

Report to Parliament by the Minister for Police, Fire and Emergency Services and Minister for Corrective Services - Compliance with subsection 56A(4) of the *Statutory Instruments Act 1992*

PURPOSE:

1. To inform Parliament in compliance with subsection 56A(4) of the *Statutory Instruments Act 1992* (the SIA) that an extension regulation made under subsection 56A(2) of the SIA has preserved from expiry seven items of subordinate legislation administered by the Queensland Police Service (QPS) for a further 12 months, from 1 September 2015 to 31 August 2016.

LEGISLATIVE BASIS FOR REPORT:

2. Subsection 54(1)(b) of the SIA provides for the automatic expiry of subordinate legislation on 1 September first occurring after the 10 year anniversary of the day of its making unless a regulation is made under the Act that exempts it from expiry. Subsection 56A(1) of the SIA provides for a regulation to be made under that Act to exempt such subordinate legislation from expiry for a stated period of not more than one year after the subordinate legislation would otherwise expire. Such an exemption is justified for a number of reasons, including the Act under which the subordinate legislation is made is subject to review.
3. Subsections 56A(2) and (3) of the SIA provide for the initial exemption period to be further extended by regulation (extension regulation) for periods of not more than one year each, provided the Act under which the subordinate legislation is made is still subject to review. In these circumstances, subsection 56A(4) of the SIA requires that within seven sitting days after the extension regulation is made, the responsible Minister for the subordinate legislation being exempted must table in the Legislative Assembly a report stating:
 - how the Act is subject to review;
 - the extent to which the Act is being reviewed; and
 - when the Minister expects the review to end.

BACKGROUND:

4. On 27 August 2015 the *Statutory Instruments Amendment Regulation (No. 1) 2015* (the extension Regulation) was made by the Governor in Council. The extension Regulation preserved the following regulations administered by the QPS for a further 12 months from 1 September 2015:
 - *Australian Crime Commission (Queensland) Regulation 2004*;
 - *Child Protection (Offender Reporting) Regulation 2004*;
 - *Police Service Administration Regulation 1990*;

- *Police Service Administration (Review of Decisions) Regulation 1990;*
- *Police Service (Discipline) Regulations 1990;*
- *Police Service (Ranks) Regulation 1991; and*
- *Weapons Regulation 1996.*

INFORMATION REQUIRED BY SUBSECTION 56A(4) OF THE SIA:

Australian Crime Commission (Queensland) Act 2003

5. How the *Australian Crime Commission (Queensland) Act 2003* is subject to review: The QPS is currently reviewing the effectiveness of this Act and its Regulation.
6. The extent to which the *Australian Crime Commission (Queensland) Act 2003* is being reviewed: As the review is about the effectiveness of the Act, the scope of the review is the Act and its Regulation in entirety.
7. When the Minister expects the review to end: It is anticipated the review of the *Australian Crime Commission (Queensland) Act 2003* will be finalised towards the end of 2016.

Child Protection (Offender Reporting) Act 2004

8. How the *Child Protection (Offender Reporting) Act 2004* is subject to review: The review of the *Child Protection (Offender Reporting) Act 2004* is ongoing with certain changes coming into effect in 2014 and further changes planned for 2015/16.
9. The extent to which the *Child Protection (Offender Reporting) Act 2004* is being reviewed: The review covers those parts of the *Child Protection (Offender Reporting) Act* to which the extended regulation applies.
10. When the Minister expects the review to end: It is anticipated that the review of the *Child Protection (Offender Reporting) Act 2004* will be finalised prior to expiry of the Regulation in 2016.

Police Service Administration Act 1990

11. How the *Police Service Administration Act 1990* (PSAA) is subject to review: Since its inception, the PSAA has been subject to ongoing internal review and consultation. Although the PSAA has been amended from time to time to address urgent legislative matters, a comprehensive review of the Act was not commenced until 2014. The first stage of that review resulted in amendments made to the PSAA by the *Public Safety Business Agency Act 2014*.
12. The second stage of the review is currently ongoing and is expected to be completed by the end of 2015. It will address changes required to give effect to the Queensland Police Service renewal and reform agenda and other administrative activities and identify amendments to be made to the Act to modernise provisions and processes and create efficiencies.
13. As a result of the review, the four existing regulations to the PSAA are being consolidated into one new regulation. The new regulation is currently being drafted and is expected to be made and commence prior to expiry of the existing regulations on 31 August 2016. The new regulation will consolidate and modernise the provisions of the existing regulations to comply with modern drafting practices.
14. The extent to which the PSAA is being reviewed: The review covers all of the provisions of the PSAA and its four regulations.
15. When the Minister expects the review to end: It is anticipated the ongoing PSAA review will be completed by the end of 2015.

Weapons Act 1990

16. How the *Weapons Act 1990* is subject to review: The QPS is conducting a review of the *Weapons Act 1990* and its two regulations, in accordance with the statutory requirement to review subordinate legislation every 10 years.
17. As a result of the review, a proposed amendment regulation is in the process of being prepared for consideration and approval of the Minister for Police, Fire and Emergency Services and Minister for Corrective Services.
18. The extent to which the *Weapons Act 1990* is being reviewed: The review covers the *Weapons Act 1990* as it relates to the provisions of the *Weapons Regulation 1996* and *Weapons Categories Regulation 1997*.

19. When the Minister expects the *Weapons Act* review to end: It is anticipated that amendment regulation to the *Weapons Regulation 1996* and the *Weapons Categories Regulation 1997* will be progressed for approval prior to the expiry of the *Weapons Regulation 1996* in 2016.



Jo-Ann Miller MP

**Minister for Police, Fire and Emergency Services
and Minister for Corrective Services**

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