



COMMUNITY SUPPORT AND SERVICES COMMITTEE

Members present:

Ms CP McMillan MP—Chair
Mr SA Bennett MP (virtual)
Dr A MacMahon MP
Dr MA Robinson MP
Mr PS Russo MP
Mr RCJ Skelton MP (virtual)

Staff present:

Ms L Pretty—Committee Secretary
Ms R Mills—Assistant Committee Secretary

PUBLIC BRIEFING—INQUIRY INTO THE POLICE SERVICE ADMINISTRATION AND OTHER LEGISLATION BILL (NO. 2) 2022

TRANSCRIPT OF PROCEEDINGS

MONDAY, 14 NOVEMBER 2022

Brisbane

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The committee met at 3.45 pm.

CHAIR: Good afternoon, everyone. I declare open this public briefing for the committee's consideration of the Police Service Administration and Other Legislation Bill (No. 2) 2022. I say that the committee feels very safe in the presence of many police in the room, so we thank you. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today. I pay our respects to elders past, present and emerging. We are very fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander peoples, whose lands, winds and waters we are all now lucky to share.

On 27 October 2022 the Hon. Mark Ryan MP, Minister for Police and Corrective Services and Minister for Fire and Emergency Services, introduced the bill into the Queensland parliament. On the same day, the bill was referred to the Community Support and Services Committee for detailed consideration. The purpose of today is to assist the committee with its examination and deliberations of the bill.

My name is Corrine McMillan. I am the member for Mansfield and chair of the committee. With me here today and online are: Stephen Bennett MP, member for Burnett and deputy chair, who is attending via teleconference; Dr Amy MacMahon MP, member for South Brisbane, who is substituting for Mr Michael Berkman MP, member for Maiwar, who is unable to attend today; my close colleague Mr Peter Russo, the member for Toohey, who is substitute for Cynthia Lui MP, member for Cook, who is also unable to attend today; Mr Robert Skelton MP, member for Nicklin, who is attending via teleconference; and Dr Mark Robinson MP, member for Oodgeroo.

The committee's proceedings are proceedings of the Queensland parliament and are subject to the standing rules and orders of the parliament. Proceedings are being recorded by Hansard and broadcast live on the parliament's website. Media may be present and will be subject to my direction at all times. The media rules endorsed by the committee are available from committee staff if required. All those present today should note that it is possible you might be filmed or photographed during the proceedings by media, and images may also appear on the parliament's website or social media pages. I ask everyone present to turn mobile phones off or to silent mode.

Only the committee and invited officers may participate in the proceedings. As parliamentary proceedings are under the standing orders, any person may be excluded from the briefing at my discretion or by the order of the committee. I remind committee members that departmental officers are here to provide factual or technical information only. Any question seeking an opinion about policy should be directed to the Attorney-General or left to debate on the floor of the House. I also ask that any responses to questions taken on notice today are provided to the committee by 12 noon on Friday, 18 November 2022.

CARROLL, Senior Sergeant Ian, Legislation Branch, Queensland Police Service

CHELEPY, Acting Deputy Commissioner Shane, Strategy and Corporate Services, Queensland Police Service

FRENCH, Superintendent David, Specialist Services Group, Queensland Police Service

HENDERSON, Senior Sergeant John, Legislation Branch, Queensland Police Service

CHAIR: Good afternoon to each of you. Thank you for coming in today. I invite you as our leader, Acting Deputy Commissioner Chelepy, to make an opening statement, after which committee members, I am sure, will have many questions for you.

Deputy Commissioner Chelepy: Thank you, Madam Chair. Thank you for the opportunity to brief the committee in relation to the Police Service Administration and Other Legislation Bill (No. 2) 2022. This bill consists of two distinct parts. Primarily, the bill will modernise legislation that governs the Queensland Police Service, and to assist the committee in its understanding of this aspect of bill I have a number of QPS members whom I would like to introduce: Superintendent Dave French from Brisbane

the Specialist Services Group, Senior Sergeant John Henderson from the Legislation Branch, and Senior Sergeant Ian Carroll from the Legislation Branch. The bill will also make amendments to legislation administered by the Queensland Fire and Emergency Services, and I am aware that representatives from QFES are also here today to assist the committee in relation to those amendments.

