

Proclamation - Police Service Administration and Other Legislation Amendment Act 2023

Explanatory notes for SL 2023 No. 63

made under the

Police Service Administration and Other Legislation Amendment Act 2023

General Outline

Short title

Proclamation - Police Service Administration and Other Legislation Amendment Act 2023

Authorising law

Section 2 of the *Police Service Administration and Other Legislation Amendment Act 2023*

Policy objectives and the reasons for them

The objective of the Proclamation is to commence part 2, division 3 of part 3, division 3 of part 5 and part 2 of schedule 1 of the *Police Service Administration and Other Legislation Amendment Act 2023* (the Amendment Act) on 1 July 2023. The Amendment Act was assented to on 5 April 2023. The remaining provisions of the Amendment Act, which are to commence on proclamation, will deliver improvements to the Queensland Police Service (QPS) and Queensland Fire and Emergency Services (QFES).

Part 2 of the Amendment Act will amend section 20B of the *Disaster Management Act 2003* by providing that the chairperson of the Queensland Disaster Management Committee must ensure that a notice given to a local government under this section and a statement acknowledging that the notice had been given to the local government is published on the website of the department administering the *Planning Act 2016*. Part 2 will also streamline this process by providing for a single notice to be given to the local government and published online.

Division 3 of part 3 of the Amendment Act will amend the *Fire and Emergency Services Act 1990* (FES Act) by:

- clarifying that an authorised fire officer may enter premises and open a receptacle using a remote-controlled device for preventative or investigative purposes;

- allowing the Commissioner appointed under the FES Act to suspend as well as grant, amend or revoke, a permit to light a fire;
- clarifying the circumstances in which QFES can share information with the QPS about investigations into fires and hazardous materials emergencies involving death or serious injury to a person;
- clarifying an occupier's obligation to maintain prescribed fire safety installations that are located outside of the occupier's building; and
- enabling members of interstate fire brigades to assist at hazardous materials emergencies and rescues, as well as at fires, in Queensland.

Division 3 of part 5 of the Amendment Act improves the QPS police discipline system by amending the *Police Service Administration Act 1990* by:

- allowing the commencement of a police disciplinary proceeding to be delayed until related applications for domestic violence protection orders naming the subject member as the respondent are finalised;
- clarifying the time frame that will apply to the discipline process when an Abbreviated Disciplinary proceeding is initially offered but later fails;
- expanding the definition of 'prescribed operation' to include investigations using surveillance devices and similar operations conducted by other law enforcement agencies so that the grounds for disciplinary action will be deemed to commence at the end of these operations avoiding any potential impact that may arise through instituting a police disciplinary proceeding during the course of a prescribed operation; and
- allowing another 'prescribed officer' to continue a disciplinary proceeding if the originally assigned prescribed officer cannot finalise the proceeding.

Part 2 of schedule 1 of the Amendment Act makes consequential amendments.

Achievement of policy objectives

The policy objective is achieved by fixing a commencement date of 1 July 2023 for the provisions of the Amendment Act that are not yet in force.

Consistency with policy objectives of authorising law

The Proclamation is consistent with the policy objectives of the Amendment Act.

Inconsistency with policy objectives of other legislation

The Proclamation is not inconsistent with the 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 commencement of the remaining provisions will result in benefits through promoting efficiencies for QFES and the QPS. The explanatory notes for the Police Service

Administration and Other Legislation Amendment Bill (No. 2) 2022 noted that any costs incurred through the implementation of the amendments will be met through the existing budgets of the QPS and QFES. There are no anticipated additional costs to the Government.

Consistency with fundamental legislative principles

The Proclamation is consistent with fundamental legislative principles.

Consultation

No consultation was undertaken as the Proclamation is machinery in nature.

A self-assessment undertaken by the QPS under the *Queensland Government Guide to Better Regulation* determined that the Proclamation is exempt from regulatory impact analysis as it falls within the agency-assessed exclusion category (g) 'regulatory proposals that are of a machinery nature'. Consequently, the Office of Best Practice Regulation was not consulted about the Proclamation.