

THIS PUBLIC BILL has this day been read a Third time and passed

*The Clerk of the Parliament.*

*Legislative Assembly Chamber,  
Brisbane, April 2023*



Queensland

**No.  
A BILL for**

**An Act to amend the Disaster Management Act 2003, the Fire and Emergency Services Act 1990, the Police Powers and Responsibilities Act 2000, the Police Service Administration Act 1990, the Police Service Administration Regulation 2016, the Weapons Act 1990 and the legislation mentioned in schedule 1 for particular purposes**





Queensland

# Police Service Administration and Other Legislation Amendment Bill 2023

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	8
2	Commencement . . . . .	8
<b>Part 2</b>	<b>Amendment of Disaster Management Act 2003</b>	
3	Act amended . . . . .	8
4	Amendment of s 20B (Chairperson may give notice about deemed approvals under Planning Act) . . . . .	8
5	Insertion of new pt 14, div 3, sdiv 4 . . . . .	9
	Subdivision 4 Transitional provision for Police Service Administration and Other Legislation Amendment Act 2023	
	182 Notice about deemed approval provision given before commencement . . . . .	9
<b>Part 3</b>	<b>Amendment of Fire and Emergency Services Act 1990</b>	
<b>Division 1</b>	<b>Preliminary</b>	
6	Act amended . . . . .	10
<b>Division 2</b>	<b>Amendments commencing on assent</b>	
7	Amendment of s 86A (Imposing local fire ban) . . . . .	11
8	Replacement of s 86B (Publicising local fire ban) . . . . .	11
	86B Notifying local fire ban . . . . .	11
9	Amendment of s 86C (Cancelling local fire ban) . . . . .	12
10	Replacement of s 86D (Period of local fire ban) . . . . .	13
	86D Period of local fire ban . . . . .	13
11	Amendment of s 88 (Publication of declaration) . . . . .	14
12	Replacement of s 104FE (Public notice of guidelines) . . . . .	15
	104FE Public notice of guidelines . . . . .	15
13	Omission of s 104FF (Access to guidelines) . . . . .	15
14	Amendment of s 104G (Notice by commissioner about occupier's or	

Contents

---

	owner's obligations) . . . . .	15
15	Amendment of s 104RB (Owner must install smoke alarm— requirements being phased out by 31 December 2026) . . . . .	16
16	Amendment of s 150G (Impersonating authorised rescue officer etc.) . . . . .	16
17	Amendment of s 154E (Regulation-making power) . . . . .	17
18	Insertion of new ch 5, pt 5, div 9 . . . . .	17
	Division 9 Transitional provisions for Police Service Administration and Other Legislation Amendment Act 2023	
	Subdivision 1 Amendments commencing on assent	
	207 Local fire bans imposed before commencement . . . . .	17
	208 Declarations notified before commencement . . . . .	18
<b>Division 3</b>	<b>Amendments commencing by proclamation</b>	
19	Amendment of s 55 (Powers of authorised fire officer for preventative or investigative purposes) . . . . .	18
20	Amendment of s 71 (Notifications, notices and permits) . . . . .	19
21	Amendment of s 104D (Occupier of building to maintain prescribed fire safety installations) . . . . .	19
22	Amendment of s 152D (Interstate assistance at fires) . . . . .	19
23	Amendment of s 153A (Confidentiality) . . . . .	20
24	Insertion of new ch 5, pt 5, div 9, sdiv 2 . . . . .	21
	Subdivision 2 Amendments commencing by proclamation	
	209 Permits granted before commencement . . . . .	21
	210 Disclosure etc. of information acquired before commencement . . . . .	21
<b>Part 4</b>	<b>Amendment of Police Powers and Responsibilities Act 2000</b>	
25	Act amended . . . . .	22
26	Amendment of s 411B (Application for police assistance removal order) . . . . .	22
<b>Part 5</b>	<b>Amendment of Police Service Administration Act 1990</b>	
<b>Division 1</b>	<b>Preliminary</b>	
27	Act amended . . . . .	22
<b>Division 2</b>	<b>Amendments commencing on assent</b>	
28	Amendment of s 1.4 (Definitions) . . . . .	22
29	Replacement of s 2.5A (Officers etc. employed under this Act) . . . . .	23
	2.5A Officers etc. employed under this Act . . . . .	23
30	Amendment of s 5AA.6 (Persons engaged or seeking to be engaged by	

	the service must disclose relevant information) . . . . .	24
31	Amendment of s 5AA.7 (Persons engaged by the service must disclose changes in relevant information) . . . . .	24
32	Omission of s 5AA.8 (Requirements for disclosure) . . . . .	24
33	Amendment of s 5AA.11 (Assessment of suitability) . . . . .	24
34	Amendment of s 5AA.12 (Particular persons to be advised if person unsuitable) . . . . .	24
35	Amendment of s 5AA.13 (External service provider to be advised if person unsuitable) . . . . .	25
36	Amendment of pt 8, hdg (Resignation, retirement and change in status) . . . . .	26
37	Insertion of new pt 8, div 1, hdg . . . . .	26
38	Amendment of s 8.3 (Unfitness for duty on medical grounds) . . . . .	26
39	Insertion of new pt 8, div 2 . . . . .	26
	Division 2 Summary dismissal if sentenced to imprisonment	
	Subdivision 1 Preliminary	
	8.4 Application of division . . . . .	27
	8.5 References to sentence of imprisonment . . . . .	27
	Subdivision 2 Summary dismissal on sentencing	
	8.6 Dismissal . . . . .	27
	Subdivision 3 Appeal after summary dismissal	
	8.7 Application of subdivision . . . . .	28
	8.8 Reappointment . . . . .	28
	8.9 Standing down or suspension after reappointment . . . . .	28
	8.10 Salary entitlement, continuous service and service history . . . . .	29
	Subdivision 4 Operation of division	
	8.11 Interaction between division and pt 7 . . . . .	29
40	Omission of pt 9A (Police prints) . . . . .	30
41	Amendment of pt 10, div 1, hdg (Provisions about information disclosure) . . . . .	30
42	Amendment of pt 10, div 1, sdiv 1, hdg (Information disclosure generally) . . . . .	30
43	Replacement of s 10.1 (Improper disclosure of information) . . . . .	30
	10.1 Unauthorised use of confidential information . . . . .	30
44	Omission of s 10.2C (Misuse of information obtained under ss 10.2A–10.2B) . . . . .	32