As the Acting Deputy Commissioner of Strategy and Corporate Services, I am responsible for the continuous improvement of the QPS through introducing organisational efficiencies and enhancing service delivery. Fundamental to the QPS as an organisation is the legislation that underpins it. The Police Service Administration Act 1990 provides the legislative framework for the QPS by providing for its maintenance, membership development and administration.

The QPS has conducted an evaluation of the PSAA to identify opportunities for improvements and to ensure this act complies with modern drafting practices. Improvements have been identified that will assist in the management of the QPS, introduce specific efficiencies and update the QPS's legislative framework by omitting duplicated or outdated sections. These improvements have been collated into this bill and will address a wide range of administrative issues, ranging from clarifying employment arrangements for specific staff and improving the police discipline system through to making the technical changes needed to maintain contemporary drafting standards.

I understand that the committee has been provided with a departmental written briefing for its consideration. The written briefing complements the bill, explanatory notes and statement of compatibility. I appreciate the time constraints that the committee faces in this briefing. Consequently, I do not intend to comment about each amendment in the bill, particularly those amendments that are self-explanatory. Instead, I will expand on specific amendments where I can value-add by indicating how they will benefit our organisation.

Significant changes were made to the police discipline system on 30 October 2019 by the Police Service Administration (Discipline Reform) and Other Legislation Amendment Act 2019. The QPS has monitored the new discipline system and has identified improvements that may be made while remaining vigilant for any further enhancements in the future. The bill will make a number of minor amendments to assist in the optimal operation of the Police Service discipline system. For example, one of the improvements made with the new police discipline system is a focus on making timely decisions.

As a generalisation, a discipline proceeding against the subject officer must start within one year from the date the ground for disciplinary action arose. There are exceptions to this rule. If a criminal proceedings started against an officer while a related discipline matter is being investigated, the period in which a discipline proceeding may start is delayed by up to six months from the day the criminal proceeding is finalised. This delay ensures that a court may consider the related criminal proceeding without any undue influence by the pending discipline proceeding, and the later discipline proceeding will be better informed as the result of the court proceeding will be known. The bill will extend the benefits gained through delaying the start of the discipline proceeding until a related criminal proceeding is finalised to instances where a related application for a domestic violence protection order naming the subject officer as a respondent is made.

Another amendment to the bill will similarly allow for a delay in the start of the disciplinary proceedings. Currently, if a ground for disciplinary action occurs while a prescribed operation is being conducted, the ground for the disciplinary action is deemed to start on the day the operation ends. The type of investigation strategies that fall within the ambit of prescribed operations are normally reserved for the investigation of serious or organised crime. These prescribed operations include a controlled activity or a controlled operation under the Crime and Corruption Act 2001—the CC Act—or the Police Powers and Responsibilities Act 2000, or a specific intelligence operation under the CC Act. This ensures that investigations into serious offences that may involve a disciplinary action against a police officer will not be compromised by the officer's behaviour. Further, as the grounds for disciplinary action start on the day the operation ends, a disciplinary investigation into the complaint made about the relevant officer may be conducted in a timely manner. The bill will extend the benefits arising from this amendment to other types of investigation strategies used to combat serious crime. This will include investigations relying on telephone interceptions or surveillance devices and equivalent investigations conducted by other Australian law enforcement or any corruption agencies.

The bill will also clarify when a disciplinary proceeding will be deemed to start where an abbreviated discipline proceeding, or an ADP, is offered but later fails. An ADP is a simplified, less formal discipline process which is currently considered to commence when an abbreviated process notice is given to the subject officer. In practice, however, the process commences five to six weeks

prior, when an ADP invitation is given to the subject member. This invitation is necessary as it contains important information, including the particulars of the ground for disciplinary action, and allows the subject officer an opportunity to give to the prescribed officer conducting the discipline matter a written submission addressing the complaint or the disciplinary sanction or professional development strategy that the officer would accept. The practical effect of a prescribed officer giving an invitation to a subject member, which includes allowing time for the subject member to respond through written submissions, is that there is less time available to conduct the disciplinary investigation. The bill will deem that the ADP begins when an ADP invitation is given to the subject officer. This will allow all of the prescribed period in which a disciplinary proceeding must start to be dedicated to investigating the discipline matter thoroughly.

The final amendment in relation to the QPS discipline process will outline the procedures to be adopted if a prescribed officer has started a discipline proceeding but is unable to finalise it. In these unlikely instances, the bill will allow for a new prescribed officer to be assigned to complete the matter. This amendment is needed as a disciplinary proceeding may not be reinstituted if a prescribed officer cannot continue overseeing the proceeding and the prescribed time limit has elapsed.

