



Queensland

Public Safety Business Agency and Other Legislation Amendment Act 2016

Act No. 43 of 2016

An Act to amend the Disaster Management Regulation 2014, the Police Powers and Responsibilities Act 2000, the Police Service Administration Act 1990, the Police Service Administration Regulation 2016, the Public Safety Business Agency Act 2014, the Public Service Act 2008, the State Buildings Protective Security Act 1983, the State Buildings Protective Security Regulation 2008 and the Working with Children (Risk Management and Screening) Act 2000 for particular purposes

[Assented to 8 September 2016]



Queensland

Public Safety Business Agency and Other Legislation Amendment Act 2016

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The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Public Safety Business Agency and Other Legislation Amendment Act 2016*.

2 Commencement

Part 3, division 8 commences on a day to be fixed by proclamation.

Part 2 Amendment of Public Safety Business Agency Act 2014

3 Act amended

This part amends the *Public Safety Business Agency Act 2014*.

4 Amendment of s 7 (Agency's functions)

(1) Section 7(1)(c) to (f)—

omit, insert—

(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) Section 7(2), example, from 'State' to 'these entities'—

omit, insert—

[s 5]

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

5 Replacement of pt 2, div 3 (Membership of the agency)

Part 2, division 3—

omit, insert—

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

[s 5]

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
 - (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—

[s 6]

- (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.

6 Amendment of s 11 (Functions of chief executive officer)

Section 11(1)(a) to (c)—

omit, insert—

- (a) to help the board to perform its functions;
- (b) to be responsible for the day-to-day operation of the agency.

7 Replacement of s 12 (Ministerial direction)

Section 12—

omit, insert—

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.

8 Amendment of s 14 (Vacancy in office of chief executive officer)

- (1) Section 14(1)(b), '(4)'—

omit, insert—

(3)

- (2) Section 14(2), 'on the recommendation of the Minister'—

omit, insert—

by signed notice to the chief operating officer giving at least 1 month's notice

- (3) Section 14(3) and (4)—

omit, insert—

- (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.

[s 9]

9 Amendment of s 18 (Police officers working for the agency)

Section 18(1), ‘commissioner of the Queensland Police Service’—

omit, insert—

police commissioner

10 Amendment of s 21 (Delegations)

(1) Before section 21(1)—

insert—

(1A) The board may delegate a function of the board under this Act to an appropriately qualified person.

(2) Section 21(1A) to (3)—

renumber as section 21(1) to (4).

11 Replacement of pt 4, hdg (Transitional provision)

Part 4, heading—

omit, insert—

Part 4 Transitional provisions

**Division 1 Transitional provision for
Public Safety Business
Agency Act 2014**

12 Insertion of new pt 4, div 2

After section 24—

insert—

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.

13 Amendment of sch 1 (Dictionary)

- (1) Schedule 1, definition *chief executive officer*—
omit.
- (2) Schedule 1—
insert—

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*.

[s 14]

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

- (3) Schedule 1, definition *support services*, paragraphs (b) to (h)—

omit, insert—

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

14 Amendment of various sections

- (1) Each of the following provisions is amended by omitting ‘Chief executive officer’ and inserting ‘Chief operating officer’—

- part 2, division 4, subdivision 1, heading
- section 9, heading
- section 10, heading.

- (2) Each of the following provisions is amended by omitting ‘chief executive officer’ and inserting ‘chief operating officer’—

- section 9
- section 10
- section 11
- section 13
- section 14
- section 15
- section 16
- section 18
- section 20
- section 21.

(3) Each of the following provisions is amended by omitting ‘chief executive officer’s’ and inserting ‘chief operating officer’s’—

- section 11
- section 20.

Part 3 Amendment of other legislation

Division 1 Amendment of Disaster Management Regulation 2014

15 Regulation amended

This division amends the *Disaster Management Regulation 2014*.

