

# **Inspector of Detention Services Act 2022**

Explanatory notes for SL 2023 No. 27

Made under the

*Inspector of Detention Services Act 2022*

## **General Outline**

### Short Title

Proclamation commencing remaining provisions that are not in force 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 1 July 2023 as the commencement date for the provisions of the Act that are not in force.

The Inspector of Detention Services Bill 2021 was passed by the Legislative Assembly 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 the humane treatment and conditions of people detained in prisons, community corrections centres, 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 Ombudsman.

On 9 December 2022, specific provisions of the Act were commenced by Proclamation (SL 2022 No. 185). These provisions gave effect to the appointment of the Inspector, hiring of staff to support the Inspector's functions and the regulation-making power.

The purpose of the staged commencement is to provide the Office of the Ombudsman with a period to establish the Inspector within the office; and commence implementation and communication activities ahead of the commencement of the Inspector's operations.

It is intended that the remaining provisions of the Act that are not in force will commence on 1 July 2023. The Inspector's operations will commence on this day.

## **Achievement of policy objectives**

The policy objective is achieved by fixing 1 July 2023 as the commencement date for the provisions of the Act that are not in force.

## **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 provisions of the Act that are not yet in force, which will allow the Inspector to commence operations.

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 Inspector was consulted regarding the proposed commencement date for the provisions of the Act not in force. Key government and non-government stakeholders across a range of sectors that either have direct involvement with, or an interest in, the detention environment in Queensland were consulted in the development of the Inspector Act.

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.