

Proclamation No. 1 – Police Powers and Responsibilities and Other Legislation Amendment Act 2024

Explanatory notes for SL 2024 No. 86

made under the

Police Powers and Responsibilities and Other Legislation Amendment Act 2024

General Outline

Short title

Proclamation commencing certain provisions of the *Police Powers and Responsibilities and Other Legislation Amendment Act 2024*

Authorising law

Section 2 of the *Police Powers and Responsibilities and Other Legislation Amendment Act 2024*

Policy objectives and the reasons for them

The objective of the proclamation is to commence certain provisions of the *Police Powers and Responsibilities and Other Legislation Amendment Act 2024* (PPROLA Act). The provisions commenced by the proclamation:

- amend the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004* in relation to the power to take photographs of reportable offender's breasts where necessary, including relevant safeguards;
- amend the *Crime and Corruption Act 2001* for the exercise of personal search powers and other minor amendments to remove gendered language;
- amend the *Mental Health Act 2016* and *Public Health Act 2005* to ensure gender-related needs can be considered during certain searches required to be undertaken in Authorised Mental Health Services and public sector health service facilities;
- amend the *Police Powers and Responsibilities Act 2000* for the exercise of powers relating to personal searches, inspections of persons' belonging, the performance of some forensic procedures requiring a helper and other minor amendments to remove gendered language;
- amend the *Summary Offences Act 2005*, *Terrorism (Preventative Detention) Act 2005*, and the legislation mentioned at schedule 1, part 2 to remove unnecessary gendered language.

The provisions make the necessary amendments to ensure that trans and gender diverse people receive the same protections as other Queenslanders without making specific reference to gendered language, unless absolutely necessary.

Achievement of policy objectives

The policy objective is achieved by fixing a commencement date of 24 June 2024 for the following amendments to the legislation mentioned at section 2 of the Act–

- part 2 (Amendment of *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004*);
- part 4 (Amendment of *Crime and Corruption Act 2001*)
- part 5 (Amendment of *Mental Health Act 2016*);
- part 7 (Amendment of *Police Powers and Responsibilities Act 2000*);
- part 8 (Amendment of *Public Health Act 2005*);
- part 9 (Amendment of *Summary Offences Act 2005*);
- part 10 (Amendment of *Terrorism (Preventative Detention) Act 2005*; and
- schedule 1, part 2.

Consistency with policy objectives of authorising law

The proclamation is consistent with the policy objectives of the PPROLA 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 Explanatory Notes for the PPROLA Act noted that there are no costs to Government in implementing the PPROLA Act. The proclamation of certain amendments to the legislation mentioned at section 2 of the Act will ensure that all Queenslanders receive the same protections without making specific reference to gendered language, not reasonably practicable.

Consistency with fundamental legislative principles

The proclamation does not conflict with fundamental legislative principles.

Consultation

The Proclamation commences certain amendments in the PPROLA Act and is minor and machinery in nature. No regulatory impact analysis is required under the Queensland Government Better Regulation Policy.