

Police Service Administration Amendment Regulation (No. 1) 2017

Explanatory notes for SL 2017 No. 234

made under the

Police Service Administration Act 1990

General Outline

Short title

Police Service Administration Amendment Regulation (No. 1) 2017

Authorising law

Section 10.28 of the *Police Service Administration Act 1990*.

Policy objectives and the reasons for them

The objective of the *Police Service Administration Amendment Regulation (No. 1) 2017* (the Regulation) is to amend the *Police Service Administration Regulation 2016* (PSAR) to include the Parole Board Queensland, the Parole Board Queensland Secretariat and the department which administers the *Child Protection Act 1999* (CPA) as approved agencies for the purpose of information sharing.

As a result of the recent review into the parole system in Queensland the *Corrective Services Act 2006* (CSA) was amended to establish the Parole Board Queensland (the Board) with at least one police officer (a police representative) as a member. The CSA also established the Parole Board Queensland Secretariat (the Secretariat) to support the Board in performing its functions.

One function of the police representative is to provide the Board with information held on the Queensland Police Records and Information Management Exchange (QPRIME) database. It is anticipated that the police representative may be required to conduct QPRIME checks for up to 200 matters per week to provide the Board with relevant information.

Current legislative provisions may allow for the police representative to disclose the relevant information from QPRIME, however each instance of disclosure must be individually approved. Use of this provision requires significant human intervention and creates an enormous administrative burden for the police representative.

Due to the administrative burden, an alternative legislative scheme is required to streamline the information sharing process and allow for the Board to have access to relevant information on an on-going and timely basis.

Section 10.2L of the *Police Service Administration Act 1990* (the Act) authorises the commissioner to allow the head of a prescribed approved agency to access the police information database QPRIME, including by allowing an authorised member of the approved agency to have access. Approved agencies are prescribed within section 67 of the PSAR.

Including the Board and the Secretariat as approved agencies allows the police representative to disclose information to the Board at their discretion and also allows for the appointment of personnel to assist the police representative with conducting QPRIME checks. This would alleviate the administrative impost on the police representative whilst ensuring the Board is provided with timely and accurate information to assist with their deliberations.

The CPA is jointly administered by the Department of Communities, Child Safety and Disability Services (DCCSDS) and the Department of Justice and Attorney-General (DJAG). Chapter 5A of the CPA provides scope for the sharing of information between prescribed entities, including the Queensland Police Service (QPS) and DCCSDS.

The DCCSDS regularly requests information from police for broad purposes associated with the performance of a function or exercise of a power under the CPA by the chief executive (Child Safety). This information is provided to the DCCSDS by operational police officers and the amount and frequency of requests is a significant and ongoing resource impost.

By prescribing the department in which the CPA is administered as an approved agency, the QPS and the DCCSDS can embed authorised officers of DCCSDS within a police establishment and allow them direct access to QPRIME for the purpose of responding to information requests made under chapter 5A of the CPA.

While it is acknowledged that the CPA is jointly administered by both DCCSDS and DJAG, there is no intention at this stage to provide access to DJAG officers and access will be limited to authorised officers of the DCCSDS. Authorised officers of the DCCSDS will only include those Child Safety Officers engaged specifically to be placed within a police establishment for the purpose of responding to information requests made under chapter 5A of the CPA. The chief executive of DCCSDS may impose limitations on the powers of authorised officers under chapter 5, part 1 of the CPA. Pursuant to section 10.2M of the Act, the commissioner may also impose conditions on the access of QPRIME and the disclosure of information.

Adding the Board, the Secretariat, and the department which administers the CPA as approved agencies can be achieved by amending section 67 of the PSAR.

Achievement of policy objectives

The Regulation achieves its objectives by including the Board, the Secretariat, and the department which administers the CPA within section 67 of the *Police Service Administration Regulation 2016*.

Consistency with policy objectives of authorising law

The Regulation is consistent with the objectives of the authorising Act.

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

The Regulation will not impose any additional cost on Government.

Consistency with fundamental legislative principles

The Regulation is consistent with the fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

Consultation

The QPS has concluded that the Regulation is exempt from regulatory impact analysis as it falls within the following exclusion category outlined in the Queensland Government Guide to Better Regulation:

- Category (j): Regulatory proposals relating to police powers and administration, general criminal laws, administration of courts and tribunals and corrective services.

Consequently, the Office of Best Practice Regulation was not consulted about the Regulation.