissioner’s written approval—
    - (i) in, or as, the name of a business carried on by the person; or
    - (ii) to advertise or otherwise promote goods or services provided by the person; or
  - (b) use the expressions ‘State Emergency Service’ or ‘SES’, or a similar expression, in a way that suggests the person is an SES member if the person is not an SES member; or
  - (c) use the expressions ‘emergency service unit’ or ‘ESU’, or a similar expression, in a way that suggests the person is an ESU member if the person is not an ESU member.

Maximum penalty—40 penalty units.

- (2) In this section—

***restricted expression*** means any of the following expressions—

  - (a) ‘emergency service unit’;
  - (b) ‘ESU’;
  - (c) ‘ES unit’;
  - (d) ‘Queensland Fire Service’;
  - (e) ‘Queensland Fire and Rescue Service’;
  - (f) ‘Queensland Fire and Emergency Service’;
  - (g) ‘State Emergency Service’;
  - (h) ‘SES’;
  - (i) ‘Queensland Fire and Rescue Authority’;

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- (j) 'QFS';
- (k) 'QFRA';
- (l) 'QFRS';
- (m) 'QFES';
- (n) another expression that includes an expression mentioned in paragraphs (a) to (m).

*Note—*

The content of this section was previously included in section 143 and the *Disaster Management Act 2003*, section 118.

### **150I Warning device or lights on SES or ES vehicle**

- (1) A person, other than an SES member or an ESU member, must not activate a warning device or warning lights fitted to an SES vehicle or ES vehicle.

Maximum penalty—40 penalty units.

- (2) An SES member or an ESU member must not activate a warning device or warning lights fitted to an SES vehicle or ES vehicle unless—
  - (a) the warning device or warning lights are activated by the member in relation to the performance of an SES function or an ES function; and
  - (b) the member considers it necessary to activate the warning device or warning lights to ensure a person's safety.

Maximum penalty—40 penalty units.

*Note—*

The content of this section was previously included in the *Disaster Management Act 2003*, section 139.



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**150J Liability of executive officer—particular offences committed by corporation**

- (1) An executive officer of a corporation commits an offence if—
- (a) the corporation commits an offence against an executive liability provision; and
  - (b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.

Maximum penalty—the penalty for a contravention of the executive liability provision by an individual.

- (2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to—
- (a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against the executive liability provision; and
  - (b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against the executive liability provision; and
  - (c) any other relevant matter.
- (3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, the offence against the executive liability provision.
- (4) This section does not affect—
- (a) the liability of the corporation for the offence against the executive liability provision; or

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(b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence against the executive liability provision.

(5) In this section—

*executive liability provision* means any of the following provisions—

- section 69(3)
- section 104C
- section 104D(1).

*executive officer*, of a corporation, means a person who is concerned with, or takes part in, the corporation's management, whether or not the person is a director or the person's position is given the name of executive officer.

*Note*—

The content of this section was previously included in section 151.

### **150K Indictable and summary offences**

- (1) Subject to subsections (2) and (3), an offence against this Act is a summary offence.
- (2) If the maximum penalty for an offence against this Act is imprisonment for 2 years or more, the offence is an indictable offence that is a misdemeanour.
- (3) An offence against section 150 is a crime.

*Note*—

The content of this section was previously included in section 148.

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## Part 2 Proceedings

### Division 1 Offence proceedings

#### 151 Proceedings for indictable offences

- (1) A proceeding for an indictable offence against this Act may be taken, at the election of the prosecution—
  - (a) by way of summary proceedings under the *Justices Act 1886*; or
  - (b) on indictment.
- (2) A magistrate must not hear an indictable offence summarily if—
  - (a) the defendant asks at the start of the hearing that the charge be prosecuted on indictment; or
  - (b) the magistrate considers the charge should be prosecuted on indictment.
- (3) If subsection (2) applies—
  - (a) the magistrate must proceed by way of an examination of witnesses for an indictable offence; and
  - (b) a plea of the person charged at the start of the proceeding must be disregarded; and
  - (c) evidence brought in the proceeding before the magistrate decided to act under subsection (2) is taken to be evidence in the proceeding for the committal of the person for trial or sentence; and
  - (d) before committing the person for trial or sentence, the magistrate must make a statement to the person as required by the *Justices Act 1886*, section 104(2)(b).

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- (4) The maximum penalty that may be summarily imposed for an indictable offence is 150 penalty units or 2 years imprisonment.

*Note—*

The content of this section was previously included in section 148A.

### **151A Limitation on who may summarily hear indictable offence proceedings**

- (1) A proceeding must be before a magistrate if it is a proceeding—
- (a) for the summary conviction of a person on a charge for an indictable offence; or
  - (b) for an examination of witnesses for a charge for an indictable offence.
- (2) However, if a proceeding for an indictable offence is brought before a justice who is not a magistrate, jurisdiction is limited to taking or making a procedural action or order within the meaning of the *Justices of the Peace and Commissioners for Declarations Act 1991*.

*Note—*

The content of this section was previously included in section 148B.

### **151B Proceeding for offences**

A proceeding for an offence against this Act, other than an indictable offence, must be taken in a summary way under the *Justices Act 1886*.

*Note—*

The content of this section was previously included in section 148C and the *Disaster Management Act 2003*, section 135(1).

### **151C When proceeding must start**

A proceeding for a summary offence against this Act must start within the end of whichever of the following periods ends later—

- (a) 1 year after the commission of the offence;
- (b) 6 months after the offence comes to the complainant's knowledge, but within 2 years after the offence is committed.

*Note—*

The content of this section was previously included in section 148D and the *Disaster Management Act 2003*, section 135(2).

### **151D Allegations of false or misleading information or document**

In a proceeding for an offence against this Act defined as involving false or misleading information, or a false or misleading document, it is enough for a charge to state the information or document was 'false or misleading', without specifying which.

*Note—*

The content of this section was previously included in section 148E.

### **151E Forfeiture on conviction**

- (1) On conviction of a person for an offence against this Act, a court may order the forfeiture to the State of—
  - (a) anything used to commit the offence; or
  - (b) anything else the subject of the offence.
- (2) The court may make the order—
  - (a) whether or not the thing has been seized; and

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- (b) if the thing has been seized, whether or not the thing has been returned to its owner.
- (3) The court may make any order to enforce the forfeiture it considers appropriate.
- (4) This section does not limit the court's powers under the *Penalties and Sentences Act 1992* or another law.

*Note—*

The content of this section was previously included in section 148F.

### **151F Dealing with forfeited thing**

- (1) On the forfeiture of a thing to the State, the thing becomes the State's property and may be dealt with by the State as it considers appropriate.
- (2) Without limiting subsection (1), the State may destroy the thing.

*Note—*

The content of this section was previously included in section 149.

### **151G Court may order costs of rehabilitation etc. of protected area**

On conviction of a person for an offence against section 62 in relation to a protected area, the court may order the person to pay to the State an amount it considers appropriate for, or towards—

- (a) the costs of controlling and extinguishing the fire in relation to which the offence was committed; and
- (b) the costs of rehabilitating or restoring the area.

*Note—*

The content of this section was previously included in section 149A.

### **151H Order for payment if guilty of false call**

- (1) If a person is convicted by a court of an offence against section 150B, the court may order the person to pay QFES a reasonable amount for the expenses of, or incidental to, the provision of the fire and emergency service that was requested by the person.
- (2) The court may make an order under subsection (1) in addition to imposing a penalty for the offence.
- (3) An amount ordered to be paid under subsection (1) may be recovered by QFES as a debt owing to it by the person.
- (4) Subsection (1) does not limit the court's powers under the *Penalties and Sentences Act 1992* or another law.

*Note—*

The content of this section was previously included in section 150.

## **Division 2 Evidence**

### **151I Appointments and authority**

- (1) In a proceeding under an Act, the appointment of each of the following is presumed unless a party to the proceeding gives reasonable notice that the party requires the appointment to be proved—
  - (a) the commissioner;
  - (b) a fire service officer;

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- (c) an investigation officer;
  - (d) a chief fire warden;
  - (e) a fire warden;
  - (f) a field officer;
  - (g) a forest officer;
  - (h) an SES member;
  - (i) a local controller of an SES unit;
  - (j) an SES coordinator;
  - (k) an ESU member;
  - (l) an ES unit coordinator;
  - (m) a fire coordinator for an ES unit.
- (2) The authority of each person mentioned in subsection (1) to do anything under this Act is also presumed in the proceeding unless a party to the proceeding gives reasonable notice the party requires the person's authority to be proved.

*Note—*

The content of this section was previously included in section 153(1)(a) and (b) and the *Disaster Management Act 2003*, section 132.

## **151J Signatures**

A signature purporting to be the signature of a person mentioned in section 151I(1) is evidence of the signature it purports to be.

*Note—*

The content of this section was previously included in section 153(1)(c) and the *Disaster Management Act 2003*, section 133.



### **151K Other evidentiary aids**

A certificate purporting to be signed by the commissioner stating any of the following matters is evidence of the matter—

- (a) a stated document is an approval, authorisation, decision, direction, notice or requirement given or made under this Act;
- (b) a stated document is a copy of a document mentioned in paragraph (a);
- (c) a document mentioned in paragraph (a), or a copy of it, was given under this Act to a stated person on a stated day;
- (d) the commissioner or the State is or was at a stated time the owner of stated property;
- (e) no consent has been given for a stated act or breach of duty alleged to have been committed in respect of property mentioned in paragraph (d);
- (f) a stated service was provided under this Act to a stated person on a stated day;
- (g) a stated person was charged a stated amount for a stated service provided under this Act;
- (h) a stated amount mentioned in paragraph (g) has not been paid.

