



Queensland

Public Safety Business Agency Act 2014

Current as at 21 May 2014



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Contents

		Page
Part 1	Preliminary	
Division 1	Introduction	
1	Short title	3
2	Act binds all persons	3
Division 2	Object of Act	
3	Object	3
Division 3	Interpretation	
4	Definitions	4
5	Meaning of public safety entity	4
Part 2	Public Safety Business Agency	
Division 1	Establishment	
6	Establishment	4
Division 2	Functions	
7	Agency's functions	5
Division 3	Membership of the agency	
8	Membership of agency	6
Division 4	Staff of the agency	
Subdivision 1	Chief executive officer	
9	Chief executive officer	6
10	Chief executive officer employed under this Act	6
11	Functions of chief executive officer	6
12	Ministerial direction	7
13	Conditions of appointment	7
14	Vacancy in office of chief executive officer	7
15	Preservation of rights of chief executive officer	8
16	Acting chief executive officer	9
Subdivision 2	Staff	

Contents

17	Agency staff	9
18	Police officers working for the agency	9
Part 3	Miscellaneous	
19	Annual report	10
20	Provision of information	10
21	Delegations	11
22	Protecting Minister from liability	12
23	Regulation-making power	12
Part 4	Transitional provision	
24	Transitional provision	12
Schedule 1	Dictionary	13

Public Safety Business Agency Act 2014

An Act to establish the Public Safety Business Agency and for related purposes

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.

Division 3 Interpretation

4 Definitions

The dictionary in schedule 1 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.

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.

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;

- (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

- (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.

- (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

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.

Schedule 1 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.

1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations

2 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amd	= amendment	prov	= provision
t			
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renu	= renumbered
		m	
ins	= inserted	rep	= repealed
lap	= lapsed	(retro	= retrospectively
)	
notf	= notified	rv	= revised version
d			
num	= numbered	s	= section

Key	Explanation	Key	Explanation
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum m	= unnumbered
prev	= previous		

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Current as at	Amendments included	Notes
21 May 2014	2014 Act No. 17	RA ss 7(1)(k), 40, 42A and 44

4 List of legislation

Public Safety Business Agency Act 2014 No. 17

date of assent 21 May 2014
commenced on date of assent
amending legislation—

Public Safety Business Agency Act 2014 No. 17 ss 1, 184 sch 1 pt 1

date of assent 21 May 2014
commenced on date of assent

5 List of annotations

Long title amd 2014 No. 17 s 184 sch 1 pt 1

Definitions

s 4 amd 2014 No. 17 s 184 sch 1 pt 1

SCHEDULE 1—DICTIONARY

prev sch 1 om RA s 40
pres sch 1 (prev sch 2) renum 2014 No. 17 s 184 sch 1 pt 1