

Police Powers and Responsibilities and Other Legislation Amendment Act 2021

Explanatory notes for SL 2021 No. 190

made under the

Police Powers and Responsibilities and Other Legislation Amendment Act 2021

General Outline

Short title

Proclamation commencing sections 11(3), 21 and 23(2) of the *Police Powers and Responsibilities and Other Legislation Amendment Act 2021*.

Authorising law

Section 2(1) of the *Police Powers and Responsibilities and Other Legislation Amendment Act 2021*.

Policy objectives and the reasons for them

The purpose of the Proclamation is to commence sections 11(3) (Decision of parole board), 21 (Temporary periods to decide particular parole applications) and 23(2) (Amendment of Schedule 4 (Dictionary)) of the *Police Powers and Responsibilities and Other Legislation Amendment Act 2021* (Amendment Act).

The Parole Board Queensland (the Board) is a vital part of a robust and effective parole system in Queensland. The Board continues to experience an increase in the number of parole applications over time. The recent COVID-19 public health emergency has only served to compound the increase in parole matters before the Board. As a result, the Board is presently experiencing a significant increase in demand resulting in delays in parole decisions.

As one measure to assist in managing these delays, the commencing provisions aim to support the efficiency and effectiveness of the Board's operations by providing a temporary six-month extension to the timeframes for deciding parole applications. This additional time to make each decision recognises the current volume of matters while ensuring the protection of a legislated timeframe is maintained for the prisoner.

Achievement of policy objectives

The commencing provisions provide the temporary extension of parole consideration timeframes under section 193(3) of the *Corrective Services Act 2006* (CSA).

The extension increases the current timeframes within which the Board must make parole decisions by an additional 60 days. For parole applications, this means from 120 to 180 days or 150 to 210 days for decisions deferred by the Board pending further information.

The Amendment Act temporarily inserts sections 11(3), 21 and 23(2) into Chapter 6, Part 15B of the CSA for a period of six months from commencement. The extended timeframes will apply to parole applications made but not decided before commencement and any parole application made during the extension period. Upon expiry, the sections reinstate the existing timeframes and remove the temporary definitions.

The policy objective is achieved by fixing a commencement date of 10 December 2021 for sections 11(3), 21 and 23(3) of the Amendment Act.

Consistency with policy objectives of authorising law

The Proclamation is consistent with the policy objectives of the authorising law.

Inconsistency with policy objectives of other legislation

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

Alternative ways of achieving policy objectives

There are no alternative means to achieve the policy objectives.

Benefits and costs of implementation

The Explanatory Notes for the Amendment Act noted that there are no costs to Government in implementing the Amendment Act.

Consistency with fundamental legislative principles

The Proclamation is consistent with the fundamental legislative principles in the *Legislative Standards Act 1992*. The consistency of the commencing provisions with fundamental legislative principles is outlined in the explanatory notes to the Amendment Act.

Consultation

The Board was consulted and supports the commencement of these provisions.

The Proclamation meets category (g) *Regulatory proposals that are of a machinery nature*, an agency-assessed exclusion category and accordingly does not require consultation with the Office of Best Practice Regulation, Queensland Productivity Commission.