16 Amendment of s 3 (Persons to assist or carry out other activities relating to the State group—Act, s 19A)

Section 3(1)(b), ‘executive’—
omit, insert—

operating

Division 2 Amendment of Police Powers and Responsibilities Act 2000

17 Act amended

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

[s 18]

18 Amendment of sch 6 (Dictionary)

- (1) Schedule 6, definition *property point*, paragraph (b), ‘PSBA chief executive officer for the performance by the chief executive’—

omit, insert—

PSBA chief operating officer for the performance
by the chief operating

- (2) Schedule 6, definition *PSBA chief executive officer*, ‘executive’—

omit, insert—

operating

19 Amendment of various sections

Each of the following provisions is amended by omitting ‘PSBA chief executive officer’ and inserting ‘PSBA chief operating officer’—

- section 687A
- section 726A
- section 734
- section 735
- section 736
- section 737.

Division 3 Amendment of Police Service Administration Act 1990

20 Act amended

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

21 Amendment of s 1.4 (Definitions)

Section 1.4, definition *PSBA chief executive officer*,
'executive'—

omit, insert—

operating

22 Amendment of s 10.24 (Representation in court)

Section 10.24(3), definition *service legal officer*—

omit, insert—

service legal officer means a government legal officer, within the meaning of the *Legal Profession Act 2007*, who is a staff member.

23 Amendment of various sections

Each of the following provisions is amended by omitting 'PSBA chief executive officer' and inserting 'PSBA chief operating officer'—

- section 4.10
- section 5.13C
- section 5A.21A
- section 5AA.5
- section 8.3.

Division 4 Amendment of Police Service Administration Regulation 2016

24 Regulation amended

This division amends the *Police Service Administration Regulation 2016*.

[s 25]

25 Amendment of s 7 (Particular matters within scope of prescribed responsibility)

Section 7—

insert—

- (w) the provision of services under the *State Buildings Protective Security Act 1983* for the security of state buildings.

26 Amendment of various sections

Each of the following provisions is amended by omitting ‘PSBA chief executive officer’ and inserting ‘PSBA chief operating officer’—

- section 56
- section 61
- section 65
- section 66
- section 79.

Division 5 Amendment of Public Service Act 2008

27 Act amended

This division amends the *Public Service Act 2008*.

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

Schedule 1, entry for Public Safety Business Agency, ‘executive’—

omit, insert—

operating

Division 6 **Amendment of State Buildings Protective Security Act 1983**

29 **Act amended**

This division amends the *State Buildings Protective Security Act 1983*.

30 **Amendment of s 3 (Definitions)**

- (1) Section 3, definitions *administrator*, *protective security service* and *security officer*—

omit.

- (2) Section 3—

insert—

police service means the Queensland Police Service maintained under the *Police Service Administration Act 1990*.

protective security officer means a person who holds an appointment as a protective security officer under section 7.

security officer means a person who holds an appointment as—

- (a) a protective security officer; or
- (b) a senior protective security officer (in training); or
- (c) a senior protective security officer.

senior protective security officer means a person who holds an appointment as a senior protective security officer under section 8.

senior protective security officer (in training) means a person who holds an appointment as a senior protective security officer (in training) under section 7.

[s 31]

31 Replacement of pt 2, hdg (Protective security service)

Part 2, heading—

omit, insert—

Part 2 Security of state buildings

32 Replacement of s 5 (Establishment of protective security service)

Section 5—

omit, insert—

5 Services for security of state buildings

It is a function of the police service to provide services for the security of state buildings.

33 Insertion of new pt 2A, hdg

After section 5—

insert—

Part 2A Security officers

34 Omission of s 6 (Administration of protective security service)

Section 6—

omit.

35 Amendment of s 7 (Appointment of protective security officers)

(1) Section 7, from ‘Minister’ to ‘department,’—

omit, insert—

commissioner may from time to time

(2) Section 7—

insert—

- (2) A person who holds an appointment under subsection (1) is a staff member under the *Police Service Administration Act 1990*.

36 Replacement of s 8 (Training of senior protective security officers)

Section 8—

omit, insert—

8 Appointment of senior protective security officers

- (1) The commissioner may arrange for any of the following persons to undertake a training course to qualify the person for appointment as a senior protective security officer—
- (a) a senior protective security officer (in training);
 - (b) a protective security officer;
 - (c) another person, other than a police officer.
- (2) The commissioner may appoint an officer or person who successfully finishes the training course as a senior protective security officer.
- (3) The following persons are staff members under the *Police Service Administration Act 1990*—
- (a) a person mentioned in subsection (1)(c);
 - (b) a person who holds an appointment under subsection (2).