*Note—*

The content of this section was previously included in section 153(1)(e) to (h) and the *Disaster Management Act 2003*, section 134.

## **Part 3**

# **Provisions about performance of functions under this Act**

### **152 Exemption from toll**

- (1) This section applies to—
  - (a) a fire officer driving a fire engine or similar vehicle; or
  - (b) an SES member or an ESU member travelling, in the member's capacity as an SES member or ESU member, in an SES vehicle or an ES vehicle fitted with a warning device that is, or warning lights that are, activated.
- (2) Each person and vehicle mentioned in subsection (1) is exempt from payment of a toll for the use of a road, bridge or ferry.

*Note—*

The content of this section was previously included in section 135 and the *Disaster Management Act 2003*, section 140.

### **152A Right of way to fire officers**

- (1) A driver of a vehicle must, to the extent practicable, give clear and uninterrupted passage to—
  - (a) a fire officer who is, or appears to be, doing an act for the purpose of controlling or extinguishing a fire or dealing with another emergency; and
  - (b) a person acting under the direction of a fire officer mentioned in paragraph (a).

- (2) A person who fails to comply with subsection (1) commits an offence.
- (3) In this section—  
**vehicle** does not include a train.

*Note*—

The content of this section was previously included in section 134.

### **152B Use of unregistered vehicles on roads**

- (1) This section applies if—
  - (a) an unregistered vehicle (the **vehicle**) is being used on a road by a rural fire brigade or an ES unit—
    - (i) for carrying persons or equipment for the purpose of preventing, controlling or extinguishing a fire; or
    - (ii) for the purpose of training relating to fire fighting or fire prevention; or
    - (iii) for another purpose authorised in writing by the commissioner; and
  - (b) the vehicle is clearly identified as a vehicle of a rural fire brigade or ES unit; and

*Example for paragraph (b)*—

a vehicle carrying a sign with the words ‘emergency service unit vehicle’

- (c) an insurance policy of the kind mentioned in the *Motor Accident Insurance Act 1994*, section 23(1) is in force for the vehicle.
- (2) The provisions of the *Transport Operations (Road Use Management) Act 1995* that prohibit the use on a road of an unregistered vehicle, unless the use is authorised by a permit under that Act, do not apply in relation to the vehicle.

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*Note—*

The content of this section was previously included in section 138.

### **152C Inspection of records of local governments and building certifiers**

- (1) A person authorised by the commissioner for this section (the *authorised person*) may, during ordinary business hours, enter premises in which a local government or building certifier carries on business.
- (2) At the premises, the authorised person may—
  - (a) make inquiries for the purpose of this Act; and
  - (b) examine, make copies of or take extracts from a document or record relating to—
    - (i) if the premises are premises in which a local government carries on business—a function of the commissioner or of the local government under this Act; or
    - (ii) if the premises are premises in which a building certifier carries on business—something done by the building certifier under the *Building Act 1975*, the *Integrated Planning Act 1997* or the *Sustainable Planning Act 2009*.
- (3) However, the authorised person may only examine, make copies of or take extracts from a document or record under subsection (2)(b)(ii) if the document or record is not available from a local government.

- (4) A person who has control of a document or record of a type mentioned in subsection (2)(b), must, if required by the authorised person—
- (a) produce the document or record to the authorised person; or
  - (b) give the authorised person information relating to the document or record; or
  - (c) otherwise assist the authorised person.

Maximum penalty—10 penalty units.

- (5) Nothing in this section authorises an authorised fire officer to enter part of premises that are a dwelling if the part is not also a workplace within the *Work Health and Safety Act 2011*.

*Note—*

The content of this section was previously included in section 137.

### **152D Interstate assistance at fires**

- (1) This section applies to a person who is—
- (a) a member (an *interstate member*) of a fire brigade (the *interstate fire brigade*) from outside Queensland; and
  - (b) present at a fire in Queensland to assist at the fire.
- (2) The interstate member, and plant and equipment under the member's control, are—
- (a) at the disposal of the person in charge at the fire; and
  - (b) taken to be under the control and direction of that person.
- (3) However, if there is no person in charge at the fire and an interstate member (the *chief interstate member*) is in charge of other members of the

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interstate fire brigade present at the fire, the chief interstate member—

- (a) has the control and direction of all persons assisting at the fire; and
  - (b) has all the powers conferred under this Act on an authorised fire officer.
- (4) In this section—

*fire brigade* includes an entity similar to a fire brigade that has the function of extinguishing fire.

*person in charge*, for a fire, means the person who, under any of the following, is in charge at the fire—

- (a) this Act;
- (b) direction of the commissioner;
- (c) a code of practice.

*Note*—

The content of this section was previously included in section 139.

## Part 4                      Miscellaneous

### 153 Delegation

- (1) The commissioner may delegate a function of the commissioner under this Act to an appropriately qualified person.
- (2) A delegation of a function may permit the subdelegation of the function.
- (3) In this section—

*function* includes power or responsibility.

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### **153A Confidentiality**

- (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.

- (2) Subsection (1) does not apply if the information is disclosed or used, or a record of the information is made—
  - (a) for a purpose of this Act; or
  - (b) as permitted or required under another Act; or
  - (c) in compliance with a lawful process requiring production of documents to, or giving evidence before, a court or tribunal.
- (3) Also, subsection (1) does not apply to the disclosure of information relating to fire safety at particular premises if the disclosure is to a person with an interest in the premises, including the owner or occupier of the premises.

*Note—*

The content of this section was previously included in section 142A.

### **153B Protection from liability—acts or omissions under chapter 3**

- (1) No liability attaches to any person for an act done, or omission made, honestly and without negligence under chapter 3.

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- (2) A person who uses 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 is not liable to be charged or proceeded against for an offence in relation to the use of force.
- (3) If a question arises in a proceeding as to whether subsection (1) prevents liability for an act or omission attaching to a person, the party alleging that subsection (1) does not prevent liability attaching to the person bears the onus of proving the person did not do the act, or make the omission, honestly and without negligence.
- (4) In this section—  
***function*** includes power or responsibility.

*Note*—

The content of this section was previously included in section 129.

### **153C Protection from civil liability—acts and omissions under chapter 4**

Civil liability does not attach to any of the following entities because of an act done, or omission made, honestly and without negligence by the entity under chapter 4—

- (a) the State;
- (b) a local government;
- (c) the Minister;
- (d) an SES member;
- (e) an ESU member;
- (f) an authorised rescue officer;
- (g) a person helping an authorised rescue officer under section 149(2)(h).



*Note—*

The content of this section was previously included in the *Disaster Management Act 2003*, section 144.

### **153D Ownership of property**

For this Act and a proceeding under any Act, the State is taken to be the owner of—

- (a) premises occupied in an official capacity by a fire service officer; and
- (b) anything (whether animate or inanimate) appropriated to the use of QFES; and
- (c) anything, not being the private property of a person, used by the commissioner or a fire service officer in performing duties.

*Note—*

The content of this section was previously included in section 140.

### **154 Representation of commissioner at inquiries**

At an inquiry concerning a fire, an authorised representative of the commissioner may appear and adduce evidence, cross-examine a witness and address the tribunal conducting the inquiry.

*Note—*

The content of this section was previously included in section 131.

### **154A Construction of policies of fire insurance**

- (1) This section applies if—
  - (a) a person (the *insured person*) has insured an interest in property (the *insured property*) against loss or damage by fire; and

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- (b) 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 under this Act—
  - (i) the insured property is damaged and the insured person suffers a loss; or
  - (ii) the insured person incurs a charge or expense, other than a charge or expense incurred as a punishment.
- (2) 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 (the *policy*) taken out by the insured person in relation to the insured property.
- (3) Subsection (2) applies despite anything to the contrary in the policy.

*Note—*

The content of this section was previously included in section 132.

### **154B Report of fire**

The commissioner may, if asked by an insurer, give the insurer details of a report in the commissioner's possession relating to the attendance at a fire or other emergency incident by—

- (a) a fire service officer; or
- (b) another person who is subject to the direction of the commissioner.

*Note—*

The content of this section was previously included in section 133.

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### **154C Commissioner to insure SES members etc.**

- (1) The commissioner must enter into a contract of insurance with WorkCover or another entity to insure the following persons—
  - (a) ESU members;
  - (b) SES coordinators;
  - (c) SES members.
- (2) The contract of insurance must cover the persons mentioned in subsection (1) while they are—
  - (a) performing a function under this Act in their capacity as an ESU member, SES coordinator or SES member; or
  - (b) involved in another activity related to the carrying out of disaster or emergency operations, an ESU function or an SES function.

*Example for paragraph (b)—*

training for disaster or emergency operations

- (3) In this section—

***WorkCover*** means WorkCover Queensland established under the *Workers' Compensation and Rehabilitation Act 2003*.

*Note—*

The content of this section was previously included in the *Disaster Management Act 2003*, section 142.

### **154D Approval of forms**

The commissioner may approve forms for use under this Act.

*Note—*

The content of this section was previously included in section 153B.

