

Penalties and Sentences (Drug and Alcohol Treatment Orders) and Other Legislation Amendment Act 2017

Explanatory notes for SL 2017 No. 231

made under the

Penalties and Sentences (Drug and Alcohol Treatment Orders) and Other Legislation Amendment Act 2017

General Outline

Short Title

Penalties and Sentences (Drug and Alcohol Treatment Orders) and Other Legislation Amendment Act 2017

Authorising law

Section 2 of the *Penalties and Sentences (Drug and Alcohol Treatment Orders) and Other Legislation Amendment Act 2017*.

Policy objectives and the reasons for them

The *Penalties and Sentences (Drug and Alcohol Treatment Orders) and Other Legislation Amendment Act 2017* (the Amendment Act) was assented to on 27 October 2017. The primary policy objective of the Amendment Act is to amend the *Penalties and Sentences Act 1992* to reinstate a specialist Drug Court in Queensland and introduce a new sentencing option (a Drug and Alcohol Treatment Order) for particular offenders whose criminal behaviour is linked to severe drug or alcohol use.

The Drug and Alcohol Treatment Order will be made by a Magistrates Court prescribed by regulation for offenders for whom the court considers the offender's severe substance use disorder contributed to the commission of the relevant offence.

Parts 3 to 5 (other than sections 14 to 16), part 7 (other than sections 32 and 35) and part 8 of the Amendment Act commenced on assent and provide for amendments to the:

- *Criminal Law (Rehabilitation of Offenders) Act 1986*
- *Drugs Misuse Act 1986*
- *Evidence Act 1977*

- *Penalties and Sentences Act 1992*; and
- *Police Powers and Responsibilities Act 2000*

The objective of the Proclamation is to commence the provisions of the Amendment Act relating to the primary policy objective which amend the:

- Criminal Code;
- *Drugs Misuse Act 1986*;
- *Justice and Other Information Disclosure Act 2008*; and
- *Penalties and Sentences Act 1992*.

The provisions of the Amendment Act to be commenced by the Proclamation are:

- part 2;
- sections 14 to 16;
- part 6;and
- sections 32 and 35.

Achievement of policy objectives

The primary policy objective is achieved by fixing 29 January 2018 as the commencement date for the provisions of the Amendment Act that are not in force.

Consistency with policy objectives of authorising law

The Proclamation is consistent with the policy objectives of the Amendment Act.

Inconsistency with policy objectives of other legislation

The Proclamation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

There are no implementation costs for the Proclamation.

Consistency with fundamental legislative principles

The Proclamation is consistent with fundamental legislative principles.

Consultation

There was no consultation on the Proclamation as it is machinery in nature.