Contents

---

45	Amendment of s 10.2G (Definitions for div 1A) . . . . .	32
46	Omission of s 10.2K (Giving information to Queensland Transport to enable Queensland Transport to administer MINDA) . . . . .	33
47	Amendment of s 10.13 (Surrender of equipment) . . . . .	33
48	Omission of s 10.14 (Vacating of premises) . . . . .	33
49	Amendment of s 10.19 (Offences) . . . . .	33
50	Amendment of s 10.23 (Proceedings for offences—general) . . . . .	33
51	Omission of ss 10.26 and 10.27 . . . . .	34
52	Insertion of new pt 11, div 14 . . . . .	34
	Division 14 Transitional provisions for Police Service Administration and Other Legislation Amendment Act 2023	
	11.40 Staff members appointed under section 8.3(5) before commencement . . . . .	35
	11.41 Application of s 10.1 relating to confidential information acquired or gained before commencement . . . . .	35
<b>Division 3</b>	<b>Amendments commencing by proclamation</b>	
53	Amendment of s 1.4 (Definitions) . . . . .	35
54	Amendment of s 7.12 (When disciplinary proceeding must be started) . . . . .	36
55	Amendment of s 7.13 (When ground for disciplinary action arises) . . . . .	37
56	Amendment of s 7.17 (Requirement to give subject officer an invitation and ability to seek further information) . . . . .	38
57	Insertion of new s 7.17A . . . . .	38
	7.17A Ending of proceeding—subject officer does not accept invitation . . . . .	38
58	Insertion of new pt 7, div 6, sdiv 1 and sdiv 2, hdg . . . . .	39
	Subdivision 1 Conduct of disciplinary proceeding if prescribed officer unable to continue	
	7.42A Application of subdivision . . . . .	40
	7.42B Appointment of new prescribed officer . . . . .	40
	7.42C Ending of proceeding—subject officer does not give consent for new prescribed officer to conduct proceeding . . . . .	42
	Subdivision 2 Miscellaneous provisions	
59	Insertion of new s 11.42 . . . . .	43
	11.42 Application of pt 7, div 6, sdiv 1 to disciplinary proceedings started before commencement . . . . .	43
60	Amendment and renumbering of schedule (Relevant information) . . . . .	43
61	Insertion of new sch 2 . . . . .	43

	Schedule 2	Dictionary . . . . .	43
<b>Part 6</b>		<b>Amendment of Police Service Administration Regulation 2016</b>	
62		Regulation amended . . . . .	44
63		Replacement of s 72 (External service providers) . . . . .	44
	72	External service providers . . . . .	44
<b>Part 7</b>		<b>Amendment of Weapons Act 1990</b>	
64		Act amended . . . . .	44
65		Amendment of s 153 (Authorised officers) . . . . .	45
66		Amendment of pt 8, hdg (Transitional provisions) . . . . .	45
67		Insertion of new pt 8, div 8 . . . . .	45
	Division 8	Validation provision for Police Service Administration and Other Legislation Amendment Act 2023	
	195	Validation of particular decisions under pt 2 or pt 3, div 3	46
<b>Part 8</b>		<b>Minor and consequential amendments</b>	
68		Legislation amended . . . . .	46
<b>Schedule 1</b>		<b>Minor and consequential amendments</b> . . . . .	47
<b>Part 1</b>		<b>Amendments commencing on assent</b>	
		Fire and Emergency Services Act 1990 . . . . .	47
		Police Service Administration Act 1990 . . . . .	49
		Police Service Administration and Other Legislation Amendment Act 2022 . . . . .	50
		Security Providers Act 1993 . . . . .	50
		Transport Operations (Road Use Management) Act 1995 . . . . .	51
<b>Part 2</b>		<b>Amendments commencing by proclamation</b>	
		Co-operatives National Law Act 2020 . . . . .	51
		Corrective Services Act 2006 . . . . .	51
		Drugs Misuse Act 1986 . . . . .	52
		Explosives Regulation 2017 . . . . .	52
		Rail Safety National Law (Queensland) . . . . .	52
		Rail Safety National Law (Queensland) Act 2017 . . . . .	52
		Transport Operations (Passenger Transport) Act 1994 . . . . .	53
		Weapons Act 1990 . . . . .	53
		Youth Justice Act 1992 . . . . .	53





**2023**

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## **A Bill**

for

***An Act to amend the Disaster Management Act 2003, the Fire and Emergency Services Act 1990, the Police Powers and Responsibilities Act 2000, the Police Service Administration Act 1990, the Police Service Administration Regulation 2016, the Weapons Act 1990 and the legislation mentioned in schedule 1 for particular purposes***

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[s 1]

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**The Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Police Service Administration and Other Legislation Amendment Act 2023*.

### **2 Commencement**

The following provisions commence on a day to be fixed by proclamation—

- (a) part 2;
- (b) part 3, division 3;
- (c) part 5, division 3;
- (d) schedule 1, part 2.

## **Part 2 Amendment of Disaster Management Act 2003**

### **3 Act amended**

This part amends the *Disaster Management Act 2003*.

### **4 Amendment of s 20B (Chairperson may give notice about deemed approvals under Planning Act)**

Section 20B(4) and (5)—

*omit, insert—*

- (4) The notice must state—

- (a) a day (the *stated day*), being not more than 20 business days after the disaster situation ends, the notice ceases to have effect; and
  - (b) how the notice affects any affected applications.
- (5) As soon as practicable after giving a notice to a local government under subsection (2), the chairperson must ensure the following is published on the website of the department in which the Planning Act is administered—
- (a) a statement that the notice has been given to the local government;
  - (b) a copy of the notice.

