

*A. L. Thompson*  
26.9.04



**Report to Parliament by the Minister for Police and Corrective Services  
and Minister Assisting the Premier on the Carpentaria Minerals Province  
in compliance with s.56A(4) of the *Statutory Instruments Act 1992***

**PURPOSE:**

1. To advise Parliament in compliance with s.56A(4) of the *Statutory Instruments Act 1992* (the SIA) that an extension regulation made under s.56A(2) of that Act preserves four items of subordinate legislation administered by the Queensland Police Service (the Service) for a second or third occasion.

**LEGISLATIVE BASIS FOR REPORT:**

2. This report has been produced because of the operation of Part 7 "Staged automatic expiry of subordinate legislation" of the SIA. This Part provides for the automatic expiry of subordinate legislation on the 1 September first occurring after the 10th anniversary of the day of its making unless a regulation is made that exempts it from expiry for an initial period of not more than one year under s.56A(1) of that Act. Such an exemption is justified for a number of reasons including the Act under which the subordinate legislation is made or preserved is subject to review.
3. The period of exemption stated in the initial regulation may be extended by further regulation (extension regulation) for periods of not more than one year each under s.56A(2) of the SIA provided the Act under which the subordinate legislation is made or preserved is still subject to review.
4. In these circumstances, s.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 or provision is subject to review;
  - the extent to which the Act or provision is being reviewed; and
  - when the Minister expects the review to end.

**BACKGROUND:**

5. A review of the *Police Service Administration Act 1990* (the PSAA) and its four Regulations and one Order is being undertaken by the Service. This review is in accordance with s.10.27 "Review of Act" of the PSAA. It is anticipated that an Authority to Prepare Cabinet Submission for the proposed *Police Service and Other Acts Amendment Bill* to replace the PSAA and consequentially amend other Acts will be completed within the next 12 months. It is proposed that the five items of subordinate legislation that were made under the PSAA will be incorporated into a single regulation to commence after Parliament's passing of the new *Police Service Act*.

6. In the interim, because of the SIA's requirements, the Service requested the Department of the Premier and Cabinet to preserve the following items of subordinate legislation that are administered by the Service from expiry for 12 months from 1 September 2003 to 31 August 2004 on the basis that the PSAA review has not been completed:
- (i) *Police Service Administration Regulation 1990* (Third extension – s.56A(2) and s.56A(3)(b) of the SIA);
  - (ii) *Police Service Administration (Review of Decisions) Regulation 1990* (Third extension – s.56A(2) and s.56A(3)(b) of the SIA);
  - (iii) *Police Service (Discipline) Regulation 1990* (Third extension – s.56A(2) and s.56A(3)(b) of the SIA);
  - (iv) *Police Service (Ranks) Regulation 1991* (Second extension – s.56A(2) and s.56A(3)(b) of the SIA); and
  - (v) *Police Service Administration (Police Services Charges) Order 1992* (First extension – s.56(1)(b) of SIA).
7. Consequently, the *Statutory Instruments Amendment Regulation (No. 2) 2003* that was made by the Governor in Council on 21 August 2003 includes these five regulations. It was notified in the Queensland Government Gazette on 22 August 2003.
8. This Report to Parliament has been completed with respect to the four regulations (i) – (iv) in compliance with s.56A(4) of the SIA on the basis that they have been further preserved for a second or third occasion.

#### **INFORMATION REQUIRED BY S.56A(4) OF THE SIA:**

9. How the PSAA is subject to review: The Service's Legislation Development Unit is undertaking a three-stage project to replace the PSAA and its subordinate legislation with a new Act and one consolidated regulation. The first stage has been completed. This involved a Working Group assessing over 100 submissions and report recommendations that impacted on the PSAA and its five items of subordinate legislation. The Working Group included representatives from the Service and from external stakeholder organisations including the Queensland Police Union of Employees and the then Criminal Justice Commission.
10. The second stage of the review involves the Service's Legislation Development Unit researching the need for further amendments to the PSAA, and consequentially to other Acts, to address new needs and requirements arising from the day-to-day administration and operation of the Service. For example, the proposed Bill will provide for the limited empowerment of assistant watchhouse officers at the Brisbane City Watch-house and at any other watch-house where such persons may be subsequently employed.

11. The third stage of the review will involve the final adjudication of the Service's position towards each of the project's recommendations by designated executive officers and other senior members of the Service before commencement of the Ministerial and Cabinet processes to progress the *Police Service and Other Acts Amendment Bill* to completion.
12. The extent to which the PSAA is being reviewed: The review will cover all of the current provisions of the PSAA and its subordinate legislation.
13. When the Minister expects the review to end: The second stage of the PSAA review is nearing completion. The designated executive officers and senior members of the Service have commenced adjudicating some of the project's recommendations that have been made to date. It is not anticipated that the third stage of the PSAA review will be completed before early 2004.

I commend this report to the House.



**Minister for Police and Corrective Services and Minister Assisting the Premier on the Carpentaria Minerals Province**

Date:     /     /2003

22 SEP 2003