

Information Privacy and Other Legislation Amendment Act 2023

Explanatory notes for SL 2024 No. 54

Made under the

Information Privacy and Other Legislation Amendment Act 2023

General Outline

Short Title

Proclamation commencing certain provisions of the *Information Privacy and Other Legislation Amendment Act 2023*

Authorising law

Section 2 of the *Information Privacy and Other Legislation Amendment Act 2023*

Policy objectives and the reasons for them

The objective of the Proclamation is to fix 28 June 2024 as the commencement date for part 2 and schedule 1, part 2 (limited only to the amendments to the *City of Brisbane Act 2010*, *Criminal Code*, *Local Government Act 2009* and the *Police Powers and Responsibilities Act 2000*) of the *Information Privacy and Other Legislation Amendment Act 2023* (IPOLA Act).

The IPOLA Act was passed on 29 November 2023 and received assent on 4 December 2023.

Section 2 of the IPOLA Act provides for commencement of certain provisions on a day to be fixed by proclamation.

Part 2 of the IPOLA Act contains amendments (and a related transitional provision) to the Criminal Code offence of 'Computer hacking and misuse' in section 408E to improve its operation and clarity, having regard to the underlying issues forming the basis of recommendation 10 in the Crime and Corruption Commission's report, *Operation Impala, A report on misuse of confidential information in the Queensland public sector*, tabled in the Legislative Assembly on 21 February 2020.

Schedule 1, part 2 of the IPOLA Act contains consequential amendments to certain other Acts to refer to the amended heading for the offence in section 408E of the Criminal Code.

Achievement of policy objectives

The policy objective is achieved by fixing 28 June 2024 as the commencement date for the following provisions in the IPOLA Act:

- part 2 (Amendment of Criminal Code); and
- part 2 (Amendments commencing by proclamation) of schedule 1 (Other amendments) limited to the amendments of the:
 - *City of Brisbane Act 2010*
 - Criminal Code
 - *Local Government Act 2009*; and
 - *Police Powers and Responsibilities Act 2000*.

Consistency with policy objectives of authorising law

The Proclamation is consistent with the objectives of the authorising law.

Inconsistency with policy objectives of other legislation

The Proclamation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The benefit of the Proclamation is the commencement of amendments to the offence in section 408E of the Criminal Code (and related consequential amendments) designed to improve the operation and clarity of the offence.

Any costs associated with commencing the provisions will be met from within existing budget allocations.

Consistency with fundamental legislative principles

The Proclamation is consistent with fundamental legislative principles.

Consultation

A draft of the Information Privacy and Other Legislation Amendment Bill 2023 (the Bill), including the amendments relating to section 408E of the Criminal Code, was released for targeted stakeholder consultation.