## 5 Insertion of new pt 14, div 3, sdiv 4

Part 14, division 3—

*insert—*

### **Subdivision 4 Transitional provision for Police Service Administration and Other Legislation Amendment Act 2023**

#### **182 Notice about deemed approval provision given before commencement**

- (1) This section applies in relation to any section 20B(2) notice in effect immediately before the commencement.
- (2) The section 20B(2) notice continues in effect until the end of the stated day for the notice.
- (3) If, on the commencement, a notice under former section 20B(5) has not been published for the section 20B(2) notice, the chairperson must





[s 9]

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- (*alternative publication*)—
- (a) in another way decided by the commissioner; and
  - (b) by normal publication as soon as practicable.
- (3) Notice of the imposition of a local fire ban must—
- (a) state the local government area to which the ban applies; and
  - (b) if appropriate, describe the part of the local government area to which the ban applies; and
  - (c) state the types of fires the lighting of which are prohibited under the ban; and
  - (d) state the period of the ban.
- (4) As well as publishing notice of the imposition of a local fire ban by normal publication or alternative publication, the commissioner may cause the imposition of the ban to be publicised in any other way the commissioner considers appropriate.
- (5) This section applies despite the *Financial Accountability Act 2009*, section 88F.

## **9 Amendment of s 86C (Cancelling local fire ban)**

- (1) Section 86C(1), after ‘must’—

*insert—*

, by notice published under this section,

- (2) Section 86C(2) and (3)—

*omit, insert—*

- (2) Notice of the cancellation of a local fire ban must be published on the department’s website (*normal publication*).

- 
- (3) However, if notice of the cancellation of a local fire ban can not for technical or other reasons be conveniently published by normal publication, notice of the cancellation may be published (*alternative publication*)—
- (a) in another way decided by the commissioner; and
  - (b) by normal publication as soon as practicable.
- (3) Section 86C(4), ‘using a newspaper or broadcast notice to cancel a local fire ban’—
- omit, insert—*
- publishing notice of the cancellation of a local fire ban by normal publication or alternative publication
- (4) Section 86C—
- insert—*
- (5) This section applies despite the *Financial Accountability Act 2009*, section 88F.

## 10 Replacement of s 86D (Period of local fire ban)

Section 86D—

*omit, insert—*

### **86D Period of local fire ban**

- (1) A local fire ban takes effect on the day and at the time stated in the notice published under section 86B for imposing the ban.
- (2) The cancellation of a local fire ban takes effect on the day and at the time stated in the notice published under section 86C for cancelling the ban.
- (3) For subsections (1) and (2), the day and time stated in the notice must not be before the day and

[s 11]

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time the notice is published.

- (4) A local fire ban remains in force until the earlier of the following happens—
- (a) the period of the ban stated in the notice published for the ban ends;
  - (b) the ban is cancelled.

## 11 **Amendment of s 88 (Publication of declaration)**

- (1) Section 88, heading, ‘Publication’—

*omit, insert—*

### **Notification**

- (2) Section 88(1) and (2), before ‘fire emergency’—

*insert—*

state of

- (3) Section 88(1), from ‘a declaration’—

*omit, insert—*

a declaration—

- (a) must be notified in the gazette; and
- (b) may, in addition to the notification under paragraph (a), be notified in the following ways—
  - (i) on the department’s website;
  - (ii) by radio or television in the area to which it applies.

- (4) Section 88(2), from ‘where’ to ‘sooner.’—

*omit, insert—*

if it is sooner notified under subsection (1)(b)—the date on which it is notified under subsection (1)(b).

- (5) Section 88(3)—



*omit, insert—*

- (3) To ensure public knowledge of a declaration of a state of fire emergency or an amendment or revocation of a declaration in the area to which it applies, the commissioner must take measures to give widespread publicity of the declaration or the amendment or revocation of the declaration.
- (4) However, any alleged failure to take measures under subsection (3) in relation to a declaration of a state of fire emergency or an amendment of a declaration is not an excuse for failure to comply with the declaration.
- (5) This section applies despite the *Financial Accountability Act 2009*, section 88F.

## **12 Replacement of s 104FE (Public notice of guidelines)**

Section 104FE—

*omit, insert—*

### **104FE Public notice of guidelines**

The commissioner must ensure the guidelines and any document applied, adopted or incorporated by the guidelines are available for inspection on the department's website.

## **13 Omission of s 104FF (Access to guidelines)**

Section 104FF—

*omit.*

## **14 Amendment of s 104G (Notice by commissioner about occupier's or owner's obligations)**

- (1) Section 104G(3A)—

*omit.*

[s 15]

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(2) Section 104G(4)—

*omit, insert—*

(4) The giving of a notice under subsection (1) does not affect any other proceedings under this Act relating to the noncompliance to which the notice relates.

**15 Amendment of s 104RB (Owner must install smoke alarm—requirements being phased out by 31 December 2026)**

Section 104RB(2)(a) and (b), after ‘Building Code of Australia’—

*insert—*

as in effect on 1 January 2017

**16 Amendment of s 150G (Impersonating authorised rescue officer etc.)**

(1) Section 150G—

*insert—*

(f) a rural fire brigade member.

(2) Section 150G, penalty, paragraph (b), ‘during a state of fire emergency’—

*omit, insert—*

or a rural fire brigade member during a state of fire emergency at a place

(3) Section 150G, note—

*omit.*

(4) Section 150G—

*insert—*

(2) In this section—

*rural fire brigade member* means a member of a

---

group registered as a rural fire brigade under section 79.