37 Amendment of s 9 (Standard of fitness and propriety)

(1) Section 9(1), ‘member of the protective security service’—

omit, insert—

[s 38]

security officer

(2) Section 9(1)—

insert—

(c) unless the person's physique and physical fitness comply with the standard prescribed, by regulation, for a security officer.

(3) Section 9(2)—

omit.

38 Omission of s 10 (Appointment of senior protective security officers)

Section 10—

omit.

39 Amendment of s 10A (Identity cards for security officers)

Section 10A, 'administrator'—

omit, insert—

commissioner

40 Amendment of s 13 (Oath of protective security officer)

Section 13(1), from 'am lawfully' to 'be a protective security officer'—

omit, insert—

cease to hold that office, and that while I continue to hold that office

41 Amendment of s 15 (Justice to administer oaths)

Section 15(2)—

omit.

42 Amendment of s 18 (Functions of security officers)

Section 18(3), ‘the protective security service is’—

omit, insert—

security officers are

43 Amendment of s 29A (Security services provided by other than the protective security service)

Section 29A, heading, ‘the protective security service’—

omit, insert—

security officers

44 Amendment of s 30 (Officer to surrender equipment)

(1) Section 30(1), ‘member of the protective security service’—

omit, insert—

security officer

(2) Section 30(1) and (2), ‘administrator’—

omit, insert—

commissioner

45 Amendment of s 33 (Regulation-making power)

Section 33(2), ‘members of the protective security service’—

omit, insert—

security officers

46 Insertion of new pt 5, div 1, hdg

After part 5, heading—

insert—

[s 47]

Division 1 **Transitional provision for
Law Courts and State
Buildings Protective
Security Amendment Act
1998**

47 **Insertion of new pt 5, div 2**

After section 34—

insert—

Division 2 **Transitional provisions for
Public Safety Business
Agency and Other
Legislation Amendment
Act 2016**

35 **References**

- (1) In an Act or other document, if the context allows—
 - (a) a reference to the protective security service is taken to be a reference to the police service; and
 - (b) a reference to the administrator is taken to be a reference to the commissioner.
- (2) In this section—

document includes a contract.

36 **Oath of security officers**

- (1) This section applies if a person appointed as a protective security officer, before the commencement, took an oath under section 13.

[s 52]

omit, insert—

commissioner

52 Amendment of s 9 (Emergency duties)

Section 9, ‘manager’—

omit, insert—

commissioner

53 Amendment of s 11 (Security officers in uniform not to obtain liquor)

Section 11(2)(b), ‘State Government Protective Security Service motor vehicle’—

omit, insert—

motor vehicle used to provide services for the security of state buildings

54 Amendment of sch 2 (Dictionary)

Schedule 2, definition *manager*—

omit.

Division 8 Amendment of Working with Children (Risk Management and Screening) Act 2000

55 Act amended

This division amends the *Working with Children (Risk Management and Screening) Act 2000*.

56 Omission of s 7 (Administration of this Act in the Public Safety Business Agency)

Section 7—

omit.

57 Insertion of new ch 11, pt 18

After section 547—

insert—

**Part 18 Transitional provision
for Public Safety
Business Agency and
Other Legislation
Amendment Act 2016**

548 Applications and notices

- (1) An application made to the PSBA chief executive officer before the commencement that is not decided or withdrawn before the commencement is taken to have been made to the chief executive.
- (2) A notice issued by the PSBA chief executive officer before the commencement that is still in force on the commencement is taken to have been issued by the chief executive.
- (3) In this section—

PSBA chief executive officer means the chief executive officer under the *Public Safety Business Agency Act 2014*, as in force immediately before the commencement.

58 Amendment of sch 7 (Dictionary)

- (1) Schedule 7, definitions *chief executive*, *department* and *Public Safety Business Agency*—

[s 58]

omit.

- (2) Schedule 7, definitions *disciplinary information* and *notifiable person*, 'the commissioner'—

omit, insert—

the chief executive

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