The bill will also provide for the immediate dismissal of a police officer or police recruit upon being sentenced to imprisonment by an Australian court for an offence, including a suspended imprisonment sentence. This dismissal power will not be dependent on or delayed by criminal appeals, the police discipline process or administrative reviews. To mitigate any impact on these officers in the unlikely event that a court of appeal overturns their imprisonment sentence or changes it to something other than imprisonment, the dismissed officer will be reappointed to the QPS in the same position or similar position and at the same classification level or rank that the person held before dismissal. Upon such reappointment, the person will be entitled to seek reimbursement of salary and entitlements from the date of dismissal at the discretion of the Police Commissioner. This amendment reflects the standing our officers hold in the community. The reputation of the QPS is stained on every occasion that a police officer is incarcerated. A police officer cannot continue in their duties if imprisoned for a criminal offence. Fortunately, it is a comparatively rare event that this happens.

Since January 2014 to August 2022, nine police officers have been sentenced to imprisonment for offences ranging from possession of dangerous drugs to child sex offences. This is a very small number when compared to the thousands of police officers who every day serve our community honourably. This amendment will meet the expectations of not only the community but also those other police officers who can see how the concept of a person imprisoned continuing to be a police officer to be contrary to common sense and a stain on the reputation of the QPS.

The bill will also make amendments that will deem police officers who become staff members on medical grounds to be employed under the Public Service Act 2008. Currently the commissioner may appoint a police officer who cannot continue to perform their duties on medical grounds as a staff member. Distinct from other QPS staff members, these staff members are employed under the Police Service Administration Act. These staff members fall outside of the discipline mechanisms outlined in the Police Service Administration Act and the Public Service Act. Historically, this has not presented itself as a problem as discipline issues have rarely arisen. However, these amendments will provide certainty into the future by clarifying that these persons will be employed under the Public Service Act and subject to the same industrial arrangements, including the disciplinary processes that apply to other public servants. Transitional provisions in the bill will provide that there will be no impact on the employment arrangements of existing staff members as this amendment will only apply to those police officers appointed as staff members on medical grounds after the commencement of the bill.

The bill will also improve upon offences employed to protect QPS information. The existing sections 10.1 and 10.2C of the PSAA will be combined into a new section 10.1, 'Unauthorised use of confidential information', which will be expanded to apply to a wider range of persons including contractors, subcontractors and recruits performing a function for the QPS as well as other persons who access QPS confidential information as authorised under an act or law or an arrangement within the QPS. The maximum penalty for this offence will be increased to 100 penalty units, or two years imprisonment, to reflect the seriousness and potential harm that can be caused by the misuse of police information not only to individuals to whom the information relates but also to criminal investigations and operations.

The bill will also build on existing sections that allow for the Police Commissioner to gather relevant information to assess whether a person as an external service provider should be engaged or continue to be engaged with the QPS. External service providers are employed by an entity outside of the QPS to perform functions for the QPS. External service providers are currently limited to Public

Service employees including those working for CITEC and Queensland Shared Services. This limitation does not take into account modern hiring practices that allow for persons to be employed as a contractor or through labour hire companies. Amendments in this bill will broaden the scope of external service providers so that these people can be vetted as suitable to be engaged by the QPS through the existing legislative framework established under the PSAA.

The bill will also bring improvements to the process of instigating proceedings for PSAA offences. Currently, some PSAA offences may proceed on the complaint of any officer or a range of other offences such as section 10.17, 'Exemption from tolls', and 10.18, 'Prohibited use of words suggesting association with police'. Section 10.21, 'False representation causing police investigations', may only proceed if the commissioner provides written authorisation. There is no discernible reason why the commissioner has to provide this authorisation as a precursor for the commencement of these offences. This bill will remove this obligation and standardise the way in which police may commence proceedings for all Police Service Administration Act offences.

Additionally, the bill will modernise the PSAA legislative framework to ensure this act complies with contemporary drafting standards. This will include omitting provisions which are duplicated in other acts. For example, the PSAA provides for the issue of a warrant to retrieve QPS property that is in the possession of a former police officer no longer employed by the QPS. The bill will omit these provisions because their retention is simply not necessary as in these circumstances it is more appropriate to investigate these matters through a warrant issued under the Police Powers and Responsibilities Act. Similar arrangements are made for provisions in the PSAA that authorise fees being charged for police photographs issued by the QPS. The QPS relies on a fee structure allowed under the Financial and Performance Management Standard 2019, making the PSAA provisions unnecessary.