**17 Amendment of s 154E (Regulation-making power)**

(1) Section 154E(2)(f)(ii), ‘alternative solutions’—

*omit, insert—*

performance solutions

(2) Section 154E, note—

*omit.*

**18 Insertion of new ch 5, pt 5, div 9**

Chapter 5, part 5—

*insert—*

**Division 9 Transitional provisions for  
Police Service  
Administration and Other  
Legislation Amendment  
Act 2023**

**Subdivision 1 Amendments commencing  
on assent**

**207 Local fire bans imposed before  
commencement**

(1) A local fire ban in force immediately before the commencement continues in force until the earlier of the following happens—

(a) the period of the ban stated in the notice imposing the ban under former section 86B ends;

[s 19]

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- (b) the ban is cancelled.
- (2) The local fire ban may be cancelled under new section 86C and new section 86D(2) and (3) apply in relation to the cancellation.
- (3) In this section—
- former section 86B* means section 86B as in force from time to time before the commencement.
- new*, for a provision of this Act, means the provision as in force from the commencement.

### **208 Declarations notified before commencement**

- (1) New section 88 applies to an amendment or revocation of a declaration of a state of fire emergency in force immediately before the commencement.
- (2) In this section—
- new section 88* means section 88 as in force from the commencement.

## **Division 3                      Amendments commencing by proclamation**

### **19            Amendment of s 55 (Powers of authorised fire officer for preventative or investigative purposes)**

Section 55—

*insert—*

- (4) An authorised fire officer's power to enter premises or open a receptacle under subsection (1) may be exercised by the officer, or an appropriately qualified person acting under the supervision of the officer, using a device remotely controlled by the officer or person.

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**20 Amendment of s 71 (Notifications, notices and permits)**

Section 71(2)(c)—

*omit, insert—*

- (c) may, by the commissioner giving a notice to the person—
  - (i) for a permit—be amended, suspended or revoked at any time; or
  - (ii) for a notice—be amended or revoked at any time.

**21 Amendment of s 104D (Occupier of building to maintain prescribed fire safety installations)**

- (1) Section 104D(1), note, ‘section 151’—

*omit, insert—*

section 150J

- (2) Section 104D(2) and (3), definition *prescribed fire safety installation*, paragraph (a), ‘in the building’—

*omit, insert—*

for the building

**22 Amendment of s 152D (Interstate assistance at fires)**

- (1) Section 152D, heading, ‘fires’—

*omit, insert—*

**QFES incident**

- (2) Section 152D(1)(b)—

*omit, insert—*

- (b) present at a QFES incident in Queensland to assist at the incident.

- (3) Section 152D(2)(a) and (3), ‘person in charge at the fire’—

*omit, insert—*

[s 23]

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person in charge at the QFES incident

- (4) Section 152D(3), ‘present at the fire’—

*omit, insert—*

present at the incident

- (5) Section 152D(3)(a), ‘assisting at the fire’—

*omit, insert—*

assisting at the incident

- (6) Section 152D(4), definition *person in charge*—

*omit.*

- (7) Section 152D(4)—

*insert—*

***person in charge***, for a QFES incident, means the person who, under any of the following, is in charge at the incident—

- (a) this Act;
- (b) a direction of the commissioner;
- (c) a code of practice.

***QFES incident*** means an incident for which QFES is performing a function mentioned in section 8B(a) or (b).

- (8) Section 152D, note—

*omit.*

## **23 Amendment of s 153A (Confidentiality)**

- (1) Section 153A—

*insert—*

- (4) Further, subsection (1) does not apply to the disclosure of information relating to an investigation of a fire or hazardous materials emergency involving the death of, or serious

injury to, a person if the disclosure is—

- (a) to a police officer or a staff member of the police service under the *Police Service Administration Act 1990*; and
- (b) for the purpose of an investigation by the commissioner of the police service of the death or injury.

(2) Section 153A, note—

*omit.*

## **24 Insertion of new ch 5, pt 5, div 9, sdiv 2**

Chapter 5, part 5, division 9, as inserted by this Act—

*insert—*

### **Subdivision 2 Amendments commencing by proclamation**

#### **209 Permits granted before commencement**

Section 71(2)(c)(i) applies to a permit granted under section 65 and in effect immediately before the commencement.

#### **210 Disclosure etc. of information acquired before commencement**

Section 153A(4) applies to the disclosure by a person of information acquired by the person before the commencement.





*omit.*

- (2) Section 1.4—

*insert—*

***tenure not limited by time*** see section 1.5.

***watch-house officer*** means a staff member who is appointed by the commissioner to be a watch-house officer.

- (3) Section 1.4, definition *external service provider*, ‘public service employee, or class of public service employee’—

*omit, insert—*

person or class of persons

- (4) Section 1.4, definition *finally dealt with*, ‘for part 7’—

*omit, insert—*

in relation to a proceeding

- (5) Section 1.4, definition *prescribed officer*, ‘, for part 7,’—

*omit.*

- (6) Section 1.4, definition *service history*, ‘for part 7,’—

*omit.*

## **29 Replacement of s 2.5A (Officers etc. employed under this Act)**

Section 2.5A—

*omit, insert—*

### **2.5A Officers etc. employed under this Act**

Police officers, police recruits and special constables are employed under this Act and not the *Public Service Act 2008*.

[s 30]

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**30 Amendment of s 5AA.6 (Persons engaged or seeking to be engaged by the service must disclose relevant information)**

Section 5AA.6(1), after ‘disclose to the commissioner’—  
*insert—*

in the way approved by the commissioner

**31 Amendment of s 5AA.7 (Persons engaged by the service must disclose changes in relevant information)**

Section 5AA.7, after ‘commissioner’—  
*insert—*

in the way approved by the commissioner

**32 Omission of s 5AA.8 (Requirements for disclosure)**

Section 5AA.8—  
*omit.*

**33 Amendment of s 5AA.11 (Assessment of suitability)**

Section 5AA.11(1), ‘relevant information about a person under this part’—

*omit, insert—*

the suitability of a person to be, or continue to be, engaged by the service

**34 Amendment of s 5AA.12 (Particular persons to be advised if person unsuitable)**

(1) Section 5AA.12(1)—

*insert—*

(aa) give reasons why the commissioner considers the person may not be suitable to

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be, or continue to be, engaged by the service; and

- (2) Section 5AA.12(1)(aa) and (b)—

*renumber* as section 5AA.12(1)(b) and (c).

