



The Queensland Police Commissioned Officers' Union

Registered under the *Industrial Relations Act 1999*
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Research Director
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane 4000

Dear Sir/Madam

We acknowledge receipt of your correspondence dated 11 March 2014 requesting submissions from stakeholders in relation to the *Public Safety Business Agency Bill 2014*. In regards to this matter the Queensland Police Commissioned Officer's Union would like to make submissions for consideration of the Committee.

The first and most important issue relates to serious concerns the QPCOU has with the proposed amendment to Section 4.8 of *The Police Service Administration Act 1990* as it relates to the responsibilities of the Commissioner of Police to allow these responsibilities to be outlined by regulation rather than an Act of Parliament. We believe that this will erode the current safeguards in place and we support the assertion that this amendment would not give the appropriate due regard to the institution of Parliament.

The position of Commissioner of Police has always been unique as compared to Directors-General or CEOs of other Government departments.

To allow changes to be made by Regulation to the responsibilities of the Commissioner of Police would give a perception of allowing political interference and/or manipulation with the role of the Commissioner of Police. Any proposed changes to the role of the Commissioner of Police should be debated in Parliament under the current well accepted and transparent process.

The ability to change quickly the responsibilities of the Commissioner of Police by regulation could be prejudicial to members of the QPS, other Government employees and members of the public and is not supported by this Union. In the opinion of the QPCOU this proposed amendment would not meet public expectations that the role of the Commissioner of Police be free from political interference.

The current legislation (*Police Service Administration Act 1990*) allows for the Commissioner of Police to properly manage and administer the QPS and there has not been any identified reason(s) why the current legislation should be amended in the manner being currently considered.

The second issue is in relation to the legislative requirements for employment of persons in the Queensland Police Service (QPS), in particular staff members. The *Public Safety Business Agency Bill 2014* appears to be silent on the security checks and appropriate access to information of former Department of Child Safety (DCS) employees **and** therefore defaults to the Public Service Standards. The general access to information is broadly approved for PSBA being designated an approved agency under the PSBA Bill.

The below matrix identifies the current security checks for employment of Staff Members for QPS, PSBA, External Providers and Contractors (such as the Cleaner). A concern is the disparity of security checks for members who are now and will become PSBA (those members formerly DCS).

The Public Service Standards apply to employees in departments such as Health, Education. However, these organisations do not hold databases of information or access to databases with personal details, criminal/traffic history, addresses, family members etc of community members, politicians, police officers and other government employees, through QPRIME, TRAILS, TMR, Aurion and other databases. There is a risk, without security clearance of employees accessing QPS databases, of misuse of that information or inappropriate access to information and potential release to the media or unauthorised persons, such as criminal gangs.

The following matrix serves as a means of raising awareness of the silence of the PSBA Bill in addressing such a sensitive and security issue.

MECHANISMS FOR SECURITY CHECKING	EMPLOYEE GROUPS			
	Staff Member	PSBA Staff member	External Service Provider	Contractor
Duty of Disclosure (1)	X		X	X
Criminal History (including charges)	X	X (current convictions only)	X	X
Drug Index	X			
Traffic History/Incidents	X (3)			X
Other Law Enforcement	X (2)			
Domestic Violence	X			X
Restraining Orders				X
Cautions/Warnings Administered	X			X
Databases (4)	X			
Person of Interest	X			X
Known Aliases	X			X
Wanted for Questioning	X			X
Crime and Misconduct Commission (CMC)	X (5)			
QPS Ethical Standards Command	X			
Disciplinary Actions	X			

The QPCOUE interprets the need for changes to the *Police Service Administration Regulation 1990* (at Section 7C .4) is to have the PSBA included as an 'approved agency' which can then allow the QPS to disclose information to the PSBA in order to assist it in its business support role.

While the above process is vital to the workings of the PSBA as a support agency, there **MUST** be greater clarification of the vetting processes to be employed by the PSBA once entrusted with the access to QPS Data Bases. Presently all those members transitioning over from the QPS have already been through a QPS Vetting Process. Non QPS employees who have transitioned over to PSBA from Emergency Services and the QFRS were subject of their own vetting processes.

The QPCOUE considers that the real concern will come when the PSBA begins to employ new personnel directly from the private sector and or other government agencies but does not enforce a vetting standard which replicates that which is currently employed in the QPS.

Thank you for the opportunity to provide a response to the proposed Bill.

Yours faithfully

Brian Wilkins
President
Queensland Police Commissioned Officer's Union