

Criminal Code (Consent and Mistake of Fact) and Other Legislation Amendment Act 2021

Explanatory notes for SL 2021 No. 116

made under the

Criminal Code (Consent and Mistake of Fact) and Other Legislation Amendment Act 2021

General Outline

Short title

Proclamation – Criminal Code (Consent and Mistake of Fact) and Other Legislation Amendment Act 2021.

Authorising law

Section 2 of the *Criminal Code (Consent and Mistake of Fact) and Other Legislation Amendment Act 2021*.

Policy objectives and the reasons for them

The objective of the Proclamation is to commence certain provisions of the *Criminal Code (Consent and Mistake of Fact) and Other Legislation Amendment Act 2021* (Amendment Act) that amend police powers legislation.

Among other things, the Amendment Act implements the next stage of the Government's legislative response to the two-year independent evaluation of the *Tackling Alcohol Fuelled Violence Policy*. It also contains amendments to the police powers legislation which support changes to liquor and gaming legislation with respect to banning notices.

Section 2(3)(c) of the Amendment Act provides that the provisions contained within part 8, relating to police powers legislation, commence on a day to be fixed by proclamation.

The *Police Powers and Responsibilities Act 2000* provides power to a police officer to issue a banning notice under part 5A relating to behaviour in designated areas and Safe Night Precincts.

Achievement of Policy Objectives

The policy objectives are achieved by fixing the proclamation date of 15 September 2021 for part 8 of the Amendment Act.

Consistency with policy objectives of authorising law

The proclamation is consistent with the objectives of the Amendment Act.

Inconsistency with policy objectives of other legislation

The proclamation is not inconsistent with policy objectives of other legislation.

Alternative ways of achieving policy objectives

There are no alternative means to achieve the policy objectives.

Benefits and costs of implementation

The Explanatory Notes for the Amendment Act noted that any costs to Government resulting from the amendments will be met from within existing resources.

Consistency with fundamental legislative principles

The proclamation does not conflict with fundamental legislative principles.

Consultation

Consultation was undertaken during the development of part 8 of the Amendment Act. This proclamation commences the provisions.

In accordance with *The Queensland Government Guide to Better Regulation*, the Office of Best Practice Regulation was not consulted in relation to the proclamation as it was assessed that it fall within an agency-assessed exclusion category.

The Department of Justice and Attorney-General has concluded that it falls within the following exclusion category:

- Category (g): Regulatory proposals that are of a machinery nature.

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