



Queensland

State Penalties Enforcement (Animal Management, Biosecurity and Vegetation Management Activities) Amendment Regulation 2018

Subordinate Legislation 2018 No. 42

made under the

State Penalties Enforcement Act 1999

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1 Short title

This regulation may be cited as the *State Penalties Enforcement (Animal Management, Biosecurity and Vegetation Management Activities) Amendment Regulation 2018*.

2 Regulation amended

This regulation amends the *State Penalties Enforcement Regulation 2014*.

3 Amendment of sch 1 (Infringement notice offences and fines for nominated laws)

- (1) Schedule 1, entry for *Animal Management (Cats and Dogs) Act 2008*—
insert—

s 21	5
s 22	3
s 24(1)	6
s 34(1)	10
s 35	10
s 36(1)	18
s 36(2)	18

- (2) Schedule 1, entry for *Biosecurity Act 2014*—
omit, insert—

Biosecurity Act 2014

	Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)	
		Individual	Corporation
s 24(1), as affected by s 25	in the circumstances in paragraph (b)(i) of the penalty, if the failure to discharge the general biosecurity obligation is because of a contravention of the <i>Biosecurity Regulation 2016</i> , section 94D	5	-
s 24(1), as affected by s 25	in the circumstances in paragraph (b)(ii) of the penalty, if the failure to discharge the general biosecurity obligation is because of a contravention of the <i>Biosecurity Regulation 2016</i> —		
	• s 67	7	35
	• s 68	7	35
	• s 69	7	35
	• s 70(1)	7	35
	• s 70(2)	7	35
	• s 71(2)	7	35
	• s 72(2)	7	35
	• s 75	7	35
	• s 76	7	35

	Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)	
		Individual	Corporation
s 24(1), as affected by s 25	in the circumstances in paragraph (b)(iii) of the penalty, if the failure to discharge the general biosecurity obligation is because of a contravention of the <i>Biosecurity Regulation 2016</i> —		
	• s 36(2)	5	25
	• s 37(2)	5	25
	• s 41(2)	5	25
	• s 61(2)	5	-
	• s 83(3)	5	-
	• s 84(2)	5	-
	• s 85(2)	5	-
	• s 86(2)	5	-
s 43(2)		5	-
s 44(2)		5	-
s 45(1)(a)		5	-
s 45(1)(b)		5	-
s 45(1)(c)		5	-
s 46(1)		4	20
s 46A(1)		4	20
s 97		1	-
s 98		1	-

Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)	
	Individual	Corporation
s 99	1	-
s 133(2)	1	-
s 145(1)	1	5
s 157	1	5
s 158(5)	1	5
s 159(2)	1	5
s 162(1)	7	35
s 162(3)	7	35
s 178(1)	1	5
s 179(2)	1	5
s 186(1)	1	5
s 187	1	5
s 188(2)	1	5
s 189(2)	1	5
s 190(2)	1	5
s 194(2)	2	10
s 194(5)	2	10
s 197(2)	2	10
s 197(3)	2	10
s 198(2)	2	10
s 198(3)	2	10
s 198(5)	2	10

Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)	
	Individual	Corporation
s 198(7)	2	10
s 199(1)	2	-
s 200	2	10
s 201(2)	2	10
s 201(3)	2	10
s 201(4)	2	10
s 202(1)	1	5
s 202(3)	1	5
s 202(5)	1	5
s 238(1)	1	-
s 289(1)	1	-
s 293(1)	1	-
s 298(1)	1	-
s 303	1	-
s 305	1	-
s 306(1)	1	-
s 306(2)	1	-
s 322(1)	1	-
s 324(1)	1	-
s 325(1)	1	-
s 327(1)	1	-
s 331	1	-

	Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)	
		Individual	Corporation
s 336(1)	(other than an offence that constitutes an assault on a designated officer or a person helping a designated officer)	1	-
s 377		7	35
s 436		2	10
s 437(1)		10	50
s 441(1)		2	10
s 441(5)		1	5
s 468(4)		1	5
s 476(1)	(other than an offence that constitutes an assault on an auditor)	1	-
s 491(3)		1	5

Authorised person for service of infringement notices—an authorised officer appointed under the *Biosecurity Act 2014*

- (3) Schedule 1, entry for *Planning Act 2016*, columns 1 and 2, entry for section 163(1), paragraphs 1 to 5—

omit, insert—

s 162		20	100
s 163(1) 1	If—		
	(a) the assessable development carried out is clearing development; and		

[s 3]

- (b) the land on which the development was carried out was in an area of high nature conservation value; and
- (c) the area of native vegetation on the land that is cleared is—
 - less than 2 hectares 10 50
 - at least 2 hectares but less than 5 hectares 15 75
 - 5 hectares or more 20 100

2 If—

- (a) the assessable development carried out is clearing development; and
- (b) the land on which the development was carried out was in an area vulnerable to land degradation; and
- (c) the area of native vegetation on the land that is cleared is—
 - less than 2 hectares 10 50
 - at least 2 hectares but less than 5 hectares 15 75
 - 5 hectares or more 20 100

