



Public Safety Business Agency Act 2014

Current as at 8 September 2016

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Queensland

Public Safety Business Agency Act 2014

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	Constitution of agency	
8	Constitution	5
Division 3A	Board of Management	
Subdivision 1	Establishment and functions	
8A	Establishment	6
8B	Functions	6
Subdivision 2	Board members	
8C	Board members	6
8D	Appointed member	7
8E	Conditions of appointment	7
8F	Vacancy in office of appointed member	7
8G	Chairperson	8
Subdivision 3	Board business	

Contents

8H	Conducting business	9
8I	Committees	9
Division 4	Staff of the agency	
Subdivision 1	Chief operating officer	
9	Chief operating officer	9
10	Chief operating officer employed under this Act	9
11	Functions of chief operating officer	10
12	Relationship between chief operating officer and board	10
13	Conditions of appointment	10
14	Vacancy in office of chief operating officer	10
15	Preservation of rights of chief operating officer	11
16	Acting chief operating officer	12
Subdivision 2	Staff	
17	Agency staff	12
18	Police officers working for the agency	12
Part 3	Miscellaneous	
19	Annual report	13
20	Provision of information	13
21	Delegations	14
22	Protecting Minister from liability	15
23	Regulation-making power	15
Part 4	Transitional provisions	
Division 1	Transitional provision for Public Safety Business Agency Act 2014	
24	Transitional provision	15
Division 2	Transitional provision for Public Safety Business Agency and Other Legislation Amendment Act 2016	
25	Chief executive officer	16
Schedule 1	Dictionary	17

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 report to the Minister, and advise the Minister about, the matters mentioned in paragraphs (a) and (b);
 - (d) to perform a function incidental to a function mentioned in paragraphs (a) to (c).
- (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 Queensland Government Air Services to be a public safety entity under section 5(2). The Minister may declare the agency is responsible for the operation and management of the entity 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 Constitution of agency

8 Constitution

The agency consists of—

- (a) the board; and
- (b) the chief operating officer; and
- (c) the staff of the agency.

Division 3A Board of Management

Subdivision 1 Establishment and functions

8A Establishment

The Board of Management (the *board*) of the Public Safety Business Agency is established as the agency's governing body.

8B Functions

- (1) The board's functions are—
 - (a) to provide leadership and oversight to the agency; and
 - (b) to review and monitor the agency's performance of its functions; and
 - (c) to make and review policies about the administration of this Act; and
 - (d) to coordinate the provision of support services, and any programs provided by the agency, to public safety entities.
- (2) In performing its functions, the board must give effect to any direction of the Minister relevant to the functions.

Subdivision 2 Board members

8C Board members

The board consists of the following members—

- (a) the police commissioner;
- (b) the fire commissioner;
- (c) a person (the *appointed member*) appointed by the Governor in Council on the Minister's recommendation.

8D Appointed member

- (1) The Minister may recommend a person for appointment as the appointed member only if the Minister is satisfied the person is appropriately qualified to perform the functions of a board member.
- (2) A person's appointment as the appointed member is for the period, of not more than 3 years, stated in the person's instrument of appointment, but the person may be reappointed.
- (3) However, a person's appointment as the appointed member ends if the appointed member's office becomes vacant under section 8F during the period of the person's appointment.

8E Conditions of appointment

- (1) The appointed member is to be paid the remuneration and allowances decided by the Governor in Council.
- (2) However, if the appointed member is a public service employee, the employee is not entitled to remuneration as a board member unless the remuneration—
 - (a) relates to the employee's attendance at a meeting of the board outside the employee's normal work hours; and
 - (b) is approved by the Governor in Council.
- (3) The appointed member holds office on the terms and conditions, not provided by this Act, that are decided by the Governor in Council.

8F Vacancy in office of appointed member

- (1) The office of the appointed member becomes vacant—
 - (a) if the appointed member—
 - (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

[s 8G]

- (iii) 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 appointed member 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 appointed member from office on the Minister's recommendation.
- (3) The Minister may recommend the appointed member's removal from office only if the Minister is satisfied the appointed member—
 - (a) has been guilty of misconduct; or
 - (b) is incapable of performing the member's duties; or
 - (c) has neglected the member's duties or performed the duties incompetently.
- (4) The Minister may suspend the appointed member for up to 60 days, by signed notice to the appointed member, if—
 - (a) there is an allegation of misconduct against the appointed member; or
 - (b) the Minister is satisfied a matter has arisen in relation to the appointed member that may be grounds for removal under this section.

