

Roger McCarthy

From: Margaret Forrest <Margaret.Forrest@ministerial.qld.gov.au>
Sent: Monday, 21 July 2014 2:49 PM
To: Louise Shephard
Cc: Jennifer Lang; David Ford; Roger McCarthy; Nathan Ruhle; Carolyn McAnally; Julie Rylko
Subject: RE: Brief re SNO Legislation Amendment Bill 1454864

Hi Louise

No worries, could you please amend the letter and email me a copy so I can swap with the one we have?

Thank you

Maggie

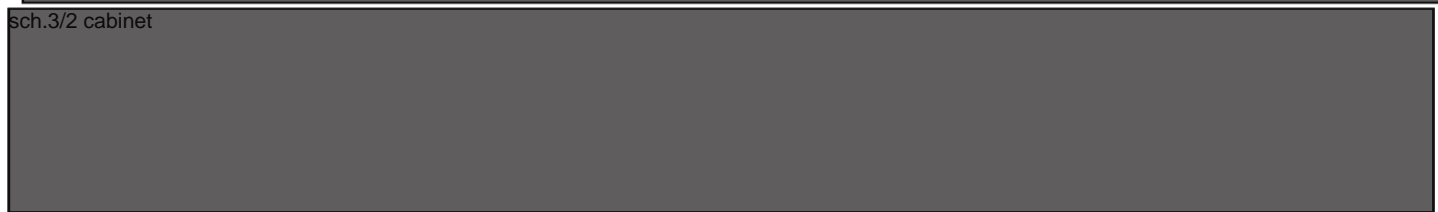
From: Louise Shephard [mailto:Louise.Shephard@justice.qld.gov.au]
Sent: Monday, 21 July 2014 2:43 PM
To: Margaret Forrest
Cc: Jennifer Lang; David Ford; Roger McCarthy; Nathan Ruhle; Carolyn McAnally; Julie Rylko
Subject: RE: Brief re SNO Legislation Amendment Bill 1454864

Hi Maggie,

s.73(2)



sch.3/2 cabinet



Regards,

Louise Shephard
Director
Strategic Policy, Legal & Executive Services
Department of Justice and Attorney-General
Phone: 32396084

From: Jennifer Lang
Sent: Monday, 21 July 2014 12:48 PM

In reply please quote: 1454854

The Honourable Campbell Newman MP
Premier
Member for Ashgrove
PO Box 15185
CITY EAST QLD 4002

Dear Premier

s.73(2) not relevant

s.73(2)

I also wish to amend the Bill so that certain criminal law provisions commence on assent. s.73(2)

s.73(2)

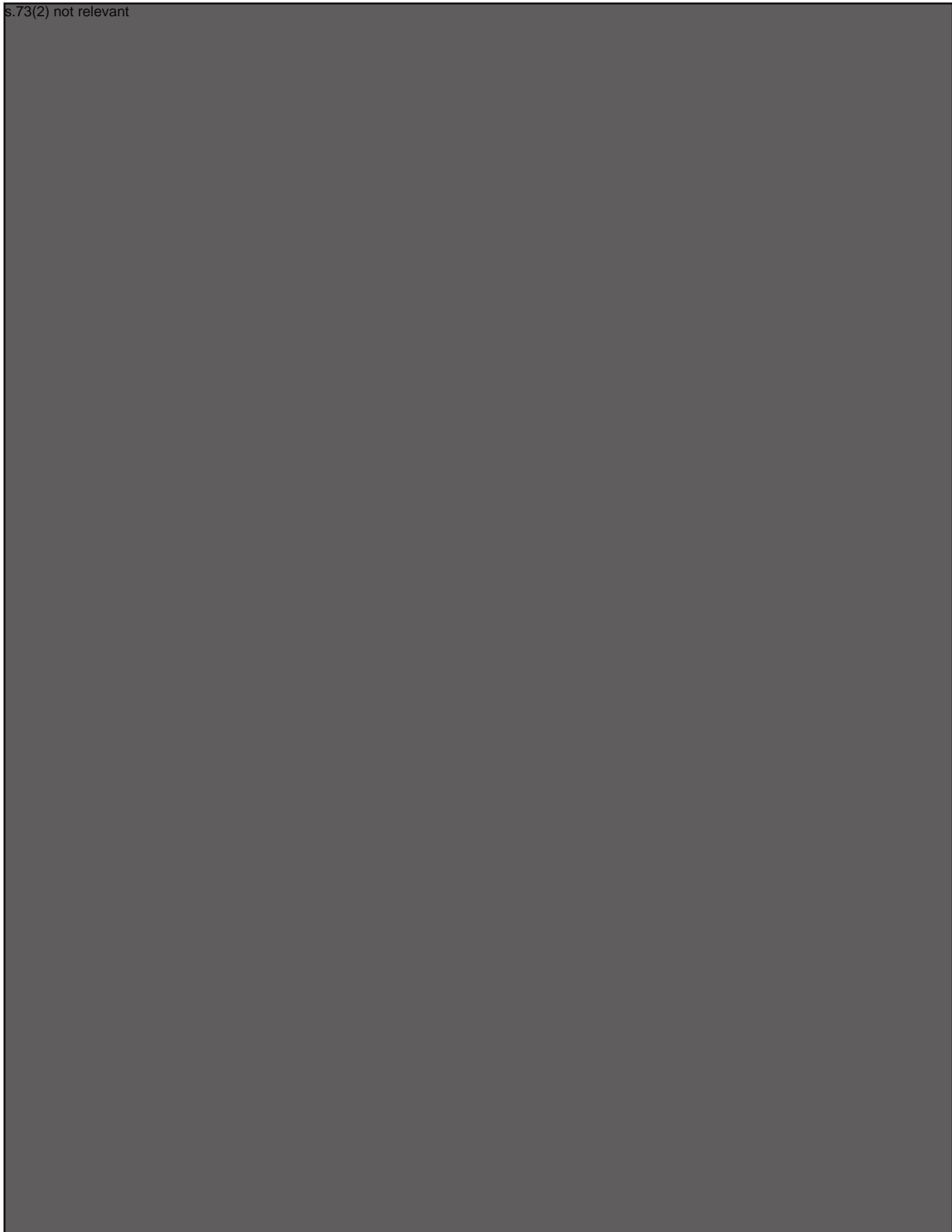
The provisions relating to mandatory community service orders and mandatory drug and alcohol assessment and referral as a condition of bail, will remain as commencing upon proclamation, given implementation time is required for these initiatives.