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### **154E Regulation-making power**

- (1) The Governor in Council may make regulations under this Act.
- (2) Without limiting subsection (1), a regulation may provide for any of the following—
  - (a) the records required to be kept under this Act and the way in which the records are to be kept;
  - (b) matters relating to the entitlements, powers, responsibilities and liabilities of—
    - (i) authorised rescue officers; or
    - (ii) ESU members; or
    - (iii) ES units; or
    - (iv) fire service officers; or
    - (v) SES members; or
    - (vi) SES units;
  - (c) matters relating to appeals about disciplinary action;
  - (d) fees and charges payable under this Act, including the matters for which they are payable;
  - (e) a maximum penalty of not more than 30 penalty units for contravention of the regulation;
  - (f) fees payable for—
    - (i) the assessment and inspection of special fire services within the meaning of the *Building Act 1975*; or
    - (ii) the assessment of proposed alternative solutions within the meaning of the Building Code of Australia.

*Note—*

The content of this section was previously included in section 154.

**101 Renumbering of pt 12, hdg**

Part 12, heading—

*renumber* as chapter 5, part 5.

**102 Insertion of new ch 5, pt 5, div 7**

After section 199—

*insert—*

**Division 7 Transitional and validation provisions for Public Safety Business Agency Act 2014**

**200 Definitions for div 7**

In this division—

*amended Act* means this Act as amended by the *Public Safety Business Agency Act 2014*.

*commencement* means the commencement of this section.

*pre-amended Act* means this Act as in force before the commencement.

**201 Validation of things done by former commissioner**

- (1) This section applies if, before the commencement, a person holding office under this Act as commissioner was also appointed as the chief executive of the department.
- (2) To remove any doubt, it is declared that—

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- (a) the appointment of the person as chief executive is taken to be, and to have always been, valid; and
- (b) anything done, or omitted to be done, by the person before the commencement in the person's capacity as chief executive is taken to be, and to have always been, as valid and lawful as it would have been if the person did not also hold office as commissioner.

## **202 Legal proceedings**

A legal proceeding that, before the commencement, could have been or has been started in the name of the Queensland Fire and Rescue Service may be started or continued by QFES.

## **203 References to, and acts etc. by, the chief executive**

- (1) In an Act or other document, a reference to the chief executive under the pre-amended Act may be taken, if the context permits, to be a reference to the commissioner under the amended Act.
- (2) A thing done, or omitted to be done, by the chief executive under the pre-amended Act may be taken, if the context permits, to be a thing done, or omitted to be done, by the commissioner under the amended Act.

## **204 Transition of Emergency Management, Fire and Rescue Fund to fund**

- (1) An amount in the former fund immediately before the commencement becomes part of the fund.

- (2) In an Act or other document, a reference to the former fund may be taken, if the context permits, to be a reference to the fund.
- (3) In this section—  
*former fund* means the Emergency Management, Fire and Rescue Fund established under the pre-amended Act, section 20(1).

### **205 Transitional regulation-making power**

- (1) A regulation (a *transitional regulation*) may make provision of a saving or transitional nature about any matter—
  - (a) for which it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the pre-amended Act to the amended Act; and
  - (b) for which this Act does not make provision or sufficient provision.
- (2) A transitional regulation may have retrospective operation to a day that is not earlier than the day on which this section commences.
- (3) A transitional regulation must declare it is a transitional regulation.
- (4) This section and any transitional regulation expire 1 year after this section commences.

### **103 Amendment of sch 6 (Dictionary)**

- (1) Schedule 6, definitions *approved form, authorised fire officer, clear floor surface area, code of practice, commencement, commissioner, disciplinary finding, emergency service unit, employing chief executive and service—*  
*omit.*
- (2) Schedule 6—

*insert—*

***authorised fire officer*** see section 52.

***authorised rescue officer*** means a person appointed as a rescue officer under section 148.

***clear floor surface area***, for chapter 3, part 9A, division 3A, see section 104KA.

***code of practice*** means a code of practice issued under section 7B or 147D.

***commissioner*** means the commissioner appointed under section 5.

***disciplinary finding—***

- (a) generally means a finding that a disciplinary ground exists; or
- (b) for chapter 3, part 4, division 3, subdivision 2, see section 30C.

***emergency-related function*** means a function mentioned in section 130(a), (b) or (c) for the SES.

***emergency service area*** see section 141(1).

***ESU function*** means a function of an ES unit under section 142(1).

***ESU member*** means a member of an ES unit.

***ES unit*** means an emergency service unit established under section 141(1).

***ES unit coordinator*** means a person appointed as an ES unit coordinator under section 146(1).

***ES vehicle*** means a vehicle of an ES unit.

***grass fire*** means a fire that predominantly consumes vegetation.

***local controller***, of an SES unit, means the person appointed as the local controller of the unit under section 134(1).



***QFES*** means the Queensland Fire and Emergency Service established under section 8.

***relevant ES unit*** means an ES unit the functions of which include an SES function.

***SES*** means the State Emergency Service established under section 129.

***SES coordinator*** means a person appointed as an SES coordinator under section 136(2).

***SES function*** means a function of the SES under section 130.

***SES member*** means a person who is appointed as an SES member under section 132(1).

***SES unit*** means an SES unit established under section 133(1).

***SES vehicle*** means a vehicle of the SES.

- (3) Schedule 6, definition *fund*, ‘, Fire and Rescue’—  
*omit.*

## **Part 9**

# **Amendment of Police Powers and Responsibilities Act 2000**

### **104 Act amended**

This part amends the *Police Powers and Responsibilities Act 2000*.

### **105 Insertion of new s 687A**

After section 687—  
*insert—*

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**687A Extended meaning of a thing lawfully in the possession of the police service**

Without limiting when a thing is lawfully in the possession of the police service, for this part, a thing is lawfully in the possession of the police service, and is a relevant thing, if it is lawfully in the possession of the PSBA chief executive officer for, or as the result of, the PSBA providing support services to the police service.

**106 Insertion of new s 726A**

After section 726—

*insert—*

**726A Extended meaning of possession of the police service**

Without limiting when a dangerous drug or a batch of a dangerous drug is in the possession of the police service, for this part, a dangerous drug or a batch of a dangerous drug is in the possession of the police service if the drug or batch is in the possession of the PSBA chief executive officer for, or as the result of, the PSBA providing support services to the police service.

**107 Amendment of s 734 (Making commissioner direction)**

Section 734(5)—

*omit, insert—*

- (5) The commissioner must ensure—
- (a) if the batch is in the possession of the PSBA chief executive officer on behalf of the police service under this part—the PSBA chief executive officer has made arrangements to ensure PSBA employees comply with the conditions included in the commissioner direction; or

- (b) otherwise—the police service complies with the conditions included in the commissioner direction.

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

Section 735(3)—

*omit, insert—*

- (3) The commissioner must ensure—
  - (a) if the PSBA is to have possession of the batch the subject of the agency arrangement—the PSBA chief executive officer makes arrangements to ensure PSBA employees comply with the arrangement; or
  - (b) otherwise—the police service complies with the agency arrangement.

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

(1) Section 736(1)(g)—

*omit.*

(2) Section 736(1)(h)—

*renumber* as section 736(1)(g).

(3) Section 736—

*insert—*

- (1A) Also, an audit of each drug vault must be conducted at least once every 3 months by—
  - (a) if the police service is storing the dangerous drug in the vault—a police officer not otherwise directly associated with the keeping or use of dangerous drugs for training purposes; or

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- (b) if the PSBA chief executive officer is storing the dangerous drug on behalf of the police service under this part—
    - (i) a PSBA employee not otherwise directly associated with the keeping or use of dangerous drugs on behalf of the police service; or
    - (ii) a police officer mentioned in paragraph (a).
- (4) Section 736(2) and (3), '(1)(g)'—  
*omit, insert—*
  - (2)
- (5) Section 736(3)(a)—  
*omit, insert—*
  - (a) the performance of the audit must be supervised by—
    - (i) for an audit conducted by a police officer under subsection (2)(a) or (b)(ii)—a police officer of at least the rank of inspector who is not otherwise directly associated with the keeping or use of dangerous drugs for training purposes; or
    - (ii) for an audit conducted by a PSBA employee under subsection (2)(b)—a police officer of at least the rank of inspector or a PSBA employee authorised by the PSBA chief executive officer for this section;
- (6) Section 736(1A) to (3)—  
*renumber* as section 736(2) to (4).

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

(1) Section 737—

*insert—*

(1A) However, the PSBA chief executive officer may keep the register on behalf of the police service.

(2) Section 737(3)—

*omit, insert—*

(3) The entity responsible for keeping the register under this section—

(a) must ensure the register is kept in a secure place; and

(b) subject to subsection (4), may keep the register in the way the commissioner considers appropriate.

*Example for paragraph (b)—*

The register may be kept on a computer or partly on a computer and partly in the form of paper records.

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

Section 754(8), definition *emergency vehicle*, paragraph (c)—

*omit, insert—*

(c) the Queensland Fire and Emergency Service;

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

Section 793, '*Rescue Service*'—

*omit, insert—*

*Emergency Services*

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### **113 Amendment of sch 6 (Dictionary)**

(1) Schedule 6—

*insert—*

**PSBA** means the Public Safety Business Agency established under the *Public Safety Business Agency Act 2014*.

**PSBA chief executive officer** means the chief executive officer of the PSBA.

**PSBA employee** means an employee of the PSBA.

(2) Schedule 6, definition *property point*—

*omit, insert—*

**property point** means a place lawfully used by either of the following as a place for the storage of relevant things—

- (a) the police service;
- (b) the PSBA chief executive officer for the performance by the chief executive officer, another PSBA employee or a police officer of a function of the police service under chapter 21, part 3 or 4.

