



Queensland

# **Police and Other Legislation Amendment Act 2007**

**Act No. 27 of 2007**





Queensland

# Police and Other Legislation Amendment Act 2007

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	4
2	Commencement . . . . .	4
<b>Part 2</b>	<b>Amendment of Child Protection (Offender Reporting) Act 2004</b>	
3	Act amended in pt 2 . . . . .	4
4	Amendment of s 14 (When initial report must be made) . . . . .	4
5	Amendment of s 54 (Notice to be given to reportable offender) . . . . .	5
6	Amendment of s 70 (Confidentiality) . . . . .	5
7	Amendment of s 74 (Review of decision to place person on register) . . . . .	5
<b>Part 3</b>	<b>Amendment of Police Powers and Responsibilities Act 2000</b>	
8	Act amended in pt 3 . . . . .	6
9	Amendment of s 42 (Power for age-related offences and for particular motor vehicle related purposes) . . . . .	6
10	Amendment of s 382 (Notice to appear may be issued for offence) . . . . .	7
11	Amendment of s 384 (Notice to appear form) . . . . .	7
12	Amendment of s 388 (Notice to appear equivalent to a complaint and summons) . . . . .	8
13	Amendment of s 724 (Evidentiary provision about particular things in the possession of the police service) . . . . .	8
14	Replacement of sch 3 (Relevant offences for chapter 13 disclosure of information provisions) . . . . .	8
	Schedule 3 Relevant offences for chapter 13 disclosure of information provisions	
<b>Part 4</b>	<b>Amendment of Police Service Administration Act 1990</b>	
15	Act amended in pt 4 . . . . .	14

16	Amendment of s 1.4 (Definitions) . . . . .	14
17	Amendment of schedule (Relevant information) . . . . .	14
<b>Part 5</b>	<b>Amendment of Transport Operations (Road Use Management) Act 1995</b>	
18	Act amended in pt 5 . . . . .	15
19	Amendment of s 150AA (Regulating young drivers) . . . . .	15
20	Insertion of new s 150B . . . . .	15
	150B Proceedings for particular offences involving requirements about passengers. . . . .	15



Queensland

# **Police and Other Legislation Amendment Act 2007**

## **Act No. 27 of 2007**

---

**An Act to amend the *Child Protection (Offender Reporting) Act 2004*, the *Police Powers and Responsibilities Act 2000* and the *Police Service Administration Act 1990*, and for other purposes**

**[Assented to 28 May 2007]**

**The Parliament of Queensland enacts—****Part 1 Preliminary****1 Short title**

This Act may be cited as the *Police and Other Legislation Amendment Act 2007*.

**2 Commencement**

- (1) Section 14 commences on 30 June 2007.
- (2) Part 4 commences on 18 June 2007.

**Part 2 Amendment of Child Protection (Offender Reporting) Act 2004****3 Act amended in pt 2**

This part amends the *Child Protection (Offender Reporting) Act 2004*.

**4 Amendment of s 14 (When initial report must be made)**

Section 14(1), from ‘period’ to ‘table—’—

*omit, insert—*

‘later of the following—

- (a) 28 days after the police commissioner gives the offender a notice under section 59;
- (b) the period specified for the offender in column 2 of the table—’.

**5 Amendment of s 54 (Notice to be given to reportable offender)**

Section 54(4)—

*omit, insert—*

- ‘(4) However, an entity is not required to give the notice if—
- (a) it has been given by another entity; or
  - (b) the police commissioner has given the reportable offender a notice under section 59.’.

**6 Amendment of s 70 (Confidentiality)**

Section 70—

*insert—*

- ‘(2) If the person is a police officer, an authorisation for subsection (1)(a) may be given under this Act or the *Police Service Administration Act 1990*, section 10.2.’.

**7 Amendment of s 74 (Review of decision to place person on register)**

- (1) Section 74, heading—

*omit, insert—*

**‘74 Review about entry on register’.**

- (2) Section 74(2), from ‘review’—

*omit, insert—*

‘review the following—

- (a) the decision to place the person on the register;
- (b) the decision about the length of the person’s reporting period.’.