- (3) Section 5AA.12(2), from ‘The’ to ‘may—’—

*omit, insert—*

However, the commissioner is not required to disclose the information or give reasons under subsection (1) if the commissioner considers the disclosure or giving of reasons may—

- (4) Section 5AA.12(3), ‘subsection (1)(b)’—

*omit, insert—*

subsection (1)(c)

### **35 Amendment of s 5AA.13 (External service provider to be advised if person unsuitable)**

- (1) Section 5AA.13(1)—

*insert—*

(aa) give reasons why the commissioner considers the person may not be suitable to be, or continue to be, engaged by the service; and

- (2) Section 5AA.13(1)(aa) to (c)—

*renumber* as section 5AA.13(1)(b) to (d).

- (3) Section 5AA.13(2), from ‘The’ to ‘may—’—

*omit, insert—*

However, the commissioner is not required to disclose the information or give reasons under subsection (1) if the commissioner considers the disclosure or giving of reasons may—

- (4) Section 5AA.13(3), ‘subsection (1)(b) or (c)’—

[s 36]

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*omit, insert—*

subsection (1)(c) or (d)

**36 Amendment of pt 8, hdg (Resignation, retirement and change in status)**

Part 8, heading, ‘and change in status’—

*omit, insert—*

**, change in status and summary dismissal**

**37 Insertion of new pt 8, div 1, hdg**

Before section 8.1—

*insert—*

**Division 1                      Resignation, retirement  
and change of status**

**38 Amendment of s 8.3 (Unfitness for duty on medical grounds)**

Section 8.3(6)—

*omit, insert—*

- (6) The person appointed to a position under subsection (5)—
  - (a) stops being an officer and is relieved of all powers and duties of a constable at common law or under any Act or law; and
  - (b) becomes a public service employee under the *Public Service Act 2008*.

**39 Insertion of new pt 8, div 2**

Part 8—

*insert—*

## **Division 2      Summary dismissal if sentenced to imprisonment**

### **Subdivision 1   Preliminary**

#### **8.4 Application of division**

This division applies to a person who—

- (a) is a police officer or police recruit; and
- (b) is sentenced by an Australian court to a period of imprisonment for an offence.

#### **8.5 References to sentence of imprisonment**

A reference in this division to a sentence of imprisonment includes a reference to a suspended sentence of imprisonment.

### **Subdivision 2   Summary dismissal on sentencing**

#### **8.6 Dismissal**

- (1) On being sentenced for the offence, the person is dismissed from the service.
- (2) Subsection (1) applies despite any other provision of this Act or another Act.

### **Subdivision 3   Appeal after summary dismissal**

[s 39]

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## **8.7 Application of subdivision**

This subdivision applies if, on appeal, the conviction for the offence is overturned or the sentence is changed to a sentence other than a sentence of imprisonment.

## **8.8 Reappointment**

- (1) If the commissioner had appointed the person, the commissioner must within 5 business days after the appeal is decided reappoint the person to, and employ the person in, the same position or a similar position at the same classification level or rank the person held before the person was dismissed.
- (2) If the Governor in Council had appointed the person, the Governor in Council must reappoint the person to the same position at the same classification level or rank the person held before the person was dismissed.
- (3) If the commissioner reappoints the person under subsection (1), the position must be in the same location as the person was employed before the person was dismissed, unless the person consents to employment in a position in a different location in Queensland.
- (4) The person is taken never to have been dismissed under section 8.6.

## **8.9 Standing down or suspension after reappointment**

- (1) Upon the person being reappointed, the person is subject to any standing down or suspension from duty under section 6.1, including any conditions of the standing down or suspension, that was in effect immediately before the person was dismissed.

- (2) If the person was stood down or suspended from duty under section 6.1 before the person was dismissed, the commissioner must, within 14 days after the person is reappointed, decide whether to revoke the standing down or suspension or again stand down or suspend the person from duty under section 6.1.
- (3) If the commissioner does not act under subsection (2), the standing down or suspension is revoked at the end of the 14 days after the person is reappointed.

#### **8.10 Salary entitlement, continuous service and service history**

- (1) The period from dismissal to reappointment of the person is taken to be a period of suspension from duty without an entitlement to be paid salary during the suspension for calculating the person's entitlement to salary and allowances under section 6.3(2)(b) for the period.
- (2) Subsection (1) applies regardless of whether the person resumes duty as an officer after reappointment.
- (3) To remove any doubt, it is declared that section 8.8(4) applies—
  - (a) for calculating continuous service of the person; and
  - (b) for the person's service history.

### **Subdivision 4 Operation of division**

#### **8.11 Interaction between division and pt 7**

To remove any doubt, it is declared that—

[s 40]

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- (a) any action taken under this division is not part of a disciplinary process under part 7; and
- (b) nothing in this division limits the operation of part 7.

**40 Omission of pt 9A (Police prints)**

Part 9A—

*omit.*

**41 Amendment of pt 10, div 1, hdg (Provisions about information disclosure)**

Part 10, division 1, heading, ‘information disclosure’—

*omit, insert—*

**use or disclosure of information**

**42 Amendment of pt 10, div 1, sdiv 1, hdg (Information disclosure generally)**

Part 10, division 1, subdivision 1, heading, ‘Information disclosure’—

*omit, insert—*

**Use or disclosure of information**

**43 Replacement of s 10.1 (Improper disclosure of information)**

Section 10.1—

*omit, insert—*

**10.1 Unauthorised use of confidential information**

- (1) This section applies to a person who—
  - (a) is or has been—



- (i) a member of the service performing functions under or relating to the administration of this Act; or
  - (ii) another individual engaged to perform functions under or relating to the administration of this Act; or
  - (iii) an individual engaged by an entity that is engaged to perform functions under or relating to the administration of this Act; and
- (b) in that capacity, acquired confidential information or has access to, or custody of, confidential information.
- (2) This section also applies to a person who has acquired or has access to confidential information—
- (a) whether directly or indirectly, from a person mentioned in subsection (1); or
  - (b) as authorised under an Act, another law or an arrangement with the service.
- (3) The person must not use the confidential information other than under this section.
- Maximum penalty—100 penalty units or 2 years imprisonment.
- (4) The person may use the confidential information—
- (a) to the extent the use is required or permitted under this Act or another Act or to perform the person's functions under this Act or another Act; or
  - (b) with the consent of the person to whom the information relates if the information would normally be made available to any member of the public on request; or

[s 44]

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- (c) in compliance with lawful process requiring production of documents or giving of evidence before a court or tribunal; or
  - (d) if the use is otherwise required or permitted under another law.
- (5) In this section—
- confidential information***—
- (a) means personal information about an individual or other information of a confidential nature; but
  - (b) does not include—
    - (i) information that is publicly available; or
    - (ii) statistical or other information that could not reasonably be expected to result in the identification of the individual to whom it relates.