## **Part 10 Amendment of Police Service Administration Act 1990**

### **114 Act amended**

This part amends the *Police Service Administration Act 1990*.

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**115 Amendment of s 1.4 (Definitions)**

(1) Section 1.4, definitions *prescribed person*, *prescribed responsibility*, *QPS database* and *relevant member*—  
*omit.*

(2) Section 1.4—  
*insert—*

***prescribed responsibility*** means the responsibility of the commissioner under section 4.8(1).

***PSBA*** means the Public Safety Business Agency established under the *Public Safety Business Agency Act 2014*.

***PSBA chief executive officer*** means the chief executive officer of the PSBA.

***PSBA employee***—

- (a) means a person employed in the PSBA; but
- (b) does not include a seconded officer.

***QPS database*** means any of the following—

- (a) the database known as QPRIME;
- (b) the register of enforcement acts kept under the *Police Powers and Responsibilities Act 2000*;
- (c) another database kept by or on behalf of the commissioner.

***relevant person***, for part 5A, see section 5A.3.

***relevant PSBA employee***, for part 5A, see section 5A.2.

***seconded officer*** means an officer—

- (a) on a secondment from the service to the PSBA under section 5.13C(1)(a); or

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- (b) performing work for the PSBA under a work performance arrangement under section 5.13C(1)(b).

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

Section 2.3A(2), definitions *fire authority officer* and *incident*, ‘*Rescue Service*’—

*omit, insert—*

*Emergency Services*

**117 Amendment of s 4.8 (Commissioner’s responsibility)**

Section 4.8(2)—

*omit, insert—*

- (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.

**118 Amendment of s 4.10 (Delegation)**

(1) Section 4.10(1), from ‘other Act’—

*omit, insert—*

other Act to any of the following—

- (a) a police officer;
- (b) a staff member;
- (c) the PSBA chief executive officer;
- (d) the Inspector-General of Emergency Management under the *Disaster Management Act 2003*;



- 
- (e) the commissioner of the Queensland Fire and Emergency Service;
  - (f) an appropriately qualified person employed in—
    - (i) the PSBA; or
    - (ii) the Office of the Inspector-General of Emergency Management under the *Disaster Management Act 2003*; or
    - (iii) the Queensland Fire and Emergency Service.
- (2) Section 4.10—  
*insert—*
- (3) A delegation of a power of the commissioner may permit the subdelegation of the power to another person mentioned in subsection (1).

## 119 Insertion of new s 5.13C

After section 5.13B—

*insert—*

### **5.13C Secondment etc. of officers to PSBA**

- (1) The commissioner may enter into an arrangement with the PSBA chief executive officer—
- (a) for the services of an officer to be made available to the PSBA (a *secondment*); or
  - (b) under which an officer performs work for the PSBA (a *work performance arrangement*).

*Note—*

For a secondment of, or work performance arrangement for, a person appointed to a position under section 8.3(5), see section 8.3(6A).

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- (2) An officer on secondment to the PSBA, or providing services or performing work for the PSBA under a work performance arrangement—
  - (a) is subject to the direction and control of the PSBA chief executive officer to the extent the officer is providing services or performing work for the PSBA; but
  - (b) otherwise continues to be a officer for all purposes and to have the functions, powers and responsibilities of an officer.

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

- (1) Section 5A.1(a), ‘relevant members of the service’—

*omit, insert—*

relevant persons

- (2) Section 5A.1(b), after ‘integrity of the service’—

*insert—*

in which relevant persons, including persons who are not members of the service, perform functions associated with, or ancillary to, the functions of the service

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

- (1) Section 5A.2, definition *relevant member*—

*omit.*

- (2) Section 5A.2—

*insert—*

*relevant person* see section 5A.3.

*relevant PSBA employee* means a PSBA employee whose duties include performing functions—

- 
- (a) in a critical area; or
- (b) prescribed by regulation.
- (3) Section 5A.2, definitions *alcohol test*, *over the limit* and *targeted substance test*, ‘relevant member’—  
*omit, insert—*  
relevant person
- (4) Section 5A.2, definitions *alcohol test* and *over the limit*, ‘the member’—  
*omit, insert—*  
the person
- (5) Section 5A.2, definition *authorised person*, paragraphs (b)(i), (d)(i) and (e)(i), ‘or a staff member’—  
*omit, insert—*  
, staff member or relevant PSBA employee
- (6) Section 5A.2, definition *critical area*, ‘staff member or recruit’—  
*omit, insert—*  
police recruit, staff member or relevant PSBA employee
- (7) Section 5A.2, definition *targeted substance test*, ‘the member’s’—  
*omit, insert—*  
the person’s

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

- (1) Section 5A.3(1), ‘member of the service (*relevant member*)’—  
*omit, insert—*  
person (*relevant person*)
- (2) Section 5A.3(1)(a), after ‘officer’—

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*insert—*

, whether or not the officer is a seconded officer

(3) Section 5A.3(1)—

*insert—*

(f) a relevant PSBA employee.

(4) Section 5A.3(2)—

*omit, insert—*

(2) However, for subsection (1)(b) and (f), if the critical area in which the functions are performed is a driver training facility, this part applies to the staff member or relevant PSBA employee only if the member or employee is a driver, instructor or mechanic at the facility.

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

(1) Section 5A.7(1), (2) and (4), ‘relevant member’—

*omit, insert—*

relevant person

(2) Section 5A.7(3), before ‘person’, first mention—

*insert—*

relevant

(3) Section 5A.7(4), ‘the member’—

*omit, insert—*

the person

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

Section 5A.8, ‘member’—

*omit, insert—*

person

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

(1) Section 5A.9(1) and (4), ‘member’—

*omit, insert—*

person

(2) Section 5A.9(2), ‘the person’—

*omit, insert—*

the relevant person

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

Section 5A.10, ‘member’—

*omit, insert—*

person

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

Section 5A.11, ‘member’—

*omit, insert—*

person

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

(1) Section 5A.12, ‘member’—

*omit, insert—*

person

(2) Section 5A.12(2), ‘the member’s’—

*omit, insert—*

the person’s

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- 129 Amendment of s 5A.13 (Circumstances for targeted substance testing)**  
Section 5A.13, ‘member’—  
*omit, insert*—  
person
- 130 Amendment of s 5A.14 (Providing specimen for targeted substance test)**  
Section 5A.14, ‘member’—  
*omit, insert*—  
person
- 131 Amendment of s 5A.15 (Effect of failure to provide specimen of urine)**  
Section 5A.15, ‘member’—  
*omit, insert*—  
person
- 132 Amendment of s 5A.16 (If alcohol or targeted substance test positive)**  
(1) Section 5A.16, ‘member’—  
*omit, insert*—  
person  
(2) Section 5A.16(2)(d), ‘the member’s’—  
*omit, insert*—  
the person’s
- 133 Amendment of s 5A.17 (Effect of failure to comply)**  
Section 5A.17, ‘member’—  
*omit, insert*—

---

person

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

Section 5A.21A—

*omit, insert—*

**5A.21A Agreements about counselling and rehabilitation**

- (1) Any member of the service, whether or not the member is a relevant person or a seconded officer, and any relevant PSBA employee may make a written request to the prescribed person for the provision of counselling or rehabilitation about the member's or employee's personal use of alcohol or a drug.
- (2) If a prescribed person receives a request under subsection (1), the prescribed person must forward the written request to the member or employee who may enter into an agreement for providing counselling or rehabilitation.
- (3) If the request is from a member of the service, the commissioner may enter into an agreement to provide to the member the counselling or rehabilitation approved by the commissioner.
- (4) If the request is from a relevant PSBA employee, the PSBA chief executive officer may enter into an agreement to provide to the employee the counselling or rehabilitation approved by the PSBA chief executive officer.
- (5) The commissioner or the PSBA chief executive officer must not use information disclosed by a member or employee under this section for the purposes of disciplinary or other action against the member or employee under this Act or the *Public Service Act 2008*.

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- (6) Also, the commissioner or the PSBA chief executive officer must not disclose information in the possession of the commissioner or PSBA chief executive officer because of a request or agreement made under this section other than—
- (a) for the purposes of the agreement; or
  - (b) to the extent the commissioner or PSBA chief executive officer considers reasonably necessary to prevent or lessen a serious threat to the public or to health or safety of the member or employee who disclosed the information; or
  - (c) for the purposes of a claim for compensation under the *Workers' Compensation and Rehabilitation Act 2003*; or
  - (d) if the information relates to a member who is an officer—for the purposes of section 6.1(1)(c) or 8.3.
- (7) A regulation may prescribe the matters that must be included in an agreement under this section.
- (8) In this section—
- prescribed person*** means a person to whom, under a regulation, a member of the service or relevant PSBA employee may make a request for the provision of counselling or rehabilitation about the member's or employee's personal use of alcohol or a drug.

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

Section 5A.23, 'member'—

*omit, insert*—

person



**136 Amendment of s 5AA.3 (Meaning of *engaged by the service*)**

- (1) Section 5AA.3—  
*insert—*  
(da) a PSBA employee;
- (2) Section 5AA.3(da) to (g)—  
*renumber as* section 5AA.3(e) to (h).