- (3) Section 74(5)(c)—

*renumber* as section 74(5)(d).

- (4) Section 74(5)(b)—

*omit, insert—*

- ‘(b) if the application relates to a decision to place the person on the register—review the decision to place the person on the register and confirm or revoke it; and
  - (c) if the application relates to a decision about the length of the person’s reporting period—review the decision and confirm or change it; and’.
- (5) Section 74(6), ‘the decision’—  
*omit, insert—*  
‘a decision to place a person on the register’.
- (6) Section 74—  
*insert—*
- ‘(7) If the police commissioner changes a decision about the length of a person’s reporting period, the police commissioner must ensure the entry for the reporting period on the register is corrected.’.

## **Part 3**

# **Amendment of Police Powers and Responsibilities Act 2000**

### **8 Act amended in pt 3**

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

### **9 Amendment of s 42 (Power for age-related offences and for particular motor vehicle related purposes)**

- (1) Section 42(1)(c)—

*insert—*

- ‘(v) deciding whether a person is driving a motor vehicle in contravention of a provision of a regulation made under the Road Use Management Act that restricts the number of passengers below a



stated age who may be in a motor vehicle while the person is driving it (a **regulation restriction**).’.

(2) Section 42—

*insert—*

‘(5) A passenger in a motor vehicle does not commit an offence against section 791 if the passenger was required to state his or her correct date of birth for a reason mentioned in subsection (1)(c)(v) and the driver of the motor vehicle at the time of the alleged offence is not proved to have contravened a regulation restriction.’.

## 10 **Amendment of s 382 (Notice to appear may be issued for offence)**

Section 382(2)—

*omit, insert—*

‘(2) A police officer may issue and serve a notice (**notice to appear**) on a person if the police officer—

- (a) reasonably suspects the person has committed or is committing an offence; or
- (b) is asked by another police officer who has the suspicion mentioned in paragraph (a) to issue and serve the notice to appear.’.

## 11 **Amendment of s 384 (Notice to appear form)**

(1) Section 384(1)(e)—

*renumber* as section 384(1)(f).

(2) Section 384(1)—

*insert—*

‘(e) if a police officer issues the notice to appear at the request of another police officer (the **requesting police officer**)—state the requesting police officer’s particulars that would otherwise have been stated on the notice to appear had the requesting police officer issued and served it; and.’.

**12 Amendment of s 388 (Notice to appear equivalent to a complaint and summons)**

(1) Section 388(4) and (5)—

*renumber* as section 388(5) and (6).

(2) Section 388—

*insert*—

‘(4) Also, if a police officer issues and serves a notice to appear at the request of another police officer, the police officer who made the request is taken to have started the proceeding against the person on whom the notice to appear is served even though that police officer did not serve the notice to appear on the person.’.

**13 Amendment of s 724 (Evidentiary provision about particular things in the possession of the police service)**

Section 724(7), definition *running statement*, ‘sheet’—

*omit, insert*—

‘statement’.

**14 Replacement of sch 3 (Relevant offences for chapter 13 disclosure of information provisions)**

Schedule 3—

*omit, insert*—

**‘Schedule 3 Relevant offences for chapter 13 disclosure of information provisions**

section 351, definition *relevant offence*

**1 Child Protection (Offender Reporting) Act 2004**

An offence against the following provisions of the *Child Protection (Offender Reporting) Act 2004*—

- section 50(1) (Failure to comply with reporting obligations)
- section 51(1) (False or misleading information).

## **2 Classification of Computer Games and Images Act 1995**

An offence against the *Classification of Computer Games and Images Act 1995*, section 26(3) (Possession of objectionable computer game).

## **3 Classification of Films Act 1991**

An offence against the *Classification of Films Act 1991*, section 41(3) (Possession of objectionable film).

