

Police Powers and Responsibilities Amendment Regulation 2026

Explanatory notes for SL 2026 No. 10

made under the

Police Powers and Responsibilities Act 2000

General Outline

Short title

Police Powers and Responsibilities Amendment Regulation 2026

Authorising law

Section 809 of the *Police Powers and Responsibilities Act 2000*

Policy objectives and the reasons for them

The *Animal Care and Protection Act 2001* (ACP Act) endeavours to protect animals from unjustifiable, unnecessary or unreasonable pain and creates offences for certain conduct. Even though the ACP Act is administered by the Department of Primary Industries (DPI), historically, the Queensland Police Service has commenced prosecutions under the ACP Act.

In November 2021, the Queensland Audit Office (QAO) recommended for DPI to amend its legislation to ensure oversight over prosecutions, specifically by the Royal Society for the Prevention of Cruelty to Animals, under the ACP Act including the decision to prosecute. The *Animal Care and Protection Amendment Act 2022* (ACPAA) gave effect to this QAO recommendation. It amended section 178 of the ACP Act to provide that a prosecution may only be started by a person authorised by the Chief Executive of DPI.

The objective of the *Police Powers and Responsibilities Amendment Regulation 2026* (the Amendment Regulation) is to correct the unintended consequence of the ACPAA which removed the ability for police officers to independently commence prosecutions under the ACP Act.

Achievement of policy objectives

The Amendment Regulation achieves its policy objective by amending the *Police Powers and Responsibilities Regulation 2012* (PPRR).

Section 799 of the *Police Powers and Responsibilities Act 2000* (PPRA) explicitly exists for such situations. The purpose of section 799 of the PPRA is to permit a police officer to start a proceeding for an offence under an Act even if that Act usually restricts or prevents a police officer from doing so. By prescribing the ACP Act in Schedule 5 of the PPRR a police officer may start a proceeding against the person for the offence. The only condition is that as soon as reasonably practicable after starting the proceeding, a police officer must inform the chief executive of the DPI of the starting of the proceeding.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the objectives of the authorising Act.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives.

Benefits and costs of implementation

The Amendment Regulation will remove the administrative burden of seeking DPI approval to start prosecutions for offences under the ACP Act by including the ACP Act in Schedule 5 of the PPRR, allowing police officers to once again commence prosecutions under the ACP Act without prior approval. This approach is consistent with how prosecutions are commenced under many other pieces of legislation as there are currently 15 other Acts already prescribed for within Schedule 5 of the PPRR.

The Amendment Regulation is not expected to impose a significant financial burden on industry or the community. The implementation of the Amendment Regulation will be met through existing budgets.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with the fundamental legislative principles in section 4 of the *Legislative Standards Act 1992*.

Consultation

As the amendments contained within the Amendment Regulation are minor and machinery in nature, community consultation was not undertaken.

A summary Impact Analysis Statement has been completed that identifies that the amendments are not subject to regulatory impact assessment requirements under the *Queensland Government Better Regulation Policy* as it is a regulatory proposal relating to police powers.