

Inspector of Detention Services Act 2022

Explanatory notes for SL 2022 No. 185

Made under the

Inspector of Detention Services Act 2022

General Outline

Short Title

Proclamation commencing: Part 1 to the extent it is not in force, other than section 3; Part 2, Division 1; Part 5, other than sections 36, 37 and 38; section 51; Part 7, Division 6 other than sections 86, 93, 94, 96, 97, 98; Part 7, Division 7; and Schedule 1 of the *Inspector of Detention Services Act 2022*.

Authorising law

Section 2 of the *Inspector of Detention Services Act 2022* (the Act).

Policy objectives and the reasons for them

The objective of the Proclamation is to fix 9 December 2022 as the commencement date for the specific provisions of the Act that give effect to the appointment of the Inspector, hiring of staff to support the Inspector's functions (once Inspector commences) and the regulation-making power.

The Act was passed on 30 August 2022 and received assent on 7 September 2022.

Section 2 of the Act provides for commencement on a day to be fixed by proclamation.

The Act gives effect to the Queensland Government's commitment to establish an independent inspectorate to promote and uphold humane treatment and conditions of people detained in prisons, community corrections centres (the Helana Jones Centre), work camps, youth detention centres and police watch-houses.

The Act establishes the role of the Inspector of Detention Services (Inspector) to be held by the Queensland Ombudsman (Ombudsman), with the Inspector to be supported by the Office of the Queensland Ombudsman.

The Inspector will be provided with a period to undertake establishment activities within the Office of the Ombudsman before commencing operations. During this time, the Inspector will undertake implementation activities, including hiring of staff.

Achievement of policy objectives

The policy objective is achieved by fixing 9 December 2022 as the commencement date for the provisions of the Act that give effect to the appointment of the Inspector, hiring of staff to support the Inspector's functions and the regulation-making power.

Consistency with policy objectives of authorising law

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

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

The benefit of the Proclamation is the commencement of the specific provisions of the Act that will allow the Inspector to effectively establish itself within the Office of the Ombudsman during the establishment period.

The Government has allocated \$9.388 million over four years and \$2.974 million per annum ongoing. The funding provides for the Inspector to engage up to 16 FTEs to assist in performing its functions.

Consistency with fundamental legislative principles

The Proclamation is consistent with fundamental legislative principles.

Consultation

The Ombudsman was consulted regarding the proposed commencement date for specific provisions of the Act and is supportive of the approach.

A self-assessment by the Department of Justice and Attorney-General has determined that the proclamation is excluded from regulatory impact analysis under exclusion category (g) of the *Queensland Government Guide to Better Regulation* as it is a regulatory proposal of a machinery nature.