As a consequence of consideration of the Bill by the Legal Affairs and Community Safety Committee (the Committee) and further analysis by the Department of Justice and the Attorney-General (DJAG) and the Queensland Police Service (QPS), a number of necessary amendments to the Bill have been identified.

(2)

Many of the amendments are minor in nature to improve the clarity and effectiveness of the proposed legislation. Other amendments make more significant changes to address particular concerns, and are outlined below.

s.73(2) not relevant



QPS amendments

The QPS is also seeking clarifying amendments to the Criminal Code, the *Bail Act 1980*, ^{s.73(2)} [REDACTED] and has requested that I forward these amendments to you. The drafting instructions containing details of the proposed QPS amendments to the Bill are provided (**Attachment D**), for your approval.

The Bill is currently before the Legal Affairs and Community Safety Committee. To allow for drafting of the amendments by the Office of the Queensland Parliamentary Counsel and the preparation of explanatory materials, your response to making these proposed amendments during consideration in detail of the Bill by 24 July 2014 would be appreciated.

Should officers from your Department require any further information, they may contact Mr Dominic Tennison, Director, Office of Regulatory Policy, DJAG on 3033 0025, who would be pleased to assist.

Yours sincerely

JARROD BLEIJIE MP
Attorney-General and Minister for Justice

Enc.



(5)

Prepared by: Stephen Nicolson
Telephone Number: 324 73886
Submitted through: Dominic Tennison
Date: 16 July 2014
Document Name: 1454854
Endorsed by: Linda Woo, Executive Director, ORP

From: Louise Shephard
Sent: Friday, 15 August 2014 12:21 PM
To: Margaret Forrest; Nathan Ruhle
Cc: Jennifer Lang; Roger McCarthy; Carolyn McAnally
Subject: QPS issue with DAAR course - Safe Night Out Bill
Attachments: DAAR in practice.docx

Importance: High

Hi Maggie and Nathan,

Just want to give you the heads up about this issue raised by QPS about the mandatory bail condition to attend a DAAR course.

As you know, the Safe Night Out Legislation Amendment Bill 2014 creates a new mandatory bail condition to apply to defendants aged 18 years and over who are charged with prescribed offences of violence where it is alleged that the offence was committed in a public place while they were adversely affected by an intoxicating substance. For these defendants a grant of bail must include a condition that they complete a Drug and Alcohol Assessment and Referral (DAAR) course.

New section 11AB is currently framed to apply to a grant of bail made by a police officer or the court. In comparison, existing section 11(9) of the Bail Act (which allows for a condition that the defendant participate in a rehabilitation, treatment or other intervention program or course) applies only to bail granted by the Court and not the police as the bail granting authority.

Given the policy intention was that the DAAR course be a mandatory bail condition, the Bill was intentionally drafted so as to apply to both police and court issued bail.


On Friday, 8 August 2014 a meeting was held between Queensland Health representatives, DJAG courts representatives, QPS representatives and Carolyn McAnally (who drafted the provision with OQPC) to further discuss the operational implementation of this new condition (discussions have been ongoing since introduction about implementation btn QHealth, DJAG Courts and it is understood QPS).

