

# Summary Offences and Other Legislation Amendment Bill 2019

## Explanatory Notes

For

## Amendments To Be Moved During Consideration In Detail By The Honourable Mark Ryan MP, Minister for Police and Minister for Corrective Services

### Short title

Summary Offences and Other Legislation Amendment Bill 2019

### Objectives of the Amendments

The objective of the amendments to be moved during consideration in detail of the Summary Offences and Other Legislation Amendment Bill 2019 (the amendments to the Bill) are to:

- amend the *Police Powers and Responsibilities Act 2000* (PPRA) to allow for the tabling of a report in the Legislative Assembly about the use of police powers associated with the new sections 30(1)(k), 32(1)(p) and 53AA during the financial year;
- clarify the things that are not an attachment device under the new section 14A; and
- clarify that a dangerous substance or thing as it applies to a dangerous attachment device under the proposed amendments to the *Summary Offences Act 2005* (SOA) will mean:
  - any thing likely to explode, when struck or compressed, causing injury to a person; or
  - any thing likely to cut a person's skin while extricating a person from the device; or
  - any substance or thing that requires a person to wear protective clothing to safely handle, cut or break up the thing while extricating a person from the device.

The Summary Offences and Other Legislation Amendment Bill 2019 (the Bill) was referred to the Legal Affairs and Community Safety Committee (the Committee) for

examination. The Committee tabled its report on the Bill on 21 October 2019. The Committee made only one recommendation, namely that the Bill be passed.

However, to promote the accountability of the use of police powers outlined in the Bill, an amendment to the Bill will allow for the tabling of a report detailing their use. This amendment to the Bill will obligate the Commissioner at the end of each financial year to prepare a report that is to be given to the Minister.

This report must contain such relevant information as when and where a person or vehicle was searched by a police officer exercising a search power under the Bill. Further, if property is seized through the exercise of the seizure power under the Bill, the report must contain information about when and where the thing was seized, a description of the thing seized and information about the return, destruction or disposal of the thing.

A copy of this report must be tabled in the Legislative Assembly by the Minister within 14 sitting days of receiving the report.

A second amendment to the Bill clarifies the things that are not an attachment device for the new section 14A of the Bill. This amendment provides that a thing such as glue, a bike lock, a padlock, a rope and a chain will not be an attachment device unless the thing is a component of a dangerous attachment device.

A final amendment to the Bill expands upon the definition of dangerous substance or thing under the Bill by clarifying that this definition will include any thing likely to cut a person's skin or any thing that requires protective clothing to safely handle, cut or break up while extricating a person from the dangerous attachment device.

## **Achievement of policy objectives**

The objective is achieved by the amendments to the Bill:

- inserting a new section 808B into the PPR. The new section will place an obligation upon the Commissioner to prepare a report outlining relevant information about the exercise of police powers outlined in the Bill. This report must be tabled in the Legislative Assembly by the Minister;
- declaring that a prescribed thing is not an attachment device unless it is a component part of a dangerous attachment device; and
- clarifying that the new definition of a dangerous substance or thing under the SOA must be interpreted within the context of its association with a dangerous attachment device. This will be achieved by expanding the definition of a dangerous substance or thing to include any thing likely to cut a person's skin or any thing that requires protective clothing to safely handle, cut or break up while extricating a person from a dangerous attachment device.

## **Alternative ways of achieving the policy objectives**

There is no alternative way to achieve the policy objective.

## **Estimated cost for government implementation**

Any costs associated with the implementation of these amendments are expected to be minimal and will be met through existing budgets.

## **Consistency with fundamental legislative principles**

These amendments are consistent with fundamental legislative principles.

## **Consultation**

Consultation has been undertaken with the Department of the Premier and Cabinet and the Office of the Queensland Parliamentary Counsel.

## Notes on provisions

*Amendment 1* inserts new clause 6A in the Bill.

*Clause 6A* inserts a new section 808B (Annual report about dangerous attachment devices) into the PPRA.

New section 808B provides that, as soon as practicable after the end of each financial year, the Commissioner must prepare and give to the Minister a report about the use by police officers of powers associated with the new sections 30(1)(k), 32(1)(p) and 53AA.

New section 808B(2) provides that the report must include when and where a person or vehicle was searched and, if any property was seized, when and where the thing was seized, a description of the thing seized and information about the return, destruction or disposal of the thing.

New section 808B(3) requires that the report does not contain information that identifies or is likely to identify a person who has been the subject of the exercise of a power associated with the new sections 30(1)(k), 32(1)(p) and 53AA.

New section 808B(4) further provides that the Minister must table the report in the Legislative Assembly within 14 sitting days after receiving the report.

*Amendment 2* amends clause 11 of the Bill by declaring that prescribed things namely glue, a bike lock, a padlock, a rope and a chain will not be an attachment device unless it is a component part of a dangerous attachment device.

*Amendment 3* inserts a new definition of dangerous substance or thing.

Amendment 3 amends the definition of dangerous substance or thing under clause 11 of the Bill by clarifying that a dangerous substance or thing, for a dangerous attachment device, means:

- any thing likely to explode, when struck or compressed, causing injury to a person; or
- any thing likely to cut a person's skin while extricating a person from the dangerous attachment device; or
- any substance or thing that requires a person to wear protective clothing to safely handle, cut or break up the thing while extricating a person from the dangerous attachment device.