

LEGAL AFFAIRS AND COMMUNITY SAFETY COMMITTEE

Report No. 44 on the

Police Powers and Responsibilities and Other Legislation Amendment Bill 2013

QUEENSLAND GOVERNMENT RESPONSE

INTRODUCTION

On 12 September 2013, the Police Powers and Responsibilities and Other Legislation Amendment Bill 2013 (the Bill) was introduced into Parliament.

The Bill was subsequently referred to the Legal Affairs and Community Safety Committee (the Committee) with a report due by 11 November 2013.

On 11 November 2013, the Committee tabled Report No. 44 in relation to the Bill (the Report).

The Queensland Government response to the Committee's recommendations and application of fundamental legislative principles are provided below.

RESPONSE TO RECOMMENDATIONS:

Recommendation 1

The committee recommends the Police Powers and Responsibilities and Other Legislation Amendment Bill 2013 be passed.

- Queensland Government response:

The Queensland Government thanks the Committee for its timely consideration of the Bill and appreciates the Committee's recommendation that the Bill be passed.

Recommendation 2

The Committee recommends the Minister for Police and Community Safety give consideration to including the further list of examples suggested by the Queensland Law Society in section 53BH(3) of the Bill to improve the clarity of how the 'reasonable steps' defence is intended to operate.

- Queensland Government response: **Not Supported.**

The Government notes that the Bill already provides examples outlining the reasonable steps that may be taken to prevent the event becoming an out-of-control event.

The Government considers that providing further examples will not significantly advance an understanding of how the 'reasonable steps' defence will operate.

The Government is satisfied that the judiciary can determine, through considering the individual merits of each case, whether a person has taken reasonable steps to prevent an event from becoming out-of-control. It is the Government's view that providing further examples of what are or are not 'reasonable steps' will not be of additional assistance in this regard. Consequently, this recommendation is not supported.

Recommendation 3

The Committee recommends the Minister for Police and Community Safety conduct a review of the operation and use of the new Part 7 Out-of-control events and report to Parliament within two years of commencement.

- Queensland Government response: **Supported**

Section 807 of the *Police Powers and Responsibilities Act 2000* (Qld) (the Act) prescribes that the Minister must ensure the operation of this Act is regularly reviewed. The Government considers that this provision will allow for the timely review of the new Part 7 of the Act.

It is anticipated the Act will be reviewed in 2014 and any issues regarding the operation and use of the new Part 7 will become apparent as part of the overall review of the Act.

The Government considers the ongoing review of the Act will address the Committee's recommendation to conduct a review of the new Part 7 within two years of its commencement.

Recommendation 4

The Committee recommends clause 39 be omitted from the Bill

- Queensland Government response: **Supported**

Clause 39 concerned amendments to section 754 of the Act. Similar amendments to this section were included in the Criminal Law (Criminal Organisations Disruption) Amendment Bill 2013. As a consequence, an amendment as outlined in clause 39 of the Bill is no longer required and will not be sought.

The Queensland Government thanks the Committee for its consideration of the Bill.