

Public Safety Business Agency Bill 2014

Explanatory Notes

FOR

Amendments To Be Moved During Consideration In Detail By The Honourable Jack Dempsey MP

Title of the Bill

Public Safety Business Agency Bill 2014

Objectives of the Amendments

The objectives of the amendments moved during the consideration in detail of the Bill are to:

- ensure the assessment of a person's suitability to be engaged by the Queensland Police Service (QPS) is consistently applied to Public Safety Business Agency (PSBA) staff members and QPS staff members;
- amend the fund name of the Emergency Management, Fire and Rescue Fund to reflect its application to a broad emergency management response across Queensland; and
- correct minor drafting errors in the Bill.

Achievement of the Objectives

Currently, QPS staff members have access to various QPS information holdings that may include sensitive or confidential information. As a consequence, QPS staff members are subject to a rigorous vetting process to determine if they are, or continue to be, suitable to be engaged by the QPS. This process is outlined in Part 5AA 'Assessment of suitability of persons seeking to be engaged, or engaged, by the service' of the *Police Service Administration Act 1990* (PSAA).

Information that may be considered in determining a person's suitability to be engaged as a QPS staff member is outlined in the Schedule 'Relevant Information - Information about staff members, applicants to become staff members, volunteers and students on work experience' of the PSAA. The range of information outlined in this schedule is greater in scope than the information that may be considered in assessing a person's suitability under the *Public Service Act 2008*.

The Public Safety Business Agency Bill 2014 establishes the PSBA which is to hold all the infrastructure, fleet and information and communication technology assets of, and will manage human resourcing, financial management, legal, policy, media and strategic planning functions for the QPS, the Queensland Fire and Emergency Services and the newly established Inspector-General of Emergency Management.

As some PSBA employees, as part of the performance of their duties, have access to QPS information systems that may hold sensitive or confidential information, it is appropriate to assess PSBA staff members' suitability to be engaged by the PSBA in a similar way as the assessment conducted upon QPS staff members.

Additionally, amendments are moved during consideration in detail of the Bill to change the fund name of the 'Emergency Management, Fire and Rescue Fund' to the 'Emergency Management Fund' to demonstrate that the Fund applies broadly to emergency management in Queensland.

Finally, amendments of a technical nature are made during consideration in detail of the Bill to correct minor drafting errors.

Alternative Ways of Achieving the Policy Objectives

These policy objectives may only be achieved through legislative amendment.

Estimated Cost for Government Implementation

All costs associated with the implementation of these amendments will be met through existing departmental budgets.

Consistency with Fundamental Legislative Principles

These amendments have been drafted with due regard to the Fundamental Legislative Principles (FLPs) as outlined in the *Legislative Standards Act 1992* (the LSA). In particular, section 4(2) of the LSA requires legislation to have sufficient regard to the rights and liberties of individuals.

Applying the same vetting process for QPS Staff members to PSBA staff members

It may be argued that it is an intrusion of privacy to allow PSBA staff members to be subjected to the same vetting process as QPS staff members. However, any concerns raised about the process of assessing the probity of PSBA staff members have to be balanced against the legitimate public concern that PSBA staff members may have access to information of a confidential or sensitive nature that should be protected. The genuine concern that information held by the PSBA on behalf of the QPS must be dealt with appropriately is addressed through applying the same vetting process to PSBA staff members as QPS staff members.

Consultation

Consultation has been undertaken with the Department of the Premier and Cabinet and the Office of the Queensland Parliamentary Counsel.

NOTES ON PROVISIONS

Amendment 1 (Clause 20 (Provision of information)) is a technical amendment made to clarify that a public safety entity requested to provide information to the chief executive officer, PSBA must comply with that request unless certain circumstances exist.

Amendment 2 (Clause 30 (Insertion of new pt 1A)) is a similar technical amendment made to clarify that a public sector unit requested to provide information to the chief executive officer, PSBA must comply with that request unless certain circumstances exist.

Amendment 3 (Clause 53 (Amendment of schedule)) omits the term ‘fire officer’ and instead inserts the term ‘government fire officer’ to rectify a minor error in the Bill.

Amendment 4 (Clause 79 (Amendment of s 20 Fund)) amends the name of the ‘Emergency Management, Fire and Rescue Fund’ to the ‘Emergency Management Fund’. This amendment highlights that the fund is to be used for a broad emergency management response across Queensland.

Amendment 5 (Clause 102 (Insertion of new ch 5, pt 5, div 7)) allows any amounts owing or held in the Emergency Management, Fire and Rescue Fund to immediately form part of the newly named Emergency Management Fund. This amendment also provides that any reference in an Act or document to the Emergency Management, Fire and Rescue Fund is an automatic reference to the newly named Emergency Management Fund.

Amendment 6 (Clause 103 (Amendment of sch 6 (Dictionary))) is a consequential amendment to amend the definition of ‘fund’ to refer to the Emergency Management Fund.

Amendment 7 (Clause 115 (Amendment of s 1.4 (Definitions))) is a technical amendment made for drafting purposes to confirm that a PSBA employee is a person employed in the PSBA but does not include a police officer seconded to the PSBA.

Amendment 8 (Clause 121 (Amendment of s 5A.2 (Definitions for pt 5A))) is a technical drafting amendment to omit an unnecessary reference to ‘seconded officer’ from the definition of ‘relevant PSBA employee’.

Amendment 9 (Clause 122 (Amendment of s 5A.3 (Person to whom pt 5A applies))) remedies a minor drafting error by deleting the letter ‘a’.

Amendment 10 (After clause 135) amends Part 5AA of the PSAA to apply the same vetting processes used to determine if QPS staff members should be, or continue to be, engaged by the QPS to PSBA staff members.

Amendment 11 (After clause 139) provides that the relevant information a PSBA staff member will be required to provide is the same as a QPS staff member. This clause contains a transitional mechanism to ensure that staff already employed by the PSBA will be subject to the appropriate level of vetting as soon as possible after commencement of these provisions.

Amendment 12 (Schedule 1) inserts the term ‘Emergency’ to rectify a minor drafting error in the Bill.