



Queensland

Police Powers and Responsibilities Regulation 2012

Explanatory Notes for SL 2012 No. 251

made under the

Police Powers and Responsibilities Act 2000

General outline

Short title

Police Powers and Responsibilities Regulation 2012.

Authorising law

Section 809 of the *Police Powers and Responsibilities Act 2000* (the Act).

Policy objectives and the reasons for them

The objective of the Regulation is to support the Act to meet its purposes. The Regulation includes provisions about the responsibilities of police officers and support officers. In particular, the Regulation provides consistency in the way a police officer provides certain directions and safeguards. While some deviations from the Regulation may be acceptable, the given directions or safeguards provided by a police officer should be substantially similar to the Regulation.

The Regulation also standardises the information required to support certain applications considered by a magistrate or judge. While under the Act, the issuer may require further information, the Regulation provides

transparency to applicant police officers by outlining the minimum information required to support the application.

The Regulation also safeguards against unlawful comparisons of DNA analyses by providing a table of permissible comparisons and the type of information that may be included in the various DNA indexes.

Achievement of policy objectives

The Regulation supports the Act by providing an effective and efficient regulatory system to ensure the legal rights and entitlements of a person suspected of committing an offence are preserved.

The Regulation supports the purposes of the Act by prescribing the manner in which police officers and support persons must undertake certain responsibilities outlined under the Act. The police responsibilities under the Act focus on the accountability of police officers and fairness to suspect persons. The Regulation provides a standardised mode of delivery of safeguards afforded certain persons under the Act.

Consistency with policy objectives of authorising law

The Regulation is consistent with the purposes of the Act.

Inconsistency with policy objectives of other legislation

The Regulation is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There are no alternative means to effectively achieve the policy objectives.

Benefits and costs of implementation

The Regulation provides some guidance about the safeguards provided by the Act. The Regulation does not increase costs to Government.

Consistency with fundamental legislative principles

The Regulation has been drafted with regard to the fundamental legislative principles and does not raise any new fundamental legislative principle issues.

Consultation

Consultation with key government and non-government stakeholders and the general Queensland community was conducted through the review of the *Police Powers and Responsibilities Act 2000*. Further departmental consultation was undertaken with the Department of the Premier and Cabinet, Department of Justice and Attorney-General and Queensland Treasury and Trade.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Queensland Police Service.

© State of Queensland 2012