

Justices (Computer Warrants) Amendment Regulation 2020

Explanatory notes for SL 2020 No. 238

Made under the

Justices Act 1886

General Outline

Justices (Computer Warrants) Amendment Regulation 2020

Authorising law

Sections 66, 67, 69E and 266 of the *Justices Act 1886*.

Policy objectives and the reasons for them

The *Justices Act 1886* contains provisions for computer warrants which authorise procedures for creating, storing and otherwise managing warrants electronically with the objective of reducing the handling of warrants in the form of written documents. A warrant may be created in the form of computer stored information under procedures prescribed by a regulation or approved under a regulation.

At present, there is no approved or prescribed computer warrant procedure for Queensland Courts. The current business practices for managing warrants are dependent on manual procedures, including the sending of warrants to the Queensland Police Service (QPS) via Australia Post.

The policy objective of the *Justices (Computer Warrants) Amendment Regulation 2020* (Amendment Regulation) is, in conjunction with enhanced business practices and information technology systems, to facilitate the electronic issuing and transfer of the majority of warrants between the Department of Justice and Attorney-General (DJAG) and the Queensland Police Service (QPS).

The current procedures relating to computer warrants published by the department administering the *State Penalties Enforcement Act 1999* are also no longer relevant for the creation and management of warrants, and the procedures published by the department administering the *Police Powers and Responsibilities Act 2000* are out of date.

The prescribed or approved procedures in relation to computer warrants only apply to the types of warrants prescribed by regulation. The following types of warrants are currently prescribed under the *Justices Regulation 2014* for the purposes of section 66 of the *Justices Act 1886*:

- a warrant issued under the Justices Act;
- a warrant issued under the *Bail Act 1980*;
- a warrant of commitment issued under the *Penalties and Sentences Act 1992*;
- an arrest warrant issued under the *Police Powers and Responsibilities Act 2000*; and
- a warrant issued under the *State Penalties Enforcement Act 1999*.

To maximise the benefits of streamlined processes arising from computer warrants, the types of warrants that may be created, stored and managed electronically is also being expanded.

Achievement of policy objectives

The Amendment Regulation achieves the policy objectives by amending the *Justices Regulation 2014* to:

- approve the 'Issuing eWarrants in Queensland Courts' procedure;
- remove the reference to procedures published by the department administering the *State Penalties Enforcement Act 1999*;
- update the current reference to QPS procedures; and
- expand the types of computer warrants to include warrants issued under the *Criminal Practice Rules 1999*, the *Youth Justice Act 1992* and the *Domestic and Family Violence Protection Act 2012*.

The Amendment Regulation also makes some minor consequential and technical amendments.

The Amendment Regulation will commence on 27 October 2020 to align with the introduction of new processes.

Consistency with policy objectives of authorising law

The amendments are consistent with the policy objectives of Part 4 of the *Justices Act 1886*.

Inconsistency with policy objectives of other legislation

The amendments are not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

By providing for the electronic issuing and transfer of warrants between DJAG and QPS the amendments will enable the removal of the majority of paper-based warrants thereby expediting warrant processes.

Costs associated with implementing the amendments have been funded by existing departmental allocations.

Consistency with fundamental legislative principles

The amendments are consistent with fundamental legislative principles.

Consultation

Given the amendments only have administrative implications for staff of DJAG and the QPS and are procedural in nature, no broader consultation was undertaken with non-Government stakeholders.

An assessment by the Queensland Productivity Commission determined that no further regulatory impact analysis is required as the amendments seek to implement changes to improve performance and efficiency of the public sector while maintaining the quality of services to the community.