

Proclamation—Police Powers and Responsibilities and Other Legislation Amendment Act (No. 1) 2023

Explanatory notes for SL 2023 No. 138

made under the

Police Powers and Responsibilities and Other Legislation Amendment Act (No. 1) 2023

General Outline

Short title

Proclamation - Police Powers and Responsibilities and Other Legislation Amendment Act (No. 1) 2023

Authorising law

Section 2 of the *Police Powers and Responsibilities and Other Legislation Amendment Act (No. 1) 2023*

Policy objectives and the reasons for them

The objective of the Proclamation is to commence part 2 of the *Police Powers and Responsibilities and Other Legislation Amendment Act (No. 1) 2023* (the Amendment Act) on 1 October 2023. The Amendment Act was assented to on 2 May 2023 and all parts commenced on assent except for part 2 which contains amendments to the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004* (CPOROPO Act).

The amendments in part 2 adjust the reporting periods for reportable offenders, who are not post *Dangerous Prisoners (Sexual Offenders) Act 2003* reportable offenders (post-DPSOA reportable offenders), to 10 years, 20 years and life. A Post-DPSOA reportable offender is currently subject to life reporting obligations and these amendments make no changes to their existing reporting obligations.

The reporting periods for child offenders will change to 2.5 years, 4 years and a maximum of 7.5 years. With the exception of the new 4 year reporting period for child offenders, the amendments do not change how reporting periods are calculated for child or adult offenders.

The additional reporting periods aim to ensure that offenders who commit sexual or other serious offences against children continue to be monitored by police to reduce the likelihood that they will reoffend.

The proposed changes are not retrospective. They will only apply to offenders who are convicted of a prescribed offence or have an offender reporting order made in relation to their offending, after the commencement of the amendments.

Other provisions related to suspension and appeal provisions under the CPOROPO Act will continue to apply to existing and new reportable offenders.

Achievement of policy objectives

The policy objective is achieved by fixing a commencement date of 1 October 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 part 2 will result in benefits to the community by ensuring that offenders who commit sexual or other offences against children will continue to be monitored for longer time periods to reduce the likelihood that they will reoffend. The explanatory notes for the Police Powers and Responsibilities and Other Legislation Amendment Bill 2022 noted that any costs incurred through the implementation of the amendments will be met through the existing budgets of the QPS. 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.

In accordance with *The Queensland Government Better Regulation Policy*, the QPS has examined this regulatory proposal and concluded that it is minor and machinery in nature and therefore no further regulatory impact analysis is required.