***personal information*** see the *Information Privacy Act 2009*, section 12.

***use***, in relation to information, see section 10.2G.

**44 Omission of s 10.2C (Misuse of information obtained under ss 10.2A–10.2B)**

Section 10.2C—

*omit.*

**45 Amendment of s 10.2G (Definitions for div 1A)**

- (1) Section 10.2G, heading, ‘div 1A’—

*omit, insert—*

division

- (2) Section 10.2G, definition *MINDA*—

*omit.*

**46 Omission of s 10.2K (Giving information to Queensland Transport to enable Queensland Transport to administer MINDA)**

Section 10.2K—

*omit.*

**47 Amendment of s 10.13 (Surrender of equipment)**

Section 10.13(3) and (4)—

*omit.*

**48 Omission of s 10.14 (Vacating of premises)**

Section 10.14—

*omit.*

**49 Amendment of s 10.19 (Offences)**

(1) Section 10.19(a)—

*omit.*

(2) Section 10.19(b) to (f)—

*renumber* as section 10.19(a) to (e).

**50 Amendment of s 10.23 (Proceedings for offences—general)**

(1) Section 10.23(1), from ‘*Justices Act 1886*—’—

*omit, insert—*

*Justices Act 1886* on the complaint of any officer.

(2) Section 10.23(2) and (3)—

*omit, insert—*

[s 51]

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- (2) An allegation or statement in a complaint that the complainant is an officer is sufficient proof of the matter alleged or stated in the absence of evidence to the contrary.
- (3) A proceeding for an offence against this Act, other than section 10.1 or 10.21BA, must start within the later of the following periods to end—
  - (a) 1 year after the commission of the offence;
  - (b) 1 month after the offence comes to the complainant's knowledge.
- (4) A proceeding for an offence against section 10.1 must start within the later of the following periods to end—
  - (a) 1 year after the commission of the offence;
  - (b) 6 months after the offence comes to the complainant's knowledge.

**51 Omission of ss 10.26 and 10.27**

Sections 10.26 and 10.27—

*omit.*

**52 Insertion of new pt 11, div 14**

Part 11—

*insert—*

**Division 14 Transitional provisions for  
Police Service  
Administration and Other  
Legislation Amendment  
Act 2023**

#### **11.40 Staff members appointed under section 8.3(5) before commencement**

- (1) This section applies to a person who—
  - (a) before the commencement, was appointed as a staff member under section 8.3(5); and
  - (b) immediately before the commencement, was employed under this Act.
- (2) Despite section 2.5A, from the commencement—
  - (a) the person continues to be employed under this Act and not the *Public Service Act 2008*; and
  - (b) the terms that apply to the person's employment are the same terms that applied to the person immediately before the commencement.

#### **11.41 Application of s 10.1 relating to confidential information acquired or gained before commencement**

Section 10.1 applies to a person who acquired confidential information or had access to, or custody of, confidential information under that section whether before or after the commencement.

### **Division 3                      Amendments commencing by proclamation**

#### **53            Amendment of s 1.4 (Definitions)**

- (1) Section 1.4, 'In this Act—'—

*omit, insert—*

The dictionary in schedule 2 defines particular words used in this Act.

[s 54]

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- (2) Section 1.4—  
*insert*—  
***new prescribed officer*** see section 7.42B(1).  
***original prescribed officer*** see section 7.42A(a).
- (3) Section 1.4, definition *criminal history*, paragraph (a), ‘the schedule’—  
*omit, insert*—  
schedule 1
- (4) Section 1.4, definition *relevant information*, ‘the schedule’—  
*omit, insert*—  
schedule 1
- (5) Section 1.4, all definitions, as amended by this Act—  
*relocate* to schedule 2 as inserted by this Act.

#### **54 Amendment of s 7.12 (When disciplinary proceeding must be started)**

- (1) Section 7.12(1)(c)—  
*omit, insert*—  
(c) if a relevant proceeding has been started—6 months from the day the relevant proceeding is finally dealt with.
- (2) Section 7.12(3), ‘an abbreviated process notice’—  
*omit, insert*—  
an invitation under section 7.17
- (3) Section 7.12(4)—  
*omit, insert*—  
(4) In this section—  
***relevant proceeding*** means either of the following proceedings, in relation to conduct that

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substantially relates to the ground for disciplinary action—

- (a) a criminal proceeding started against a member of the service or a former officer within the meaning of section 7A.1(1)(b);
- (b) a proceeding for an application for a protection order under the *Domestic and Family Violence Protection Act 2012* to which the subject officer is the respondent.

**55 Amendment of s 7.13 (When ground for disciplinary action arises)**

- (1) Section 7.13(7)—

*insert—*

***integrity agency*** means a statutory body established under a law of the Commonwealth or another State, the functions of which include the investigation of matters relating to integrity or corruption in the police force or service, or the public service, of the Commonwealth or that State.

***police agency*** means a police force or service of the Commonwealth or another State.

- (2) Section 7.13(7), definition *prescribed operation*, paragraph (c)—

*omit, insert—*

- (c) an investigation by the CCC or an integrity agency; or
- (d) an investigation carried out by the service, a police agency, the CCC or an integrity agency involving interception of telecommunications authorised by a warrant issued under the *Telecommunications*

[s 56]

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*(Interception and Access) Act 1979* (Cwlth);  
or

- (e) an investigation involving a surveillance device authorised by a surveillance device warrant issued under the *Police Powers and Responsibilities Act 2000*; or
- (f) an activity, operation or investigation that—
  - (i) is carried out by a police agency or an integrity agency under a law of the Commonwealth or another State; and
  - (ii) corresponds or substantially corresponds to an activity, operation or investigation mentioned in paragraph (a), (b) or (c).