**137 Amendment of s 5AA.5 (Person to be advised of duties of disclosure etc.)**

- (1) Section 5AA.5(1), after ‘other than’—  
*insert—*  
a PSBA employee or
- (2) Section 5AA.5(1)(a)(ii)—  
*omit, insert—*  
(ii) that the commissioner may obtain and consider relevant information about the person under divisions 3 and 4; and
- (3) Section 5AA.5(2)—  
*omit, insert—*  
(2) Subsections (3) and (4) apply if—  
(a) the PSBA chief executive officer (a *relevant CEO*) is intending to employ a person in the PSBA; or  
(b) the chief executive officer (also a *relevant CEO*) of another entity becomes aware a person employed or engaged by the entity is an external service provider.
- (3) The relevant CEO must—  
(a) tell the person—

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- (i) the person is or, if employed, will be engaged by the service for this part; and
  - (ii) of the person's duty to disclose relevant information under division 2; and
  - (iii) that the commissioner may—
    - (A) obtain and consider relevant information about the person under divisions 3 and 4; and
    - (B) disclose relevant information to the relevant CEO under division 4; and
  - (b) give the person a copy of the guidelines issued by the commissioner for dealing with relevant information obtained by the commissioner under this part.
- (4) The information required to be given to the person under subsection (3) must be given—
- (a) if the relevant CEO is the PSBA chief executive—before the person is employed by the PSBA; or
  - (b) otherwise—as soon as practicable after the relevant CEO becomes aware the person is an external service provider.

**138 Amendment of s 5AA.12 (Particular persons to be advised if person unsuitable)**

Section 5AA.12(1), after 'other than'—

*insert—*

a PSBA employee or

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**139 Amendment of s 5AA.13 (External service provider to be advised if person unsuitable)**

(1) Section 5AA.13, heading, ‘External’—

*omit, insert—*

**PSBA employee or external**

(2) Section 5AA.13(1), ‘an external’—

*omit, insert—*

a PSBA employee or an external

**140 Amendment of s 8.3 (Unfitness for duty on medical grounds)**

Section 8.3—

*insert—*

(6A) To remove any doubt, it is declared that the following arrangements between the commissioner and the PSBA chief executive officer must be made under the *Public Service Act 2008* and not under this Act—

- (a) an arrangement for the services of a person appointed to a position under subsection (5) to be made available to the PSBA;
- (b) an arrangement under which a person appointed to a position under subsection (5) performs work for the PSBA.

**141 Amendment of s 10.9 (Service and production of documents)**

(1) Section 10.9(1), from ‘given to the holder’—

*omit, insert—*

given to—

- (a) the holder of an office nominated by the commissioner for this section; or

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- (b) the holder of a position within the PSBA nominated by the commissioner for this section.
- (2) Section 10.9(1A), after ‘offices’—  
*insert—*  
and positions
- (3) Section 10.9(2), after ‘member of the service’—  
*insert—*  
, or a PSBA employee whose duties include performing a function for the service,

**142 Amendment of s 10.24 (Representation of officers in court)**

- (1) Section 10.24, heading, ‘of officers’—  
*omit.*
- (2) Section 10.24(2) and (3)—  
*omit, insert—*
- (2) Also, any officer or service legal officer may appear and act for the prosecution in a proceeding—
    - (a) in a Magistrates Court or the Childrens Court for a charge of an offence, even though the officer is not the informant or complainant; or
    - (b) in a Magistrates Court, brought by a fire service officer under the *Disaster Management Act 2003* or the *Fire and Emergency Services Act 1990*, for an offence against the Act under which the prosecution is brought.
- (3) In this section—

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*fire service officer* see the *Fire and Emergency Services Act 1990*, schedule 6.

*service legal officer* means a government legal officer within the meaning of the *Legal Profession Act 2007* who is—

- (a) a staff member; or
- (b) employed in the PSBA.

**143 Amendment of s 10.28 (Regulation-making power)**

- (1) Section 10.28(1A)—

*insert—*

- (aa) the responsibilities of the commissioner;  
and

- (2) Section 10.28(1A)(aa) to (d)—

*renumber* as section 10.28(1A)(b) to (e).

**144 Insertion of new pt 11, div 7**

Part 11—

*insert—*

**Division 7                      Transitional provision for  
Public Safety Business  
Agency Act 2014**

**11.15 Application of pt 5AA to particular current  
employees**

- (1) This section applies in relation to a person who—
  - (a) immediately before the commencement, was employed as a public service employee by the department known as the Public Safety Business Agency; and
  - (b) is a PSBA employee immediately after the commencement.

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- (2) The relevant sections apply to or in relation to the person as if a requirement in the relevant sections for the person or the relevant CEO to do something before the person is engaged in the service were a reference to the person or relevant CEO being required to do the thing as soon as practicable after the commencement.
- (3) In this section—
- commencement* means the commencement of this section.
- relevant section* means sections 5AA.5(2) and 5AA.6(2).

**145 Amendment of schedule (Relevant information)**

Schedule, second unnumbered heading, before ‘volunteers’—  
*insert—*

**PSBA employees, applicants to become PSBA employees,**

## **Part 11 Amendment of Police Service Administration Regulation 1990**

**146 Legislation amended**

This part amends the *Police Service Administration Regulation 1990*.

**147 Amendment of s 1.2 (Definitions)**

Section 1.2, definition *ADA*—

*omit, insert—*

*ADA State coordinator* see section 7A.3(1)(b).

---

**148 Insertion of new pt 2A**

After section 2.3—

*insert—*

**Part 2A                      Commissioner's  
responsibilities**

**2A.1 Particular matters within scope of prescribed  
responsibility etc.—Act, s 4.8(2)**

For section 4.8(2)(a) of the Act, the following are prescribed as particular matters within the scope of the Commissioner's prescribed responsibility—

- (a) the determination of priorities;
- (b) the determination of the appropriate organisational structure of the department;
- (c) the control of the human, financial and other resources of the department;
- (d) the designation and redesignation of offices;
- (e) the determination of the number and deployment of officers and staff members;
- (f) the selection of persons as officers and police recruits;
- (g) the qualifications for offices within the service and duties attaching to the offices;
- (h) the determination of levels of salaries or wages and allowances of members of the service;
- (i) the promotion or demotion of officers and staff members;
- (j) the training and development of members of the service;
- (k) the discipline of members of the service;

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- (l) the dress and appearance of members of the service;
- (m) the appraisal of performance of members of the service;
- (n) the approval and administration of leave arrangements;
- (o) the internal redeployment and retraining of officers and staff members;
- (p) the termination of employment of members of the service;
- (q) the determination of times within which members of the service are to perform their ordinary hours of work;
- (r) the development of means to ensure all members of the service are treated justly, fairly and with compassion;
- (s) the determination of the number and location of police establishments and police stations;
- (t) the maintenance of proper records, including, but not limited to, records about—
  - (i) the action taken by a police officer or someone else in relation to a person suspected of having committed an offence; and
  - (ii) the result of any proceeding against the person for the offence;
- (u) in relation to a proceeding against a person charged by a police officer for an offence—the taking part in conferences with the person’s legal representative about the conduct of the proceeding in order to narrow issues or help in the timely resolution of the proceeding;



- 
- (v) without limiting the actions that may be taken as a result of the conferences mentioned in paragraph (u)—
    - (i) deciding whether to amend, substitute or withdraw a charge mentioned in paragraph (u); and
    - (ii) deciding facts to be presented to the court in relation to a charge mentioned in paragraph (u); and
    - (iii) if there is a prosecution election available, in relation to a charge mentioned in paragraph (u), as to the charge being heard summarily—deciding whether to exercise the election; and
    - (iv) in exercising an election mentioned in subparagraph (iii)—having regard to any guidelines under the *Director of Public Prosecutions Act 1984*, section 11 that apply to the commissioner and to any other relevant considerations and requirements; and
    - (v) deciding the submissions that will be made to a court by the prosecution in the sentencing of an offender on conviction for a charge mentioned in paragraph (u).

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

- (1) Section 7A.1(2) and (4), ‘members’—  
*omit, insert—*  
persons
- (2) Section 7A.1(3)(b)—

[s 150]

---

*omit, insert—*

- (b) ensures 2 or more groups in either the same command, region or division of the service or the same unit of the PSBA are not selected in the 1 day; and
- (3) Section 7A.1(5), ‘member’—

*omit, insert—*

person

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

Section 7A.2, ‘relevant member’—

*omit, insert—*

relevant person

**151 Replacement of s 7A.3 (ADA to notify group’s coordinator of group’s selection)**

Section 7A.3—

*omit, insert—*

**7A.3 ADA State coordinator to notify group coordinator of group’s selection**

- (1) This section applies if—
  - (a) the system has given the name or other identifier of a selected group; and
  - (b) the commissioner has authorised a person to be an alcohol and drug awareness State coordinator (*ADA State coordinator*); and
  - (c) the commissioner has authorised a person to be the random alcohol testing local coordinator (*group coordinator*) for the selected group.

- (2) The ADA State coordinator must give the group coordinator written notice (*random alcohol test notice*)—
- (a) of the name or other identifier of the selected group; and
  - (b) that the group coordinator must advise an authorised person of the group that has been selected.