The bill will also omit provisions which have become outdated through the passage of time. An example is the offence of harbouring a police officer. This offence criminalises members of the public who entertain or harbour an on-duty officer who is not in the actual performance of their duties. This offence arose from activities uncovered by the Fitzgerald report and is now inconsistent with the accountability measures we have in place for our officers. Community expectations would now demand that it should be the police officers alone and not the public who should be accountable for an officer inappropriately spending time at a place. Another outdated provision in the PSAA omitted by this bill involves a reference to a software system known as Minder. As the QPS has ceased use of this system since 2015, there is no need for these provisions to continue.

The bill will also amend the Weapons Act 1990 to allow for the more efficient processing of weapons licences and permits to acquire by the QPS Weapons Licensing. Weapons Licensing has the responsibility of managing the regulation of weapons and weapons licence holders. Weapons Licensing receive applications for tens of thousands of licences and PTAs annually. This high volume of demand has led to challenges in processing these applications. At issue are limitations within the Weapons Act that only allow authorised officers to approve applications for licences and PTAs due to the considerations that must be made during the process. Although Weapons Licensing is predominantly staffed by QPS staff members, the Weapons Act holds that an authorised officer must be a police officer, limiting Weapons Licensing's ability to use the full potential of the staff it has at its disposal.

Weapons Licensing is largely staffed by civilian employees. Many of the unsworn staff who work at Weapons Licensing have extensive experience in the processing of applications and in applying the provisions of the act to the licensing process. The current ratio of civilian customer service officers to sworn officers is approximately seven civilians to one police officer. The bill will capitalise on the expertise of these staff by allowing the licensing functions of an authorised officer under the Weapons Act to be delegated to a police officer or a QPS staff member. These delegations may be made by the commissioner and executive officer or a commissioned officer. To ensure that appropriate delegations are made, these delegations are only permitted when the delegator considers the police officer or QPS staff member has the necessary experience to exercise the specific powers that are delegated to them.

As a further safeguard, the powers that may be exercised by the delegate will be limited to the licensing function outlined in part 2 and division 3 of part 3 of the Weapons Act. This amendment is consistent with the practices adopted by other Australian firearm registries. New South Wales, Victoria, Tasmania and South Australia have comparative legislation that allows the delegation of authorised officer functions to police officers and public servants. Extending the class of persons that can be delegated the licensing function of authorised officers will address the challenges in meeting such a large number of applications for weapons licences and permits to acquire.

Finally, these amendments will provide for the validity of licences and PTAs issued by Weapons Licensing. QPS staff members working in Weapons Licensing rely upon the Carltona principle, which at common law recognises that decision-makers may act through agents, allowing their staff to assist in the issue of uncontroversial PTAs and weapons licences. A further amendment in the bill will confirm that any firearms licences, renewals of firearms licences and PTAs issued by an authorised officer prior to the commencement of this bill will be valid. This will eliminate any concern that may be held by licence holders about the validity of licences issued in reliance on this common law principle. The bill will allay any concerns a licence holder may hold about the legitimacy of their weapons licence or PTA by clarifying that any licence or PTA issued before the commencement of this bill is valid.

No one amendment in this bill will make a monumental change. However, these amendments have to be examined in their entirety, not in isolation, to determine their impact. Collectively, these amendments will significantly enhance the operations of the QPS and create a range of efficiencies that will serve our officers, our organisation and the community well into the future. My colleagues and I are happy to answer any questions in relation to the bill.

CHAIR: Thank you. That was a very thorough introduction and briefing.

Mr BENNETT: Yes, I concur; it was very thorough. I return to the Weapons Licensing functions. I know there will be a lot of people out there who will welcome these initiatives. For the committee's benefit, can you repeat the current numbers—I think you mentioned quite a large number—and the time lines that some of these applications are taking, please?

Deputy Commissioner Chelepy: I might get Superintendent Dave French to answer that.

