

Public Safety Business Agency Bill 2014

Amendments during consideration in detail to be moved by

The Honourable the Minister for Police, Fire and Emergency Services

1 **Clause 20 (Provision of information)**

Page 24, lines 7 to 17—

omit, insert—

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.

2 **Clause 30 (Insertion of new pt 1A)**

Page 33, lines 17 to 29 and page 34, lines 1 and 2—

omit, insert—

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.

3 Clause 53 (Amendment of schedule)

Page 40, line 18, 'fire officer'—

omit, insert—

government fire officer

4 Clause 79 (Amendment of s 20 (Fund))

Page 48, after line 13—

insert—

(1A) Section 20(1), ', Fire and Rescue'—

omit.

5 Clause 102 (Insertion of new ch 5, pt 5, div 7)

Page 108, after line 25—

insert—

203A 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).

6 Clause 103 (Amendment of sch 6 (Dictionary))

Page 111, after line 3—

insert—

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

7 Clause 115 (Amendment of s 1.4 (Definitions))

Page 117, lines 3 and 4—

omit, insert—

PSBA employee—

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

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

Page 120, lines 14 to 22—

omit, insert—

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

- (a) in a critical area; or
(b) prescribed by regulation.

9 Clause 122 (Amendment of s 5A.3 (Person to whom pt 5A applies))

Page 121, line 19—

omit, insert—

person (*relevant person*)

10 After clause 135

Page 126, after line 26—

insert—

135A 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).

135B 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—
 - (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.

135C 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

135D 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

11 After clause 139

Page 129, after line 4—

insert—

139A 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.

(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).

139B Amendment of schedule (Relevant information)

Schedule, second unnumbered heading, before ‘volunteers’—

insert—

PSBA employees, applicants to become PSBA employees,

12 Schedule 1 (Legislation amended)

Page 161, after line 11—

insert—

Emergency

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