## **4 Classification of Publications Act 1991**

An offence against the following provisions of the *Classification of Publications Act 1991*—

- section 12 (Sale etc. of prohibited publication or child abuse photograph) to the extent it applies to a child abuse publication or child abuse photograph
- section 13 (Possession of prohibited publication) to the extent it applies to a child abuse publication
- section 14 (Possession of child abuse publication or child abuse photograph)
- section 15 (Exhibition or display of prohibited publication or child abuse photograph) to the extent it applies to a child abuse publication or child abuse photograph
- section 16 (Leaving prohibited publication or child abuse photograph in or on public place) to the extent it applies to a child abuse publication or child abuse photograph
- section 20 (Leaving prohibited publication or child abuse photograph in or on private premises) to the extent it applies to a child abuse publication or child abuse photograph.

## **5 Corrective Services Act 2006**

An offence against the following provisions of the *Corrective Services Act 2006*—

- section 124 (Other offences)
- section 126(1) (Helping prisoner at large)
- section 128(1) (Taking prohibited thing into corrective services facility or giving prohibited thing to prisoner)
- section 129(1) (Removing things from corrective services facility)
- section 130 (Unlawful entry)
- section 133 (Interfering with records)
- section 134(1) (False or misleading information).

## **6 Criminal Code**

An offence against the following provisions of the *Criminal Code*—

- section 69(1) (Going armed so as to cause fear)
- section 72 (Affray)
- section 75(1) (Threatening violence)
- section 130 (Preventing witnesses from attending)
- section 144 (Harbouring escaped prisoners etc.)
- section 328(1) (Negligent acts causing harm)
- section 329 (Endangering safety of persons travelling by railway)
- section 408E(1) (Computer hacking and misuse)
- section 426 (Unlawful entry of vehicle)
- section 470A(1) (Unlawful deposition of explosives)
- section 477 (Obstructing railways)
- section 544 (Accessories after the fact to crimes)
- section 545(1) (Accessories after the fact to misdemeanours and some other offences) if the

maximum penalty for the offence is less than 3 years imprisonment.

## **7 Criminal Proceeds Confiscation Act 2002**

An offence against the following provisions of the *Criminal Proceeds Confiscation Act 2002*—

- section 41 (Offence to contravene examination order)
- section 252(1) (Possession etc. of property suspected of being tainted property).

## **8 Explosives Act 1999**

An offence against the following provisions of the *Explosives Act 1999*—

- section 34(1) (Authority required to possess explosives)
- section 36 (Bringing or sending certain explosives into and out of the State)
- section 38(1) (Explosive to be manufactured under authority)
- section 39(1) or (2) (Offences relating to entry of factories)
- section 41 (Authority needed to sell explosives)
- section 42 (Unauthorised sales of explosives)
- section 44 (Authority needed to store explosives)
- section 45(1) (Where explosives may be stored)
- section 47(1) or (2) (Offences relating to entry of magazines)
- section 50(1) or (2) (Transporting explosives)
- section 51 (Explosives too dangerous to transport)
- section 53(1) (Authority needed to use explosives)
- section 54(1) or (2) (Using explosives under conditions endangering life etc.).

**9 Juvenile Justice Act 1992**

An offence against the following provisions of the *Juvenile Justice Act 1992*—

- section 278 (Escape)
- section 279(1) (Offences relating to detention centres).

**10 Terrorism (Preventative Detention) Act 2005**

An offence against the following provisions of the *Terrorism (Preventative Detention) Act 2005*—

- section 64 (Lawyer)
- section 65(1) (Parent/guardian)
- section 66 (Interpreter)
- section 67 (Disclosure recipient)
- section 68 (Persons who monitor).