**56 Amendment of s 7.17 (Requirement to give subject officer an invitation and ability to seek further information)**

Section 7.17(2)—

*insert—*

- (d) that the subject officer may refuse the invitation by giving the prescribed officer written notice of the refusal within the period mentioned in paragraph (c).

**57 Insertion of new s 7.17A**

After section 7.17—

*insert—*

**7.17A Ending of proceeding—subject officer does not accept invitation**

- (1) Subsection (2) applies if the subject officer—
  - (a) does not give the prescribed officer a written submission and other material within the stated period under section 7.17(2)(c); or



- (b) gives the prescribed officer a written notice refusing the invitation within the stated period under section 7.17(2)(d); or
  - (c) fails to give the prescribed officer the required information within the period stated in section 7.17(5) or the further period stated in section 7.17(6).
- (2) The disciplinary proceeding under this division ends and a disciplinary proceeding against the subject officer may be started under division 4.
- (3) For starting a disciplinary proceeding against the subject officer under division 4, section 7.12(1)(b) applies as if it referred to the period of 6 months from the following day—
- (a) if the subject officer does not give the prescribed officer a written submission and other material within the stated period under section 7.17(2)(c)—the day the stated period ends;
  - (b) if the subject officer gives the prescribed officer a written notice refusing the invitation within the stated period under section 7.17(2)(d)—the day the notice is given;
  - (c) if the prescribed officer requires the subject officer to give the prescribed officer required information and the subject officer fails to give the information within the period stated in section 7.17(5) or the further period stated in section 7.17(6)—the day the period or further period ends.

**58 Insertion of new pt 7, div 6, sdiv 1 and sdiv 2, hdg**

Part 7, division 6—

*insert—*

[s 58]

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## **Subdivision 1 Conduct of disciplinary proceeding if prescribed officer unable to continue**

### **7.42A Application of subdivision**

This subdivision applies if—

- (a) the commissioner has, under section 7.10, referred a complaint about a subject officer to a prescribed officer (the *original prescribed officer*); and
- (b) the original prescribed officer has started a disciplinary proceeding against the subject officer but the disciplinary proceeding has not been finally dealt with; and
- (c) the original prescribed officer is unable to continue to conduct the disciplinary proceeding because the prescribed officer—
  - (i) dies; or
  - (ii) stops being employed as an officer; or
  - (iii) is stood down or suspended from duty under section 6.1; or
  - (iv) is demoted, whether permanently or for a stated period; or
  - (v) has a certificate issued by a medical practitioner stating that the prescribed officer is incapable of continuing to conduct the disciplinary proceeding, whether temporarily or otherwise, because of mental or physical incapacity.

### **7.42B Appointment of new prescribed officer**

- (1) The commissioner must, within 28 days after the

commissioner becomes aware that the original prescribed officer is unable to continue to conduct the disciplinary proceeding, ask the subject officer to give the commissioner, within 14 days after the request (the *stated period*), written consent to appoint another prescribed officer (a *new prescribed officer*) to conduct the disciplinary proceeding.

- (2) If the subject officer gives written consent within the stated period or a longer period the commissioner allows, the commissioner may appoint a new prescribed officer with the power to impose the same or a lesser disciplinary sanction under this part as the original prescribed officer.

*Note—*

See section 7.35(2) for the disciplinary sanctions that may be imposed by particular prescribed officers.

- (3) The appointment of the new prescribed officer must be made within 28 days after the commissioner receives the subject officer's consent.
- (4) In conducting the disciplinary proceeding, the new prescribed officer may consider only—
- (a) any matters stated in an abbreviated process notice or the disciplinary charge stated in the disciplinary proceeding notice given to the subject officer under section 7.18 or 7.25; and
  - (b) any submissions and materials given to the original prescribed officer or new prescribed officer under section 7.19(2) or 7.26(1).
- (5) If the original prescribed officer had proposed imposing a professional development strategy on the subject officer under section 7.18 or 7.28, the new prescribed officer may impose the same or a different professional development strategy but must not impose a disciplinary sanction on the

[s 58]

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subject officer.

- (6) If the original prescribed officer had proposed imposing a disciplinary sanction on the subject officer under section 7.18 or 7.28 (the *proposed sanction*), the new prescribed officer must not impose a greater disciplinary sanction on the subject officer than the proposed sanction.

#### **7.42C Ending of proceeding—subject officer does not give consent for new prescribed officer to conduct proceeding**

- (1) This section applies if the subject officer does not give the commissioner, within the stated period under section 7.42B(1) or the longer period the commissioner allows, written consent to appoint a new prescribed officer to conduct the disciplinary proceeding.
- (2) The commissioner must appoint another prescribed officer to start a disciplinary proceeding under division 3 or 4 against the subject officer for the complaint (the *new proceeding*).

*Note—*

See section 7.35(2) for the disciplinary sanctions that may be imposed by particular prescribed officers.

- (3) The prescribed officer appointed under subsection (2) must have the power to impose the same or a lesser disciplinary sanction under this part as the original prescribed officer.
- (4) Upon the new proceeding starting, the disciplinary proceeding is taken to be withdrawn and is of no effect.
- (5) The prescribed officer must conduct the new proceeding without regard to any submissions or material given by the subject officer for the disciplinary proceeding, unless the subject officer

consents to the submissions or material being used for the new proceeding.

- (6) Despite section 7.12, the new proceeding must start within 28 days after the appointment of the prescribed officer under subsection (2).