Supt French: Good afternoon. I am the commander of the Specialist Services Group including responsibility for Weapons Licensing. Currently, our Weapons Licensing team manages 214,593 licence holders across the state. Those are current figures as of last night. We also manage 992,589 registered firearms. At the moment, on average, on a weekly basis we are receiving about 350 new licence applications, about 360 requests for the renewal of a current licence and about 1,100 permits to acquire. A permit to acquire is an application that must be completed and authorised as a precondition to transfer ownership of a firearm from one party to another. As of 13 November, the PTAs are taking approximately 30 days upon receipt to issue, new applications are taking 31 weeks and renewals are taking 26 days.

Dr ROBINSON: In terms of the changes with regard to dismissal of police officers and recruits, can you explain what education or communication will be provided to police officers about the changes that are coming?

Deputy Commissioner Chelepy: I might get Senior Sergeant Carroll to respond to that.

Snr Sgt Carroll: Prior to the bill being assented to and commencing, it is the intention of the Commissioner of Police to provide a written notice and advice to the Queensland Police Service in relation to the pending provisions of the summary dismissal contained within the bill. That can be carried out via an email through the police communication network. The idea behind that would be to put all Queensland police officers and recruits on notice that if they are sentenced by an Australian court to a period of imprisonment, even a suspended period of imprisonment, they will be dismissed immediately upon that sentencing occurring. That is the intention at this stage of how that is to be done. That is an effective means of communication to all our staff.

Dr MacMAHON: I seek a terminology clarification. It says 'allowing for the delay of police disciplinary proceedings until domestic violence protection orders are finalised'. What does 'finalised' mean in that context?

Snr Sgt Henderson: It simply means the application for the domestic violence proceedings will have been heard and it would have come to its conclusion. Once that takes place, these amendments will allow a period of six months for the QPS to complete its disciplinary proceedings.

CHAIR: We have come to the end of our time with the Queensland Police Service. Are you happy that we move on from here?

Mr BENNETT: Yes, certainly.

CHAIR: I thank each and every one of you for giving up your time this afternoon. Thank you to your team, Acting Deputy Commissioner Chelepy. We really do appreciate all that our police do for us. Thanks again for your very detailed summary. We wish you all a very good afternoon and look forward to meeting you again during the process of consultation on any further bills.

HALVERSON, Acting Superintendent Mark, Executive Manager, State Fire Safety Section, Queensland Fire and Emergency Services

HOUSTON, Ms Jane, Acting Executive Director, Strategy Directorate, Queensland Fire and Emergency Services

JOHNSTONE, Chief Superintendent Tony, Rural Fire Service, Queensland Fire and Emergency Services

OSBORNE, Ms Carly, Acting Director, Strategic Policy and Legislation, Queensland Fire and Emergency Services

CHAIR: Welcome to you all. Thank you very much for giving up your valuable time this afternoon. I invite you to make an opening statement, after which committee members will have some questions for you.

Ms Houston: Thank you for the opportunity to brief the committee in relation to the Police Service Administration and Other Legislation Amendment Bill (No. 2) 2022. Queensland Fire and Emergency Services' purpose is to deliver contemporary and effective fire, emergency and disaster management services that meet Queensland communities' needs. The bill includes a number of amendments to the Fire and Emergency Services Act 1990 and the Disaster Management Act which, while relatively minor, will nevertheless deliver efficiencies and improvements to the services delivered by QFES to Queensland communities. I intend to address a number of these amendments and highlight the improvements they will bring.

An amendment to the FES Act will address the anomalous situation that fire safety installations required for a building are treated differently depending on whether they are located inside or outside the building because of the current definition of 'prescribed fire safety installations'. All of these fire safety installations are part of the overall fire safety system for the building to protect occupants and enable QFES to undertake firefighting activities, and all must be maintained by the occupier of the building to a standard of safety and reliability in the event of a fire. Under the current definition, this requirement only applies to fire safety installations which are inside the building. Where a QFES safety assessment officer identifies that a fire safety installation has not been maintained to the required standard, the current definition means that different processes under the FES Act must be followed depending on whether the installation is inside or outside the building. Where an occupier has not maintained multiple installations that are both inside and outside the building, they will receive two different notices issued under different sections of the FES Act requiring rectification work. This process creates additional work for our safety assessment officers and can be confusing to building occupiers.

The bill will amend the definition of 'prescribed fire safety installation' to include all fire safety installations required to be maintained for the building. This will streamline the process for our safety assessment officers and provide clarity to building occupiers that all of these important installations are required to be maintained and are subject to the building fire safety provisions of the FES Act and the Building Fire Safety Regulation 2008.