8G Chairperson

- (1) The Governor in Council must appoint a commissioner as the first chairperson of the board.
- (2) Each year on the anniversary of the appointment of the first chairperson, the role of chairperson rotates to the other commissioner.
- (3) In this section—

commissioner means—

- (a) the police commissioner; or
- (b) the fire commissioner.

Subdivision 3 Board business

8H Conducting business

The board may conduct its business, including its meetings, in the way the board considers appropriate.

8I Committees

The board may appoint committees to advise the board on particular subjects.

Division 4 Staff of the agency

Subdivision 1 Chief operating officer

9 Chief operating officer

- (1) There is to be a chief operating officer for the agency.
- (2) The chief operating 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 operating officer only if the Minister is satisfied the person is appropriately qualified to perform the functions and exercise the powers of the chief operating officer effectively and efficiently.

10 Chief operating officer employed under this Act

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

11 Functions of chief operating officer

- (1) The main functions of the chief operating officer are as follows—
 - (a) to help the board to perform its functions;
 - (b) to be responsible for the day-to-day operation of the agency.
- (2) The chief operating officer's functions also include any other function given to the chief operating officer under this Act or another Act.

12 Relationship between chief operating officer and board

- (1) In performing the chief operating officer's functions, the chief operating officer must give effect to any direction of the board relevant to the functions.
- (2) The chief operating officer must report regularly to the board.
- (3) Anything done by the chief operating officer in performing the chief operating officer's functions under subsection (1) is taken to have been done by the agency.

13 Conditions of appointment

- (1) The chief operating officer is to be paid the remuneration and allowances decided by the Governor in Council.
- (2) The chief operating 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 operating officer

- (1) The office of the chief operating officer becomes vacant—
 - (a) if the chief operating 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 operating officer is suspended by the Minister under subsection (3)—during the period of the suspension.
- (2) The Governor in Council may, at any time, remove the chief operating officer from office by signed notice to the chief operating officer giving at least 1 month's notice.
- (3) The Minister may suspend the chief operating officer for up to 60 days, by signed notice to the chief operating officer, if—
- (a) there is an allegation of misconduct against the chief operating officer; or
 - (b) the Minister is satisfied the chief operating officer—
 - (i) has been guilty of misconduct; or
 - (ii) is incapable of performing the chief operating officer's duties; or
 - (iii) has neglected the chief operating officer's duties or performed the duties incompetently.

15 Preservation of rights of chief operating officer

- (1) This section applies if a person who is a public service employee is appointed as the chief operating officer.
- (2) The person keeps all rights accrued or accruing to the person as a public service employee as if service as the chief operating 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 operating officer, the person's service as the chief operating 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 operating officer

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

- (a) a vacancy in the office of chief operating officer; or
- (b) any period, or all periods, when the chief operating 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 operating 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 police commissioner 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 operating 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 operating officer considers a public safety entity has information necessary for the performance of the chief operating officer's or the agency's functions.
- (2) The chief operating officer may ask the public safety entity to give the chief operating 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

[s 21]

- (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 operating officer of its reasons for not doing so.
- (5) The chief operating officer may enter into an arrangement with a public safety entity about the provision by the entity of information to the chief operating officer.
- (6) In this section—
- public safety entity* includes the chief executive, however described, of the public safety entity.

21 Delegations

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

Division 1 Transitional provision for Public Safety Business Agency Act 2014

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.

Division 2

Transitional provision for Public Safety Business Agency and Other Legislation Amendment Act 2016

25 Chief executive officer

- (1) In an Act or other document, if the context allows, a reference to the chief executive officer is taken to be a reference to the chief operating officer.
- (2) A decision made by the chief executive officer before the commencement that is still in force on the commencement is taken to be a decision made by the chief operating officer.
- (3) In this section—
document includes a contract.

Schedule 1 Dictionary

section 4

agency means the Public Safety Business Agency established under section 6.

appointed member see section 8C.

board see section 8A.

board member means a member of the board.

chief operating officer means the person who holds an appointment as the chief operating officer under section 9.

fire commissioner means the commissioner under the *Fire and Emergency Services Act 1990*.

police commissioner means the commissioner under the *Police Service Administration Act 1990*.

support services means services relating to the following matters—

- (a) asset management;
- (b) human resource management;
- (c) financial management;
- (d) information and communication technology.

public safety entity see section 5.