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

- (1) Section 7A.4, ‘ADA’—  
*omit, insert*—  
ADA State coordinator
- (2) Section 7A.4, ‘member’—  
*omit, insert*—  
person

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

- Section 7A.5, ‘member’—  
*omit, insert*—  
person

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

- Section 7A.6, ‘member’—  
*omit, insert*—  
person

[s 155]

---

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

Section 7A.7, 'member'—

*omit, insert*—

person

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

(1) Section 7A.8, 'member'—

*omit, insert*—

person

(2) Section 7A.8, 'member's'—

*omit, insert*—

person's

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

Section 7A.9(2), 'member'—

*omit, insert*—

person

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

(1) Section 7A.10(1), (3) and (4), 'member'—

*omit, insert*—

person

(2) Section 7A.10(2)—

*omit, insert*—

(2) If the relevant person was over the limit applying to the person when tested, the authorised person must advise the relevant person, the ADA State

coordinator and the following person, in writing,  
of the information mentioned in subsection (3)—

- (a) if the relevant person is a member of the service and a commissioned officer is responsible for supervising the person—the commissioned officer;
- (b) if the relevant person is a member of the service and a commissioned officer is not responsible for supervising the person—the member of the service responsible for supervising the person;
- (c) if the relevant person is a relevant PSBA employee—the PSBA chief executive officer.

- (3) Section 7A.10(3)(b), ‘member’s’—

*omit, insert—*

person’s

- (4) Section 7A.10(4), ‘ADA’—

*omit, insert—*

ADA State coordinator

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

- (1) Section 7A.11(1), ‘relevant member’—

*omit, insert—*

relevant person

- (2) Section 7A.11(1), ‘members’—

*omit, insert—*

persons

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

- (1) Section 7B.1, ‘ADA’—  
*omit, insert—*  
ADA State coordinator
- (2) Section 7B.1, ‘member’—  
*omit, insert—*  
person
- (3) Section 7B.1, after ‘commissioner’—  
*insert—*  
or PSBA chief executive officer

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

- Section 7B.2, ‘member’—  
*omit, insert—*  
person

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

- Section 7B.4, ‘member’—  
*omit, insert—*  
person

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

- Section 7B.5, ‘member’—  
*omit, insert—*  
person

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

(1) Section 7B.6, ‘member’—

*omit, insert—*

person

(2) Section 7B.6(2)(a)(i), ‘member’s’—

*omit, insert—*

person’s

(3) Section 7B.6(5), ‘ADA’—

*omit, insert—*

ADA State coordinator

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

(1) Section 7B.7, ‘member’—

*omit, insert—*

person

(2) Section 7B.7(2)(b), ‘member’s’—

*omit, insert—*

person’s

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

Section 7B.8, ‘member’—

*omit, insert—*

person

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

(1) Section 7B.10, heading—

*omit, insert—*

**7B.10 Commissioner or PSBA chief executive officer to advise relevant person of test result**

(2) Section 7B.10(1) and (4), ‘member’—

*omit, insert—*

person

(3) Section 7B.10(2)—

*omit, insert—*

(2) The relevant person must be advised, in writing, of the information mentioned in subsection (4) by—

(a) if the relevant person is a member of the service—the commissioner; or

(b) if the relevant person is a relevant PSBA employee—the PSBA chief executive officer.

(4) Section 7B.10(4)(b), ‘member’s’—

*omit, insert—*

person’s

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

Part 7C, heading, ‘by member of the service’—

*omit.*

**169 Insertion of new s 7C.1AA**

Part 7C, before section 7C.1—



---

*insert—*

### **7C.1AA Definition for pt 7C**

In this part—

*approved person* means—

- (a) for a member of the service—another member of the service approved by the commissioner for this part; or
- (b) for a relevant PSBA employee—a person approved by the PSBA chief executive officer for this part.

## **170 Amendment of s 7C.1 (Self-reporting)**

- (1) Section 7C.1, heading—

*omit, insert—*

### **7C.1 Self-reporting by member of the service**

- (2) Section 7C.1, ‘ADA’—

*omit, insert—*

ADA State coordinator

- (3) Section 7C.1(5)—

*omit.*

## **171 Insertion of new s 7C.1A**

After section 7C.1—

*insert—*

### **7C.1A Self-reporting by relevant PSBA employee**

- (1) This section applies if a relevant PSBA employee asks an approved person for counselling or rehabilitation in relation to the PSBA employee’s personal use of alcohol or a drug.
- (2) The approved person may invite the relevant PSBA employee to enter into a written agreement

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with the PSBA chief executive officer for counselling or rehabilitation services.

- (3) Without limiting the terms of the agreement, the agreement must state the following—
  - (a) the counselling or rehabilitation to be provided under the agreement;
  - (b) that the State will pay the cost of the counselling or rehabilitation;
  - (c) the approved person may at any time review the agreement;
  - (d) the agreement may only be changed with the written agreement of the parties;
  - (e) the agreement ends on the earliest of the following—
    - (i) the expiry of the agreement;
    - (ii) the PSBA chief executive officer gives written notice ending the agreement to the PSBA employee because the relevant PSBA employee has breached the agreement in a substantial way;
    - (iii) a party gives written notice ending the agreement to the other party;
    - (iv) the relevant PSBA employee stops being a public service employee.
- (4) The agreement may make provision about the testing of the relevant PSBA employee for alcohol or drugs.

**172 Amendment of s 7C.4 (Approved agencies—Act, s 10.2G)**

Section 7C.4—

*insert—*

- (h) the PSBA.

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## Part 12                      Amendment of Prostitution Act 1999

### 173    Act amended

This part amends the *Prostitution Act 1999*.

### 174    Amendment of s 102 (Membership)

(1) Section 102(1) to (3)—

*omit, insert—*

- (1) The Authority consists of the following members—
  - (a) the chief executive, or a person nominated by the chief executive;
  - (b) the following persons (each an ***appointed member***) appointed as members by the Governor in Council on the recommendation of the Minister—
    - (i) the chairperson, who is to be an independent, respected member of the community nominated by the Premier;
    - (ii) the commissioner, or a police officer of at least the rank of superintendent nominated by the commissioner;
    - (iii) the chairperson, or the assistant commissioner, crime, of the Crime and Misconduct Commission;
    - (iv) a health practitioner who has at least 5 years experience in his or her profession;
    - (v) a lawyer who has been admitted for at least 5 years and has knowledge of or experience in administrative law, company law or criminal law;

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(vi) a person who represents local government;

(vii) 2 persons who, in the Minister's opinion, are qualified to represent community interests.

(2) The appointed members of the Authority are to be appointed under this Act and not under the *Public Service Act 2008*.

(2) Section 102(4), '(g)'—

*omit, insert—*

(b)(vii)

(3) Section 102(4) and (5)—

*renumber* as section 104(3) and (4).

### **175 Amendment of s 103 (Term of appointment)**

Section 103, 'A member'—

*omit, insert—*

An appointed member

### **176 Amendment of s 104 (Remuneration)**

Section 104, 'Members'—

*omit, insert—*

Appointed members

### **177 Amendment of s 106 (Vacation of office)**

(1) Section 106(1), 'a member'—

*omit, insert—*

an appointed member

(2) Section 106(2), definition *meeting*, paragraphs (a) and (b), 'the member'—

*omit, insert—*

the appointed member

**178 Amendment of s 139 (Approval of forms)**

Section 139(1), ‘commissioner’—

*omit, insert—*

chief executive

**179 Amendment of sch 4 (Dictionary)**

Schedule 4—

*insert—*

*appointed member*, of the Authority, see section 102(1)(b).

**Part 13 Amendment of Public Service Act 2008**

**180 Act amended**

This part amends the *Public Service Act 2008*.

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

Section 188A(2)(b), ‘*Fire and Rescue Service Act 1990*, part 4, division 3, subdivision 2’—

*omit, insert—*

*Fire and Emergency Services Act 1990*, chapter 3

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

Section 188AB(2)(b), *Fire and Rescue Service Act 1990*, part 4, division 3, subdivision 3'—

*omit, insert—*

*Fire and Emergency Services Act 1990*, chapter 3

**183 Amendment of sch 1 (Public service offices and their heads)**

Schedule 1—

*insert—*

Office of the Inspector-General of Emergency Management under the *Disaster Management Act 2003*

Inspector-General of Emergency Management

Public Safety Business Agency under the *Public Safety Business Agency Act 2014*

chief executive officer under the *Public Safety Business Agency Act 2014*

## **Part 14 Consequential and minor amendments of other legislation**

**184 Legislation amended**

Schedule 1 amends the legislation it mentions.

---

## Schedule 1      Legislation amended

section 184

### Part 1                      Amendment of this Act

**1      Long title, from ‘, to amend this Act’—**

*omit.*

**2      Section 4, ‘schedule 2’—**

*omit, insert—*

schedule 1

**3      Schedule 2—**

*renumber* as schedule 1.