Another amendment in the bill will support the implementation of a coronial recommendation to enhance timely and fulsome cooperation between QFES and the Police Service in relation to fire related deaths and serious injuries. Any fire related death would require that QPS attend the scene, and the QFES investigation into the fire would not commence without the presence of police officers. During a fire investigation, QFES officers may discover information that specifically relates to the QPS investigation; for example, detailed observations and interpretations of fire damage and fire related patterns. While QFES and QPS would work closely on such investigations, the amendment will provide certainty that QFES officers may proactively share information about the fire investigation to assist with a concurrent QPS investigation into the death or serious injury. As QFES also undertakes investigations into hazardous materials emergencies, the amendments also apply to information about those investigations in the same circumstances.

A series of amendments in the bill to both the FES Act and the Disaster Management Act will replace current requirements for newspaper publication with online publication. This is consistent with a government-wide approach to publication requirements in the Financial Accountability Act 2009 to provide for contemporary and efficient communication by using the most widely available medium. The amendments relate to the publication of particular documents relating to local fire bans, declarations of a state of fire emergency, guidelines for preparing fire safety management plans, and notices about deemed approval under the Planning Act 2016 during a disaster situation.

Another amendment to the FES Act will support QFES operations by expanding the offence of pretending to be a fire and rescue services officer or a State Emergency Service member to also apply to pretending to be a member of a rural fire brigade. This will provide the same protection for brigade members as currently applies for their colleagues in fire and rescue services and the State Emergency Service.

Other amendments clarify that authorised fire officers may use remote-controlled devices to enter premises or open receptacles for investigative or preventative purposes to improve safety for these officers while performing their duties. Other amendments also include enabling members of interstate fire brigades to assist at rescues and hazardous materials emergencies in Queensland as well as at fires to ensure that Queensland communities receive the most efficient and timely response to these incidents.

Other amendments include allowing the commissioner to suspend a permit to light a fire rather than requiring the permit to be cancelled and the person having to reapply for a new permit during a time of high fire risk. The amendments also make other minor clarifying amendments or corrections.

Mr BENNETT: Mr Johnstone, is there a high prevalence of impersonating a rural fire brigade member, and in what sorts of circumstances do we see that occurring?

Chief Supt. Johnstone: We have only seen probably one or two cases that have popped up during a state of fire emergency, and they were dealt with pretty swiftly by the Police Service at the time. It just made it harder for us to impose heavier penalties because there was nothing in our own legislation to support our volunteers, who are key to the organisation today.

Mr RUSSO: In relation to the use of remote-controlled devices by authorised fire officers, the proposed amendment to section 55 of the Fire and Emergency Services Act will allow appropriately qualified persons acting under the direction of an authorised fire officer to enter premises and open receptacles. Can you expand on how this section is being modernised to include new technological advances?

Ms Houston: Section 55 of the Fire and Emergency Services Act provides that authorised fire officers may enter premises or any open receptacles for the following preventive and investigative purposes—

- (a) to prevent, or reduce the likelihood of, the occurrence of a fire or a hazardous materials emergency;
- (b) to investigate whether or not fire safety measures and fire prevention measures, including the implementation of a fire safety management plan as required under part 9A, have been taken or are being maintained;
- (c) to ascertain the cause of a fire or hazardous materials emergency;
- (d) to ascertain whether any provision of this Act or any notice, notification, order ... or permit given under this Act has been or is being complied with;
- (e) to ascertain whether a power conferred by this Act upon an authorised officer should be exercised, or to exercise a power under this Act.

With regard to dwellings, an authorised fire officer may only enter with the occupier's consent or during or in the aftermath of a fire or hazardous materials emergency in that dwelling for the purposes of ascertaining the cause. The amendment will not change the circumstances in which an authorised fire officer may enter a premises.

In terms of your question about the types of remote-controlled devices we are using, we are embracing that technology. QFES operates remotely piloted aircraft systems under remotely piloted aircraft operator certificates and in accordance with Civil Aviation Safety Authority regulations. In conducting a fire investigation an authorised officer may request a licensed remote pilot to operate and assist in terms of that RPAS technology, and any information collected must be restricted to the investigation and comply with the Information Privacy Act.

Dr ROBINSON: In terms of suspending permits to light a fire, can you expand on what this would mean? What would the process be and how will that help to manage fire risk?