Attached is an overview of how DJAG Strategic Policy understands the new bail condition will be implemented in practice.

During the course of the Friday meeting, QPS flagged some significant implementation concerns should the Watchhouse manager or Arresting Officer be required to include the DAAR condition on a grant of police issued bail, including concerns as to the capacity of an 'intoxicated' offender to comprehend the condition on the night of arrest, the volume of offenders that may be processed through the large watch houses (particularly Brisbane), and the capacity of Watchhouse managers and frontline police to take on further duties in the form of securing appointments for a DAAR course, reporting to and from the coordination service and service providers, monitoring and compliance of those who are given the bail condition as well as referrals for prosecution of breaches of the bail condition.

A potential solution to the issue proposed at the meeting was to omit the reference to police in terms of new section 11AB and therefore confine the provision to Court issued bail only (consistent with section 11(9) of the Bail Act). **This would require an amendment to the Bill** during the consideration in detail stage of the debate – which is scheduled for the sittings commencing 26 August 2014.

The consequence of that is that there may potentially be some offenders, charged with prescribed offences of violence etc, who are not required to complete a DAAR course. That is, those offenders who are granted bail by the



police and plead guilty at their first mention date (the condition would otherwise be imposed by the Court on the proposed change). QPS advise that ordinarily there is a two week window between the grant of bail by police and first mention.

At this stage - Strategic Policy wishes to highlight this as an issue and notes that we have sought the advice of the Department of the Premier and Cabinet (DPC) as to whether they would support such an amendment given the policy expectations regarding the DAAR course initiative. At officer level, DPC have indicated that QPS would need to provide further justification for the amendment otherwise it is not likely that they would support such a change to position.

Discussions are ongoing at this time. A further meeting is expected to be held early next week between DPC, QPS, QHealth and DJAG (Courts and Strategic Policy) representatives. We will keep you updated about this issue.

Thanks.

Regards,

Louise Shephard
Director
Strategic Policy
Department of Justice and Attorney-General
Phone: (07) 32396084



Roger McCarthy

From: Roger McCarthy
Sent: Monday, 18 August 2014 11:22 AM
To: John Sosso
Subject: FW: QPS issue with DAAR course - Safe Night Out Bill

John,

FYI.

Roger

Roger McCarthy
Director
Office of the Director-General
Department of Justice and Attorney-General
Ph. 3898 0753 (Ext 10753)
Fax. 3239 3474
Email: roger.mccarthy@justice.qld.gov.au

From: Louise Shephard
Sent: Monday, 18 August 2014 11:15 AM
To: Nathan Ruhle
Cc: Jennifer Lang; Roger McCarthy; Carolyn McAnally; Margaret Forrest
Subject: RE: QPS issue with DAAR course - Safe Night Out Bill

Hi Nathan,

DPC held a teleconference this morning with DJAG, QPS and Health. DPC was not swayed by the QPS argument that it would be too difficult operationally to give effect to the mandatory DAAR condition and determined that no ACiD would be made; and that any issues need to be worked out administratively.

Thanks

Louise Shephard
Director
Strategic Policy
Department of Justice and Attorney-General
Phone: (07) 32396084

From: Nathan Ruhle [mailto:Nathan.Ruhle@ministerial.qld.gov.au]
Sent: Friday, 15 August 2014 2:33 PM
To: Louise Shephard; Margaret Forrest
Cc: Jennifer Lang; Roger McCarthy; Carolyn McAnally
Subject: RE: QPS issue with DAAR course - Safe Night Out Bill

Thanks for the update, please let us know when DPC get back to you.

NR

Nathan Ruhle | Senior Adviser

Office of The Hon Jarrod Bleijie MP | Attorney-General and Minister for Justice

E-mail: nathan.ruhle@ministerial.qld.gov.au

Phone: 07 3719 7413 | Fax: 07 3221 4352

From: Louise Shephard [<mailto:Louise.Shephard@justice.qld.gov.au>]

Sent: Friday, 15 August 2014 12:21 PM

To: Margaret Forrest; Nathan Ruhle

Cc: Jennifer Lang; Roger McCarthy; Carolyn McAnally

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Importance: High

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Attached is an overview of how DJAG Strategic Policy understands the new bail condition will be implemented in practice.

sch.4/4/6 Deliberative process





Discussions are ongoing at this time. A further meeting is expected to be held early next week between DPC, QPS, QHealth and DJAG (Courts and Strategic Policy) representatives. We will keep you updated about this issue.

Thanks.

Regards,

Louise Shephard
Director
Strategic Policy
Department of Justice and Attorney-General
Phone: (07) 32396084

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