

Weapons and Other Legislation Amendment Regulation 2018

Explanatory notes for SL 2018 No. 86

made under the

Police Powers and Responsibilities Act 2000

Prostitution Act 1999

Weapons Act 1990

General Outline

Short title

Weapons and Other Legislation Amendment Regulation 2018

Authorising law

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

Section 140 of the *Prostitution Act 1999*.

Section 172 of the *Weapons Act 1990*.

Policy objectives and the reasons for them

The objective of the *Weapons and Other Legislation Amendment Regulation 2018* (the amendment Regulation) is to:

- facilitate the Government policy of annually increasing fees and charges under the *Weapons Act 1990* and the *Prostitution Act 1999* by 3.5%; and
- amend the *Police Powers and Responsibilities Regulation 2012* by:
 - modifying the security arrangements for premises used under a surveillance device warrant; and
 - adding the *Surveillance Devices Act 2006* (SA) as a corresponding law for chapter 13 of the *Police Powers and Responsibilities Act 2000*.

Achievement of policy objectives

The amendment Regulation achieves its objectives by:

- increasing the fees and charges under schedule 1 of the *Weapons Regulation 2016* and schedule 2 of the *Prostitution Regulation 2014*;

- omitting the term ‘interceptor’ in section 14 of the *Police Powers and Responsibilities Code 2012* within the *Police Powers and Responsibilities Regulation 2012* and enhances the security measures in relation to premises used under a surveillance device warrant by placing the obligation to secure the premises upon the senior officer to whom the surveillance device warrant was issued and a law enforcement officer authorised by that senior officer to use equipment to electronically record a conversation or visual images under the warrant; and
- recognising the *Surveillance Devices Act 2016* (SA) as a corresponding law in relation to chapter 13 ‘Surveillance devices’ of the *Police Powers and Responsibilities Act 2000* (PPRA). This amendment will allow any emergency authorisations made, or any surveillance device warrants issued, under this chapter to be exercised or executed on a premises in South Australia. Conversely, any emergency authorisations made, or warrant issued, under the *Surveillance Devices Act 2016* (SA) may be exercised or executed in Queensland as if that emergency authorisation or warrant was made or issued under chapter 13 of the PPRA.

Consistency with policy objectives of authorising law

The amendment Regulation is consistent with the objectives of the authorising Acts.

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

Any costs incurred through the implementation of the amendment Regulation are expected to be negligible and will be met through existing budgets.

Consistency with fundamental legislative principles

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

Consultation

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

- (h) ‘Regulatory proposals that put forward standard annual fee variations in line with or below a government endorsed indexation factor’ – (for amendments in the Regulation that amend the Prostitution Regulation 2014 and Weapons Regulation 2016); and
- (j) relating to police powers and administration, general criminal laws, the administration of courts and tribunals and corrective services.

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

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