Ms Houston: These amendments allow the commissioner to suspend a permit without the need to revoke it. At the moment there is no option to suspend it. You have to totally revoke it and then the applicant has to reapply. In terms of how this process will improve the permit process, currently in some circumstances, such as changes in fire danger ratings or where permits need to be revoked to manage a heightened risk, the person who held the permit would then need to reapply for the permit after the fire risk passed. The amendment will allow permits to be suspended. This will streamline the administrative process with managing fire risk or impact for a particular period of time for both the permit holder and QFES.

Dr ROBINSON: From someone who lives in a place where from time to time we get fires breaking out, it sounds very sensible. We also have to burn at certain times.

Mr SKELTON: My question is about the external installation of fire systems. I assume this is in relation to a lot of buildings nowadays having external pre-wetting (inaudible), which is not unlike what we have on the vehicles. Is that why we are extending that provision?

CHAIR: Did you get that?

Ms Houston: No.

Chief Supt Johnstone: I believe the member is referring to external fire services, which is normally hydrants and the like.

Ms Houston: If I could answer the question in terms of what is a prescribed fire safety installation, that may help you. Some of those installations are inside and outside the building. My colleague Mr Johnstone is correct in that the most common one is a fire hydrant. Prescribed fire safety installations are defined in section 104D of the FES Act as those fire safety installations that are required to be maintained in the building or under any act that were not at any time authorised by any other act.

Fire safety installations can include such things as: structural features such as fire shutters, fire doors and structural fire protection; fire protection systems such as sprinklers; smoke exhaust systems; and stairwell pressurisation systems. They can also include firefighting equipment such as fire extinguishers, hose reels and fire hydrants. They also, importantly, include occupant safety features such as emergency lighting, emergency warning and intercommunication systems and exit signs. Many of these are located inside the building, such as exit signs, emergency lighting, fire doors and sprinklers, but fire safety installations may be located outside the building, including fire hydrant systems. These may be required for buildings where the street hydrant does not provide a suitable firefighting water supply for the building. Dedicated fire hydrants may therefore be required to allow authorised fire officers access to water supply with sufficient pressure flow at a sufficient distance to allow for the firefighting from the outside of the building or after laying out hose lines through the doorway into the building to fight the fire internally. I am not sure if that answers the member's question.

CHAIR: Member for Nicklin, does that answer your question?

Mr SKELTON: Yes. There is a minimum standard where anything external has to provide enough volume and pressure to the building, and it should be looked at under the regulation as well, which it was not previously, if I am not wrong.

CHAIR: I have received a nod from Ms Osborne.

Mr SKELTON: Thank you.

Ms Houston: I will ask my colleague Mr Halverson to add to that.

Supt Halverson: In relation to fire hydrants external to the building, all buildings that have a floor area of greater than 500 square metres require a dedicated firefighting water supply. That becomes a prescribed fire safety installation. Sometimes that firefighting water supply is located entirely outside of the building for the firefighters to access and then fight the fire either externally or internally. The amendment will allow the prescribed firefighting installations to be captured under the same section of the legislation rather than the two separate sections now which relate to whether the installation is in fact installed inside the building or external to the building.

Dr MacMAHON: My question is with regard to the changes related to the Building Code. Could you clarify what elements are coming out or what elements are coming in? Will these apply just to new builds?

Ms Houston: You are referring to the amendments in the smoke alarm section. The amendment that is being made is to clarify the requirement for smoke alarms that are being phased out. We have a two-stage process here. In terms of the implementation of new smoke alarm laws, there is a staged approach. Some commenced on 1 January 2017, some commenced on 1 January 2022 and the remaining will commence on 1 January 2027. The Fire and Emergency Services Act provides that the owner of a domestic dwelling must install a smoke alarm that is installed in accordance with particular specifications in the Building Code of Australia. The specifications referred to are from the 2016 edition of the Building Code of Australia and the amendment will clarify this.

Dr MacMAHON: That is just for new builds?

Ms Houston: No. For new builds, that is different. New builds have to comply with the new smoke alarm legislation and they have had to comply with that since 1 January 2017.

Supt Halverson: In relation to the relevant version, being 2016 of the Building Code of Australia, a subsequent version of that Building Code, the 2019 version, provided some amendments to the section so the reference in the FESA now does not necessarily reflect the accuracy of the

current Building Code of Australia when it was relevant to the 2016 version. My understanding is that the amendment will confirm that the requirements of the FESA relate to the 2016 version of the Building Code of Australia or National Construction Code.