**11 Weapons Act 1990**

An offence against the following provisions of the *Weapons Act 1990*—

- section 25A(2) (Authorised officer may require information about licensed dealer's associates)
- section 34(1) (Contravention of licence condition)
- section 35(1), (2) or (5) (Acquisition of weapons)
- section 36(1) or (2) (Sale or disposal of weapons)
- section 38(1) (Issue etc. of permits to acquire)
- section 50(1) (Possession of weapons) if the penalty in paragraph (c)(iii) applies
- section 50A(1) (Possession of unregistered firearms)
- section 56(2) or (3) (Discharge of weapon on private land without owner's consent prohibited)
- section 57(2), (3) or (4) (Particular conduct involving a weapon in a public place prohibited)

- section 58(2) (Dangerous conduct with weapon prohibited generally)
- section 59(2) (Possession or use of weapon under the influence of liquor or a drug prohibited)
- section 60(1) or (2) (Secure storage of weapons)
- section 61 (Shortening firearms)
- section 62 (Modifying construction or action of firearms)
- section 63 (Altering identification marks of weapons)
- section 64 (Obtaining weapons by deceit)
- section 66 (Dispatch of weapons)
- section 67(1) (Possessing and acquiring restricted items)
- section 68(1) (Dealers to be licensed)
- section 69(1) (Armourers to be licensed)
- section 71(1), (2), (3) or (4) (Licensed dealers and armourers to keep register)
- section 72 (Annual returns by licensed dealers)
- section 73 (Dealer etc. to require information)
- section 75 (Collector to be licensed)
- section 78 (Weapons not to be discharged or operated)
- section 81(1), (2) or (3) (Collectors to keep register)
- section 82(1), (3) or (4) (Removal of register and weapons)
- section 137(3) or (4) (Notice to dispose)
- section 151B(2) (Protection of informers)
- section 157(1) (Fraud and unlawful possession of licence etc.)
- section 158(1) (False or misleading statements).’.

## **Part 4**                      **Amendment of Police Service Administration Act 1990**

### **15    Act amended in pt 4**

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

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

Section 1.4, definition *QPS database*—

*omit, insert—*

‘*QPS database*, for the schedule, means any of the following kept by the commissioner—

- (a) the database known as QPRIME;
- (b) the prosecutions index;
- (c) the register of enforcement acts kept under the *Police Powers and Responsibilities Act 2000*.’.

### **17    Amendment of schedule (Relevant information)**

Schedule, entry for information about staff members, applicants to become staff members, volunteers and students on work experience, item 8—

*omit, insert—*

- ‘8 Information about the person that is in the possession of the commissioner and held in the drug occurrence system kept as part of the *QPS database* known as QPRIME.’.



## **Part 5**                      **Amendment of Transport Operations (Road Use Management) Act 1995**

### **18 Act amended in pt 5**

This part amends the *Transport Operations (Road Use Management) Act 1995*.

### **19 Amendment of s 150AA (Regulating young drivers)**

- (1) Section 150AA(1), ‘section 150’ to ‘also’—

*omit, insert—*

‘this part, to the extent it is about the management of young drivers, may’.

- (2) Section 150AA(1)(d), ‘subsection’—

*omit, insert—*

‘paragraph’.

- (3) Section 150AA(1)(h)—

*omit, insert—*

‘(h) the passengers young drivers may carry in vehicles;’.

- (4) Section 150AA(1)(i), ‘a vehicle driven by a young driver’—

*omit, insert—*

‘vehicles driven by young drivers’.

### **20 Insertion of new s 150B**

Chapter 5, part 10—

*insert—*

#### **‘150B Proceedings for particular offences involving requirements about passengers**

- ‘(1) This section applies in relation to proceedings for an offence prescribed under a regulation under this part that may be committed by a driver driving a vehicle carrying passengers in contravention of a requirement that a passenger be over a

particular age or have a particular family relationship to the driver.

- ‘(2) In relation to proof of whether the particular family relationship existed between a passenger and the driver, a regulation may prescribe—
- (a) that a belief of a police officer, on reasonable grounds, that the relationship did not exist is sufficient evidence of that fact; and
  - (b) that the driver has the onus of proving the relationship did exist.
- ‘(3) For subsection (2)(a), the regulation may provide the belief mentioned in that paragraph may be formed by the police officer after reasonable enquiries made of the driver and passengers when the police officer finds the driver driving the passengers or soon after.’.