

State Buildings Protective Security Amendment Regulation 2021

Explanatory notes for SL 2021 No. 118

made under the

State Buildings Protective Security Act 1983

General Outline

Short title

State Buildings Protective Security Amendment Regulation 2021

Authorising law

Sections 4(4) and 33 of the *State Buildings Protective Security Act 1983*

Policy objectives and the reasons for them

The *State Buildings Protective Security Act 1983* authorises Protective Services security officers to exercise certain powers in 'state buildings' so that an appropriate level of security may be provided for these areas. The Act defines a state building to mean a building that is owned or occupied by the State or a non-commercial authority of the State. The Act also defines state buildings to include a building and its precincts declared under a regulation to be a state building provided that the declaration expires at a stated time.

Sections 3 and 3A of the *State Buildings Protective Security Regulation 2008* (the SBPS Regulation) declares the Queensland Cultural Centre and the Legal Aid Queensland offices located at 44 Herschel Street, Brisbane, 420 George Street, Brisbane and 193 North Quay Brisbane as state buildings. The SBPS Regulation also provides that these sections will expire on 31 August 2021.

Protective Services within the Queensland Police Service currently meet the security needs for the Queensland Cultural Centre and Legal Aid Queensland offices located in the Brisbane Central Business District (CBD). There is no intention to change the overall existing security arrangements.

However, the *State Buildings Protective Security Amendment Regulation 2021* (the Amendment Regulation) will modify the boundaries of the Queensland Cultural Centre (QCC). The QCC is a large precinct that includes the Queensland Performing

Arts Centre, a forecourt in front of the Queensland Museum South Bank, the State Library of Queensland, the Queensland Art Gallery and the Gallery of Modern Art. Also included in this area is the Cultural Centre Pontoon that is adjacent to the State Library. This pontoon is declared a state building under the SBPS regulation through the reference to the map area Lot 100 of SP259360.

Ownership of the Cultural Centre Pontoon has been transferred from Arts Queensland to the Department of State Development, Infrastructure, Local Government and Planning and this area is managed by City Parklands Services. Protective Services does not provide and is not responsible for security services in this area. Consequently, this area is no longer required to be listed as a state building under the SBPS regulation.

Additionally, the Amendment Regulation will allow current security arrangements at the Queensland Cultural Centre and Legal Aid Queensland offices in the Brisbane CBD to continue into the future through amending the SBPS Regulation by declaring these areas as state buildings until 31 August 2022.

Achievement of policy objectives

The Amendment Regulation achieves its objectives by amending the *State Buildings Protective Security Regulation 2008* by amending the boundary of the Queensland Cultural Centre and by providing that the Queensland Cultural Centre and Legal Aid Queensland offices in the Brisbane CBD are state buildings until 31 August 2022.

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

The Amendment Regulation will ensure that the current security arrangements at the Queensland Cultural Centre and Legal Aid Queensland offices in the Brisbane CBD are able to continue into the future.

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 Amendment Regulation is exempt from regulatory impact analysis as it falls within the following exclusion category outlined in the *Queensland Government Guide to Better Regulation*:

- (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 Amendment Regulation.

Legal Aid Queensland was consulted with regard to the regulation as it related to their organisation.