3 If—

(c)	the area of native vegetation on the land that is cleared is—		
	• less than 5 hectares	10	50
	• at least 5 hectares but less than 10 hectares	15	75
	• 10 hectares or more	20	100

5 If—

- (a) the assessable development carried out is clearing development; and
- (b) the land on which the development was carried out was in—
 - (i) a least concern regional ecosystem; or
 - (ii) an area shown on a PMAV as a category C area or category R area; and

(c)	the area of native vegetation on the land that is cleared is—		
	• less than 10 hectares	10	50
	• at least 10 hectares but less than 20 hectares	15	75

		<ul style="list-style-type: none"> • 20 hectares or more 	20	100
	(4)	Schedule 1, entry for <i>Planning Act 2016</i> , columns 1 and 2, entry for section 164, paragraphs 11 to 16— <i>omit, insert—</i>		
s 164	11	If—		
		(a) the development approval is for clearing development; and		
		(b) the contravention relates to a development condition about the clearing of native vegetation; and		
		(c) the contravention does not relate to the activity of clearing native vegetation	20	100
	12	If—		
		(a) the development approval is for clearing development; and		
		(b) the contravention relates to the activity of clearing native vegetation in an area of high nature conservation value; and		
		(c) the area of native vegetation on the land that is cleared is—		
		<ul style="list-style-type: none"> • less than 2 hectares 	10	50

[s 3]

- | | | |
|--|----|-----|
| • at least 2 hectares but less than 5 hectares | 15 | 75 |
| • 5 hectares or more | 20 | 100 |

13 If—

(a) the development approval is for clearing development; and

(b) the contravention relates to the activity of clearing native vegetation in an area vulnerable to land degradation; and

(c) the area of native vegetation on the land that is cleared is—

- | | | |
|--|----|-----|
| • less than 2 hectares | 10 | 50 |
| • at least 2 hectares but less than 5 hectares | 15 | 75 |
| • 5 hectares or more | 20 | 100 |

14 If—

(a) the development approval is for clearing development; and

(b) the contravention relates to the activity of clearing native vegetation in—

(i) an endangered regional ecosystem; or

- (ii) an area shown on a PMAV as a category A area; and
- (c) the area of native vegetation on the land that is cleared is—
 - less than 2 hectares 10 50
 - at least 2 hectares but less than 5 hectares 15 75
 - 5 hectares or more 20 100

15 If—

- (a) the development approval is for clearing development; and
- (b) the contravention relates to the activity of clearing native vegetation in an of concern regional ecosystem; and
- (c) the area of native vegetation on the land that is cleared is—
 - less than 5 hectares 10 50
 - at least 5 hectares but less than 10 hectares 15 75
 - 10 hectares or more 20 100

16 If—

[s 3]

- (a) the development approval is for clearing development; and
- (b) the contravention relates to the activity of clearing of native vegetation in—
 - (i) a least concern regional ecosystem; or
 - (ii) an area shown on a PMAV as a category C area or category R area; and
- (c) the area of native vegetation on the land that is cleared is—
 - less than 10 hectares 10 50
 - at least 10 hectares but less than 20 hectares 15 75
 - 20 hectares or more 20 100

(5) Schedule 1, entry for *Planning Act 2016*, columns 1 and 2, entry for section 168(5), paragraph 20—

omit, insert—

s 168(5) 20	If the enforcement notice relates to the clearing of native vegetation on prescribed land under the <i>Planning Regulation 2017</i> , schedule 10, part 3, divisions 1 and 2	20	100
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- (6) Schedule 1, entry for *Planning Act 2016*, columns 1 and 2, entry for section 168(7), paragraph 23—

omit, insert—

s 168(7) 23 If the enforcement notice relates to the clearing of native vegetation on prescribed land under the *Planning Regulation 2017*, schedule 10, part 3, divisions 1 and 2

10

50

- (7) Schedule 1, entry for *Planning Act 2016*, authorised person for service of infringement notices entry, paragraphs (a) to (f), before subparagraph (i)—

insert—

(ia) section 162; or

- (8) Schedule 1, entry for *Planning Act 2016*, authorised person for service of infringement notices entry, paragraphs (a)(ia) to (vi), (b)(ia) to (iv), (c)(ia) to (iii), (d)(ia) to (ii), (e)(ia) to (iv) and (f)(ia) to (iv)—

renumber as paragraphs (a)(i) to (vii), (b)(i) to (v), (c)(i) to (iv), (d)(i) to (iii), (e)(i) to (v) and (f)(i) to (v).

- (9) Schedule 1, entry for *Vegetation Management Act 1999*—

omit, insert—

Vegetation Management Act 1999

	Column 1	Column 2	
	Infringement notice offence	Infringement notice fine (penalty units)	
		Individual	Corporation
s 28		1	-
s 37(1)		5	-

[s 3]

Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)	
	Individual	Corporation
s 50(1)	5	-
s 54A(5)	20	100
s 54B(5)	20	100

Authorised person for service of infringement notices—an authorised officer appointed under the *Vegetation Management Act 1999*, section 24

ENDNOTES

- 1 Made by the Governor in Council on 19 April 2018.
- 2 Notified on the Queensland legislation website on 20 April 2018.
- 3 The administering agency is the Department of Justice and Attorney-General.

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