CHAIR: In relation to the suspension of permits to light a fire, once the amendments are implemented will there be a review of how they are working?

Ms Houston: In terms of the implementation of the amendments, we will introduce processes in relation to the streamlining of that. In terms of the implementation of those amendments on commencement, the department is working through processes.

Mr BENNETT: My question relates to a building over 500 square metres being a prescribed building. Were there any conversations around looking at things like large farming sheds having to have the requirement of firefighting equipment? Obviously, the risk matrix for a large farming enterprise is different to an occupied building.

Supt Halverson: I believe that question may be outside the scope of our amendments. It may relate to Queensland Development Code mandatory parts that sit under another department.

Mr BENNETT: Thank you for the clarification. I am curious about the sharing of information with QPS. The experience locally that I have had over the years is that it looks like it was a fairly amicable arrangement. When we have a large rural fire brigade deployment, are the Queensland police in charge of the fire ground or is it the Queensland Fire and Emergency Services' rural fire brigades?

Chief Supt Johnstone: There are several different ways this can actually happen and it is probably outside the bill at this time. It is a discussion for policy within the organisation and government.

Mr BENNETT: It is about sharing of the information, Mr Johnstone. That is clearly part of one of the amendments, isn't it?

Ms Houston: The amendments in that part of the bill are being made in relation to disclosure of information to the Queensland Police Service. Quite specifically, it is to support the implementation of a coroner's recommendation to provide clear authority to proactively disclose information to the QPS. That information is disclosed information about a death or serious injury related to a fire or a hazardous materials emergency to a police officer or a staff member of the Queensland Police Service for a concurrent investigation.

Mr BENNETT: Thank you.

Mr RUSSO: We get assistance from interstate, and the committee would like to acknowledge the difficult and dangerous job that QFES performs. I am trying to understand the amendments in relation to how that interaction will work. I understand there is something in the bill that will make that a more workable arrangement.

Ms Houston: The amendments will facilitate interstate assistance at hazardous materials emergencies and rescues. They will extend the current authorisation for interstate fire brigades to assist at fires in Queensland to expand it to allow assistance to be provided at hazardous materials emergencies and rescues. Currently, section 152D of the FES Act limits the assistance that can be provided by interstate fire brigades to just fires, so the importance of extending this is to provide assistance more broadly. The amendment will allow interstate fire brigades to assist with hazardous materials emergencies and will also ensure Queensland communities are provided with the best possible response to these instances.

In terms of specifically how this will work, this is not limited in relation to its geographic application. Currently, we have a memorandum of understanding in place with Fire and Rescue New South Wales to establish principles for joint operations and collaborative arrangements at Queensland and New South Wales incidents. Specifically, the MOU includes a mutual aid agreement for the Gold Coast zone in Queensland and regional north 2 zone in New South Wales. In addition, a further memorandum of understanding is in place between QFES and New South Wales Rural Fire Service which provides for local mutual aid agreements to be established and agreed principles of joint operations for joint New South Wales Rural Fire Service and QFES operations.

Dr MacMAHON: I want to clarify the impact this has on bodies corporate. In the documents where it refers to an occupier, would that capture a body corporate for an apartment block to be maintaining their legislative requirements around fire safety?

Supt Halverson: The definition of an occupier is quite clear within the Fire and Emergency Services Act. The body corporate for either apartment buildings, or businesses or indeed where there may be a separate body corporate for each of those sections of a building is usually the relevant occupier for the definition of the act. That body corporate would be responsible for maintaining the prescribed fire safety installations within their jurisdiction of the building.

Dr MacMAHON: What communications with bodies corporate are you planning as the legislation unfolds to let them know about these changes?

Supt Halverson: Inherently, the change will not have a material effect inasmuch as if there were an issue with the maintaining of a prescribed fire safety either inside or outside of the building. The potential enforcement action issued by QFES would be relevant to whether it was in or out, being a section 104G or a section 69. The amendment here would only clarify that all maintenance issues with prescribed fire safety installations could be dealt with under the section 104G part of the act.

CHAIR: That concludes our briefing. There were no questions taken on notice. On behalf of the committee, I thank you for your attendance today. Thank you for the work that you do and for the work that has gone into preparing the bill. I thank Hansard. A transcript of these proceedings will be available on the committee's webpage in due course. I declare this public briefing closed.

The committee adjourned at 4.45 pm.