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

Each of the following provisions is amended by omitting ‘*Fire and Rescue Service Act*’ and inserting ‘*Fire and Emergency Services Act*’—

- the *Ambulance Service Act 1991*, sections 18D, definition *relevant disciplinary ground*, paragraph (b), 18J(3), definition *relevant Act*, paragraph (b), 18L(3), definition *relevant Act*, paragraph (b) and 53A(2), definition *council* and schedule, definitions *disciplinary declaration*, paragraph (a)(i)(D), *fire service chief executive* and *fire service officer*

Schedule 1

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- the *Anti-Discrimination Act 1992*, section 106A(1)(h)
- the *Building Act 1975*, sections 27, 63(a) and 229(4), definition *fire safety management plan guidelines* and schedule 2, definitions *authorised officer*, paragraph (a) and *fire safety management plan*
- the *Building Fire Safety Regulation 2008*, schedule 3, definition *Fire Service Act*
- the *Environmental Protection Act 1994*, section 23(2), fourth dot point
- the *Environmental Protection (Waste Management) Regulation 2000*, section 13(d)
- the *Forestry Act 1959*, sections 39(1)(b), 65(4) and 102(1)(c)
- the *Gaming Machine Regulation 2002*, section 14(b)
- the *Industrial Relations Act 1999*, section 73(2)(aa)(i)(B)
- the *Land Protection (Pest and Stock Route Management) Act 2002*, section 94, definition *urban district*
- the *Mixed Use Development Act 1993*, section 214
- the *Payroll Tax Act 1971*, section 14(2)(k)(i)
- the *Public Safety Preservation Act 1986*, schedule, definition *government fire officer*
- the *Public Service Act 2008*, schedule 4, definitions *fire service chief executive* and *fire service officer*
- the *Queensland Civil and Administrative Tribunal Regulation 2009*, schedule 1, part 4
- the *Residential Services (Accreditation) Act 2002*, schedule 2, definition *fire safety management plan*, paragraph (a)
- the *Residential Tenancies and Rooming Accommodation Act 2008*, section 192(1)(d)



- the *State Penalties Enforcement Regulation 2000*, section 5B(c) and schedule 5
- the *Sustainable Planning Regulation 2009*, schedule 4, table 4, item 9(c), schedule 7, table 1, items 2 and 3, column 3 and table 2, item 18, column 3, schedule 24, part 1, sections 1(9) and (5)(d) and schedule 26, definitions *essential management* paragraph (d) and *high impact earthworks* paragraph 2(i)(ii)
- the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*, schedule 9, definition *emergency service worker*, paragraph (a)
- the *Transport Operations (Road Use Management—Road Rules) Regulation 2009*, schedule 5, definition *emergency worker*, paragraph (b)
- the *Workers' Compensation and Rehabilitation Act 2003*, section 14(1).

## Part 3

## Replacement of references to Disaster Management Act 2003

Each of the following provisions is amended by omitting '*Disaster Management Act 2003*' and inserting '*Fire and Emergency Services Act 1990*'—

- the *Industrial Relations Act 1999*, section 73(2)(aa)(i)(A)
- the *Payroll Tax Act 1971*, section 14(2)(k)(ii)
- the *Public Health Act 2005*, sections 316(2), examples, 317(a) and 333(1)(d)
- the *Stock Regulation 1988*, section 41(1)(b)
- the *Transport Operations (Marine Safety) Regulation 2004*, schedule 15, definition *emergency services department*.

## Part 4 Other minor and consequential amendments

### Ambulance Service Act 1991

**1 Section 18C(3), note—**

*omit, insert—*

*Note—*

*See—*

(a) the *Public Service Act 2008*, section 188A in relation to taking disciplinary action against a person who was a public service employee; and

(b) the *Fire and Emergency Services Act 1990*, chapter 3, part 4, division 3, subdivision 3 in relation to taking disciplinary action against a person who was a fire service officer.

**2 Section 18C(4)(b), ‘Rescue’—**

*omit, insert—*

Emergency

**3 Section 18D, definition *relevant disciplinary provision*, paragraph (b), ‘the *Fire and Rescue Service Act 1990*, part 4, division 3’—**

*omit, insert—*

the *Fire and Emergency Services Act 1990*, chapter 3, part 4, division 3

**4 Section 18H(2)(b), ‘the *Fire and Rescue Service Act 1990*, part 4, division 3’—**

*omit, insert—*

the *Fire and Emergency Services Act 1990*, chapter 3, part 4, division 3

---

**5 Section 18H(2)(b), note—**

*omit, insert—*

*Note—*

The *Fire and Emergency Services Act 1990*, chapter 3, part 4, division 3, subdivision 2 provides for the fire service commissioner to take disciplinary action under that Act against a fire service officer in relation to a disciplinary ground that arose under this Act while the fire service officer was a service officer. The subdivision also empowers the chief executive under this Act to do particular things to facilitate disciplinary action being taken under the subdivision.

**6 Schedule, definition *public sector disciplinary law*, paragraph (b), ‘*Fire and Rescue Service Act 1990*, part 4, division 3’—**

*omit, insert—*

*Fire and Emergency Services Act 1990*, chapter 3, part 4, division 3

**Building Act 1975****1 Sections 64(2), 74(2) and (3), 79(3), 107(2)(c), 112(4) and 231AL(3)(a), ‘QFRS’—**

*omit, insert—*

QFES

**2 Schedule 2, definition *QFRS*—**

*omit, insert—*

*QFES* means the Queensland Fire and Emergency Service under the *Fire and Emergency Services Act 1990*.

## **Civil Liability Regulation 2003**

**1 Schedule 1, entry for Queensland Fire and Rescue Service—**

*omit, insert—*

the Queensland Fire and Emergency Service under the *Fire and Emergency Services Act 1990*

**2 Schedule 1, ‘A rural fire brigade registered under the *Fire and Rescue Service Act 1990*’—**

*omit, insert—*

A rural fire brigade registered under the *Fire and Emergency Services Act 1990*

**3 Schedule 1, ‘The State Emergency Service established under the *Disaster Management Act 2003*’—**

*omit, insert—*

The State Emergency Service under the *Fire and Emergency Services Act 1990*

**4 Schedule 2, entry for Queensland Fire and Rescue Service—**

*omit, insert—*

The Queensland Fire and Emergency Service under the *Fire and Emergency Services Act 1990*

**5 Schedule 2, ‘A rural fire brigade registered under the *Fire and Rescue Service Act 1990*’—**

*omit, insert—*

A rural fire brigade registered under the *Fire and Emergency Services Act 1990*

**6 Schedule 2, 'The State Emergency Service established under the *Disaster Management Act 2003*'—**

*omit, insert—*

The State Emergency Service under the *Fire and Emergency Services Act 1990*

**Fire and Rescue Service Act 1990**

**1 References to chief executive**

Each provision mentioned in column 1 is amended by omitting the words mentioned in column 2 and inserting the words mentioned in column 3—

<b>Column 1 Provision</b>	<b>Column 2 Words omitted</b>	<b>Column 3 Words inserted</b>
section 25B	chief executive	commissioner
section 26(1)	chief executive	commissioner
section 29	chief executive	commissioner
section 30A(1) and (5), note	chief executive	commissioner
section 30A(2)	and the employing chief executive mentioned in the section, the chief executives	mentioned in the section and the commissioner, the previous chief executive and the commissioner
section 30D(3) and (4)	employing chief executive	commissioner
section 30E	employing chief executive	commissioner
section 30G(2)	the chief executive	the commissioner

## Schedule 1

<b>Column 1 Provision</b>	<b>Column 2 Words omitted</b>	<b>Column 3 Words inserted</b>
section 30G(2)(a), note and (2)(b) note	chief executive under this Act	commissioner
section 30H	chief executive	commissioner
section 30I, heading	chief executive	commissioner
section 30I(1)(a)	chief executive under this Act (the fire service chief executive) for disciplinary information that the fire service chief executive	commissioner for disciplinary information that the commissioner
section 30I(2) and (3), definition <i>disciplinary information</i>	fire service chief executive	commissioner
section 30I(3), definition <i>disciplinary information</i>	the chief executive	commissioner
section 30J, heading	chief executive	commissioner
section 30J(1)(a)	chief executive (the fire service chief executive)	commissioner
section 30J(1)(b) and (2)	fire service chief executive	commissioner
section 30J(1)(b)(ii)	chief executive	commissioner
section 30K	chief executive	commissioner
section 33(2)	chief executive	commissioner
section 53(3)	chief executive	commissioner

<b>Column 1 Provision</b>	<b>Column 2 Words omitted</b>	<b>Column 3 Words inserted</b>
section 69(6), (8) and (9)(b)(ii)	chief executive	commissioner
section 84	chief executive	commissioner
section 85, heading	Chief executive's	Commissioner's
section 85	chief executive	commissioner
section 98(2)	chief executive	commissioner
section 103	chief executive	commissioner
section 104F(2)	chief executive	commissioner
section 104FD	chief executive	commissioner
section 104FE	chief executive	commissioner
section 104RL, heading	chief executive	commissioner
section 104RL(1) and (4)	chief executive	commissioner
section 106(2)	chief executive	commissioner
section 108(4)	chief executive	commissioner
section 109	chief executive	commissioner
section 113(1) to (6) and (9)	chief executive	commissioner
section 113(7)	chief executive allows	commissioner allows
section 113(7)	chief executive's	commissioner's

## Schedule 1

<b>Column 1 Provision</b>	<b>Column 2 Words omitted</b>	<b>Column 3 Words inserted</b>
section 118(3)	chief executive	commissioner
section 119(2)	chief executive	commissioner
section 122	chief executive	commissioner
section 123(1) and (3)	chief executive	commissioner
section 124	chief executive	commissioner

## Forestry Act 1959

- 1 Sections 58(1), 62(1), 63(1)(b), 64(1), 65(2), 65A(1)(b)(iii), 65B(1)(b)(iii), 68 and 69(1) and (3) ‘Fire and Rescue Service Act 1990, part 7’—**

*omit, insert—*

*Fire and Emergency Services Act 1990, chapter 3, part 7*

- 2 Section 61QB(1), ‘, the chief executive (fire)’—**

*omit.*

- 3 Section 62(1), note—**

*omit, insert—*

*Note—*

A plantation operator or plantation officer is not a person performing duties under this Act for this section—see section 18C. See also the *Fire and Emergency Services Act 1990*, sections 65 and 66, for provisions about the giving of permits to light fires on any land including in a licence area.