## **Subdivision 2 Miscellaneous provisions**

### **59 Insertion of new s 11.42**

After section 11.41, as inserted by this Act—

*insert—*

#### **11.42 Application of pt 7, div 6, sdiv 1 to disciplinary proceedings started before commencement**

Part 7, division 6, subdivision 1 does not apply in relation to a disciplinary proceeding started before the commencement.

### **60 Amendment and renumbering of schedule (Relevant information)**

- (1) Schedule, authorising provision, ‘section 1.4’—

*omit, insert—*

schedule 2

- (2) Schedule—

*renumber* as schedule 1.

### **61 Insertion of new sch 2**

After schedule 1, as renumbered by this Act—

*insert—*

## **Schedule 2 Dictionary**



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**65 Amendment of s 153 (Authorised officers)**

Section 153—

*insert—*

- (3) An authorised officer mentioned in subsection (1)(a) may delegate the authorised officer's powers under part 2 or part 3, division 3 to the following—
  - (a) a police officer;
  - (b) a staff member of the police service under the *Police Service Administration Act 1990*.
- (4) However, a power may be delegated under subsection (3) only if, in the authorised officer's opinion, the police officer or staff member has the necessary expertise or experience to exercise the power.

**66 Amendment of pt 8, hdg (Transitional provisions)**

Part 8, heading, after 'Transitional'—

*insert—*

**and validation**

**67 Insertion of new pt 8, div 8**

Part 8—

*insert—*

**Division 8**

**Validation provision for  
Police Service  
Administration and Other  
Legislation Amendment  
Act 2023**

[s 68]

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### **195 Validation of particular decisions under pt 2 or pt 3, div 3**

- (1) This section applies in relation to a relevant approval purported to have been given by a person before the commencement if, when the approval was given, the person—
  - (a) was a police officer or staff member of the police service under the *Police Service Administration Act 1990*; and
  - (b) was not an authorised officer.
- (2) The licence or permit to acquire to which the relevant approval relates is not invalid merely because the person was not an authorised officer when the approval was given.
- (3) In this section—

*relevant approval* means an approval of an application for a licence, renewal of a licence or permit to acquire given under section 15, 18 or 42.

## **Part 8                      Minor and consequential amendments**

### **68      Legislation amended**

Schedule 1 amends the legislation it mentions.



## **Schedule 1      Minor and consequential amendments**

section 68

### **Part 1              Amendments commencing on assent**

#### **Fire and Emergency Services Act 1990**

- 1      Section 93, heading, ‘re’—**  
*omit, insert—*  
**about**
  
- 2      Section 104S, ‘section 154’—**  
*omit, insert—*  
**section 154E**
  
- 3      Section 106(1)(a), ‘portion’—**  
*omit, insert—*  
**part**
  
- 4      Schedule 6, authorising provision, ‘section 6’—**  
*omit, insert—*  
**section 3**

Schedule 1

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- 5**      **Schedule 6, definition *broadcasting service*—**  
*omit.*
- 6**      **Schedule 6, definition *former fire service officer*, after  
‘for’—**  
*insert—*  
chapter 3,
- 7**      **Schedule 6, definition *levy district*—**  
*omit, insert—*  
*levy district* means a levy district constituted by a  
regulation under section 106(1)(a).
- 8**      **Schedule 6, definition *licensed building*, after ‘for’—**  
*insert—*  
chapter 3,
- 9**      **Schedule 6, definition *occupancy number*, after ‘for’—**  
*insert—*  
chapter 3,
- 10**     **Schedule 6, definition *owner*, paragraph (b), after ‘for’—**  
*insert—*  
chapter 3,
- 11**     **Schedule 6, definition *premises*, paragraph (b), after  
‘for’—**  
*insert—*  
chapter 3,

- 12**     **Schedule 6, definition *risk of overcrowding*, after ‘for’—**  
          *insert—*  
  chapter 3,

## **Police Service Administration Act 1990**

- 1**     **Section 1.6—**  
          *omit.*
- 2**     **Section 4.9(6)—**  
          *omit.*
- 3**     **Sections 5.7(2)(a) and (c)(i) and 5.9(2)(a), ‘tenure that is not limited by time’—**  
          *omit, insert—*  
  tenure not limited by time
- 4**     **Section 7.26(2), ‘process’—**  
          *omit, insert—*  
  proceeding
- 5**     **Section 10.2(2), ‘10.2B, 10.2C’—**  
          *omit, insert—*  
  10.2B
- 6**     **Section 10.21B, heading, ‘dogs and police horses’—**  
          *omit, insert—*  
  **dog or police horse**

**7 Section 10.21C, heading, ‘horses’—**

*omit, insert—*

**police horses**

## **Police Service Administration and Other Legislation Amendment Act 2022**

**1 Section 41—**

*omit.*

*Editor's note—*

Legislation ultimately amended—

- *Police Service Administration Act 1990*

## **Security Providers Act 1993**

**1 Schedule 2, definition *disqualifying offence*, paragraph (a), subparagraph (v), ‘section 10.19(b), (c), (d), (e) or (f)’—**

*omit, insert—*

section 10.19(a), (b), (c), (d) or (e)

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## **Transport Operations (Road Use Management) Act 1995**

- 1 Section 143(1), note, ‘discloses information that the police officer should not disclose’—**

*omit, insert—*

uses information within the meaning of section 10.2G of that Act that the police officer should not use

## **Part 2 Amendments commencing by proclamation**

### **Co-operatives National Law Act 2020**

- 1 Section 7, definition *police officer*, ‘, section 1.4’—**

*omit.*

### **Corrective Services Act 2006**

- 1 Section 308(8), definition *watch-house officer*, ‘section 1.4’—**

*omit, insert—*

schedule 2



## Transport Operations (Passenger Transport) Act 1994

**1 Section 111D, definition *relevant information*,  
'schedule'—**

*omit, insert—*

schedule 1

## Weapons Act 1990

**1 Schedule 2, definitions *commissioned officer* and  
*executive officer*, 'section 1.4'—**

*omit, insert—*

schedule 2

## Youth Justice Act 1992

**1 Section 59B, definition *watch-house officer*, 'section  
1.4'—**

*omit, insert—*

schedule 2

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