

Penalties and Sentences (Court for Drug and Alcohol Treatment Orders) Amendment Regulation 2017

Explanatory notes for SL 2017 No. 232

made under the

Penalties and Sentences Act 1992

General Outline

Short Title

Penalties and Sentences (Court for Drug and Alcohol Treatment Orders) Amendment Regulation 2017

Authorising law

Sections 151B and 196 of the *Penalties and Sentences Act 1992*

Policy objectives and the reasons for them

The objective of the *Penalties and Sentences (Court for Drug and Alcohol Treatment Orders) Amendment Regulation 2017* (the Amendment Regulation) is to prescribe the court which may impose a Drug and Alcohol Treatment Order (Treatment Order) on an eligible offender.

Section 151B of the *Penalties and Sentences Act 1992* (Penalties and Sentences Act) provides that the court which may impose a Treatment Order is a Magistrates Court prescribed by regulation.

The Amendment Regulation amends the *Penalties and Sentences Regulation 2015* (Penalties and Sentences Regulation) to prescribe the Magistrates Court in the Central division of the Brisbane Magistrates Courts District as the court which may impose a Treatment Order.

Section 151E(3) of the Penalties and Sentences Act defines the 'court district' of a court to mean the district within which the court is held, as provided for under section 22B of the *Justices Act 1886* (Justices Act). For section 22B of the Justices Act, schedule 1 of the *Justices Regulation 2014* provides that the district named the Brisbane Magistrates Courts District includes the divisions of Central division, Holland Park division, Richlands division, Sandgate division and Wynnum division.

Achievement of policy objectives

The Amendment Regulation achieves the policy objective by amending the Penalties and Sentences Regulation to prescribe the Magistrates Court in the Central division of the Brisbane Magistrates Courts District as the court which may impose a Treatment Order on an eligible offender.

The Amendment Regulation will commence on 29 January 2018.

Consistency with policy objectives of authorising law

The purpose of the Penalties and Sentences Act is to consolidate the general powers of courts to sentence offenders into a single Act.

The Amendment Regulation is therefore consistent with the objectives of the Penalties and Sentences Act.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

As part of the 2017–18 State Budget, funding of \$22.7 million over four years was allocated to support the reestablishment of the Drug Court in Brisbane and for court referral and support services. This funding is in addition to the funding the Queensland Government previously committed to the Department of Justice and Attorney-General for the reestablishment of the Drug Court (\$1.590 million in 2017-18 and \$1.189 million in 2018-19).

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

The views of the office of the Chief Magistrate were taken into account in finalising the Amendment Regulation.