- 4**     **Schedule 3, definition *chief executive (fire)*—**  
          *omit.*
- 5**     **Schedule 3, definition, *fire commissioner*, ‘Rescue’—**  
          *omit, insert—*  
  Emergency

## **Public Service Regulation 2008**

- 1**     **Schedule 1, item 7, column 1, ‘Queensland Fire and  
Rescue Service under the *Fire and Rescue Service Act  
1990*’—**  
          *omit, insert—*  
  Queensland Fire and Emergency Service under the *Fire and  
Emergency Services Act 1990*

## **Public Safety Preservation Act 1986**

- 1**     **Schedule, definitions *fire controller* and *non-government  
fire officer*, ‘Rescue’—**  
          *omit, insert—*  
  Emergency

## **Residential Services (Accreditation) Regulation 2002**

- 1 Section 9(1), editor's note, 'Fire and Rescue Service Act 1990, part 9A (Building fire safety), division 2 (Obligations of persons for fire safety)'—**

*omit, insert—*

*Fire and Emergency Services Act 1990, chapter 3, part 9A, division 2*

## **Security Providers (Crowd Controller Code of Practice) Regulation 2008**

- 1 Schedule (Crowd Controllers Code of Practice 2008), section 4(t)(iv), 'Rescue'—**

*omit, insert—*

Emergency

- 2 Schedule (Dictionary), definition *Queensland Fire and Rescue Service*—**

*omit, insert—*

*Queensland Fire and Emergency Service* means the Queensland Fire and Emergency Service under the *Fire and Emergency Services Act 1990*.

**Security Providers (Security Officer—Licensed Premises—Code of Practice) Regulation 2008**

**1 Schedule (Security Officer—Licensed Premises—Code of Practice 2008), section 5(p)(iv), ‘Queensland Fire and Rescue Service’—**

*omit, insert—*

Queensland Fire and Emergency Service

**2 Schedule (Dictionary), definition *Queensland Fire and Rescue Service*—**

*omit, insert—*

*Queensland Fire and Emergency Service* means the Queensland Fire and Emergency Service under the *Fire and Emergency Services Act 1990*.

**State Penalties Enforcement Regulation 2000**

**1 Schedule 5, entry for *Fire and Emergency Services Act 1990*, as amended, entries for sections 146A(1)(a) to 147(e), second mention—**

*omit, insert—*

s 150B(1)(a) for a false call for a fire and emergency service—

- in the circumstances in paragraph (a) of the penalty . . . . . 25
- in the circumstances in paragraph (b) of the penalty . . . . . 10

s 150B(1)(b) for a false alarm of a fire—

Schedule 1

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	• in the circumstances in paragraph (a) of the penalty . . . . .	25	
	• in the circumstances in paragraph (b) of the penalty . . . . .	10	
s 150A	in relation to the contravention of paragraph (a) . . . . .	5	
s 150A	in relation to the contravention of paragraph (b) . . . . .	5	
s 150A	in relation to the contravention of paragraph (c) . . . . .	5	
s 150E		5	25

**2 Schedule 5, entry for *Fire and Emergency Services Act 1990*, as amended, entry for authorised person for service of infringement notices, paragraph (a), ‘section 146A(1)(a) or (b)’—**

*omit, insert—*

section 150B(1)(a) or (b)

**3 Schedule 5, entry for *Fire and Emergency Services Act 1990*, as amended, entry for authorised person for service of infringement notices, paragraph (b), ‘section 6A’—**

*omit, insert—*

section 52

**Superannuation (State Public Sector) Deed 1990**

**1 Section 4, definition *discontinued scheme*, first dot point—**

*omit, insert—*

- the *Fire and Emergency Services Act 1990*

*Note—*

The *Fire and Emergency Services Act 1990* was previously known as the *Fire and Rescue Service Act 1990*.

**2 Section 321, definition *discontinued scheme*—**

*insert—*

*Note—*

The short title of the *Fire and Rescue Service Act 1990* was amended by the *Public Safety Business Agency Act 2014* and is now the *Fire and Emergency Services Act 1990*.

## **Superannuation (State Public Sector) Notice 2010**

**1 Section 3, definition *QFS superannuation scheme*, note—**

*omit, insert—*

*Notes—*

- 1 The *Superannuation and Other Legislation Amendment Act 1997*, part 6 commenced on 30 June 1997.
- 2 The short title of the *Fire and Rescue Service Act 1990* was amended by the *Public Safety Business Agency Act 2014* and is now the *Fire and Emergency Services Act 1990*.

**2 Section 3, definition *Queensland Fire Service*, note—**

*omit, insert—*

*Note—*

The short title of the *Fire and Rescue Service Act 1990* was amended by the *Public Safety Business Agency Act 2014* and is now the *Fire and Emergency Services Act 1990*.

Schedule 1

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**3 Schedule, entry for Queensland Fire and Rescue Service, column 1, 'Rescue'—**

*omit, insert—*

Emergency

## **Sustainable Planning Regulation 2009**

**1 Schedule 7, table 1, column 2, items 1, 2, 2A, 3, schedule 7, table 2, item 18, column 2, 'Rescue'—**

*omit, insert—*

Emergency

**2 Schedule 8, heading, 'Rescue'—**

*omit, insert—*

Emergency

**3 Schedule 15, item 3, column 1, 'Rescue'—**

*omit, insert—*

Emergency

## **Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010**

**1 Schedule 3, part 1, item 2, 'and rescue'—**

*omit, insert—*

and emergency

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**2 Schedule 8, definition, *fire and rescue appliance*—**

*omit, insert—*

*fire and emergency appliance* means a vehicle—

- (a) built or modified for—
  - (i) fighting fires; or
  - (ii) supporting or performing rescue operations; and
- (b) operated by authorised fire officers under the *Fire and Emergency Services Act 1990*.

## **Water Supply (Safety and Reliability) Act 2008**

**1 Section 145(1), note—**

*omit, insert—*

*Note—*

Under the *Fire and Emergency Services Act 1990*, section 53(2)(h), the Queensland Fire and Emergency Service may take water for firefighting purposes from any source whether natural or artificial.

**2 Section 579A(2), definition *prescribed entity*, examples, second dot point—**

*omit, insert—*

- a disaster management group under the *Disaster Management Act 2003*
- the State Emergency Service under the *Fire and Emergency Services Act 1990*

## **Weapons Regulation 1996**

- 1**     **Schedule 2, section 4, heading, ‘Rescue’—**  
*omit, insert—*  
          **Emergency**
  
- 2**     **Schedule 2, section 4(1), ‘Rescue Service (QFRS)’—**  
*omit, insert—*  
          Emergency Service (*QFES*)
  
- 3**     **Schedule 2, section 4(2), ‘QFRS’s’—**  
*omit, insert—*  
          QFES’s
  
- 4**     **Schedule 2, section 4(3), ‘QFRS’—**  
*omit, insert—*  
          QFES
  
- 5**     **Schedule 2—**  
*insert—*
  - 5**     **Public Safety Business Agency**
    - (1)    The Public Safety Business Agency (the *PSBA*) is a government service entity.
    - (2)    The PSBA’s prescribed functions are the functions the PSBA has under the *Public Safety Business Agency Act 2014*.
    - (3)    The prescribed functions of a PSBA employee are the functions the employee performs for the PSBA when the PSBA is performing the prescribed functions mentioned in subsection (2).



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## Workers' Compensation and Rehabilitation Act 2003

**1 Section 13(1), from 'chief executive'—**

*omit, insert—*

commissioner under the *Fire and Emergency Services Act 1990*.

**2 Section 13(2), 'Disaster Management Act 2003'—**

*omit, insert—*

*Fire and Emergency Services Act 1990*

**3 Section 13(4), definition *emergency function*, 'Disaster Management Act 2003'—**

*omit, insert—*

*Fire and Emergency Services Act 1990*

**4 Section 14(1), 'Fire and Rescue Service Act 1990'—**

*omit, insert—*

*Fire and Emergency Services Act 1990*

## Work Health and Safety Regulation 2011

**1 Schedule 19, definitions *emergency service organisation*, paragraph (b) and *primary emergency services organisation*, paragraph (b)—**

*omit, insert—*

- (b) the Queensland Fire and Emergency Service under the *Fire and Emergency Services Act 1990*.

## Schedule 2 Dictionary

### section 4

***agency*** means the Public Safety Business Agency established under section 6.

***chief executive officer*** means the chief executive appointed under section 9.

***support services*** means services relating to the following matters—

- (a) asset management;
- (b) education and training;
- (c) human resource management;
- (d) financial management;
- (e) information and communication technology;
- (f) strategic policy and planning;
- (g) legal issues including litigation and legal advice;
- (h) media and public communications.

***public safety entity*** see section 5.