

# **Police and Other Legislation Amendment Bill 2004**

## **EXPLANATORY NOTES**

### **FOR**

### **AMENDMENTS TO BE MOVED DURING CONSIDERATION IN DETAIL BY THE HONOURABLE JUDY SPENCE MP**

#### **Title of the Bill**

Police and Other Legislation Amendment Bill 2004

#### **Objectives of the Amendments**

The objectives of the amendments are to:

- (1) clarify, for the purposes of pt 5A (Alcohol and drug tests) of the *Police Service Administration Act 1990*, that a Commissioned Officer is an authorised person for a staff member or recruit
- (2) correct a reference by omitting “the police commissioner” and inserting “the chairperson of the CMC” to the *Child Protection (Offender Reporting) Act 2004*.

#### **Achievement of the Objectives**

The proposed amendments will amend section 5A.2 (Definitions for pt 5A) of the *Police Service Administration Act 1990*.

The amendments will also rectify a drafting error in section 64 (Order about whether this division applies) of the *Child Protection (Offender Reporting) Act 2004*.

**Alternative Ways of Achieving Policy Objectives**

There is no alternative way to achieve the policy objectives.

**Estimated Cost for Government Implementation**

It is not anticipated that there will be any additional funding required as a result of the legislation.

**Consistency with Fundamental Legislative Principles**

The proposed amendments are consistent with the application of fundamental legislative principles.

**Consultation**

Consultation was undertaken with the Department of the Premier and Cabinet, the Department of Justice and Attorney-General and Queensland Health.

**NOTES ON PROVISIONS****PART 3 – AMENDMENT OF POLICE SERVICE ADMINISTRATION ACT 1990****Amendment of s 5A.2 (Definitions for pt 5A)**

Section 5A.2 provides that authorized persons may require a relevant member to submit to alcohol and targeted substance testing. Section 5A.2 (Definitions for pt 5A) of the PSAA defines who are authorised persons.

Clause 24 amends section 5A.2 to clarify, for the purposes of pt 5A (Alcohol and drug tests) of the *Police Service Administration Act 1990*, that a Commissioned Officer is an authorised person for a staff member or recruit.

## **PART 6 – OTHER ACTS AMENDED**

### **Division 1 - Amendment of Child Protection (Offender Reporting) Act 2004**

#### **Act amended in div 1**

Clause 44 amends the *Child Protection (Offender Reporting) Act 2004*.

#### **Amendment of s 64 (Order about whether this division applies)**

Section 64 of the *Child Protection (Offender Reporting) Act 2004* makes provision for the making of an order by the police commissioner in respect to the status of a protected witness. Subsection (1)(b) of the provision states that a reportable offender ceases to be a protected witness when the police commissioner makes a decision under the *Witness Protection Act 2000*, section 14, to end the protection and assistance given to the reportable offender under the program.

Clause 45 amends this provision by omitting “police commissioner” and inserting the correct reference “chairperson of the Crime and Misconduct Commission”.