



Queensland

# **Police Powers and Responsibilities Amendment Regulation (No. 1) 2005**

## **Explanatory Notes for 2005 SL No. 84**

made under the

*Police Powers and Responsibilities Act 2000*

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### **General Outline**

#### **Short title**

*Police Powers and Responsibilities Amendment Regulation (No. 1) 2005*

#### **Objective of the Legislation**

The objective of the *Police Powers and Responsibilities Amendment Regulation (No. 1) 2005* is to extend the operation of the place of safety trial until 30 June 2006.

#### **Authorising law**

Section 371F of the *Police Powers and Responsibilities Act 2000*.

#### **Reasons for the subordinate legislation**

The proposed regulation is necessary to extend the trial police powers relating to volatile substances misuse that were provided in the *Police Powers and Responsibilities and Other Legislation Amendment Act 2003*. These powers provide police officers with the ability to detain persons affected by potentially harmful substances and convey them to a place of safety.

The place of safety trial commenced on 1 July 2004 in five areas of the State. Those areas are Mount Isa, Cairns, Townsville, Inner Brisbane and Logan. Under section 371E of the PPRA, the Crime and Misconduct Commission (CMC) is required to keep the VSM provisions in the PPRA under review for a nine month period and then provide a report under the *Crime and Misconduct Act 2001*.

To allow for full consideration of the recommendations from the Report and for comprehensive Government deliberation about a suitable response, including resource allocation, the proposed Regulation will extend the trial for the maximum period of 12 months to 30 June 2006.

### **Consistency with authorising law**

The proposed regulation is consistent with the authorising law.

### **Achieving the objective**

The objective of the legislation will be achieved by extending the operation of sections 371B-371F of the *Police Powers and Responsibilities Act 2000* and Part 2B of the *Police Powers and Responsibilities Regulation 2000* until 30 June 2006. This will enable the continuation of the place of safety trial until 30 June 2006.

### **Administrative costs**

The administration costs of extending the trial will be met by the Government through the budgetary process.

### **Fundamental Legislative Principles**

The regulation is consistent with fundamental legislative principles.

### **Consultation**

The Department of Police has consulted with the Business Regulation Reform Unit of the Department of State Development and Innovation, Department of the Premier and Cabinet, Department of Communities, Commission for Children and Young People, Department of Aboriginal and Torres Strait Islander Policy, Department of Emergency Services and Queensland Health.

## Notes on Provisions

Clause 1 specifies the short title of the Regulation.

Clause 2 provides that the Regulation commences on 1 July 2005.

Clause 3 identifies that the Regulation amends the *Police Powers and Responsibilities Regulation 2000*.

Clause 4 replaces the existing s. 8P by inserting a new ss. 8P ‘Extension of operation of ss 371B-371F of Act-Act, s 371F’ and 8Q ‘Expiry of part’. The effect of the clause is to extend sections 371B-371F of the *Police Powers and Responsibilities Act 2000* and Part 2B of the *Police Powers and Responsibilities Regulation 2000* until 30 June 2006.

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### ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Police.