

State Penalties Enforcement Amendment Regulation (No. 5) 2016

Explanatory notes for SL 2016 No. 232

made under the

State Penalties Enforcement Act 1999

General Outline

Short title

State Penalties Enforcement Amendment Regulation (No. 5) 2016

Authorising law

Section 165 of the *State Penalties Enforcement Act 1999* (the Act).

Policy objectives and the reasons for them

The Act was enacted to create the State Penalties Enforcement Registry, administered by a Registrar, with the objectives of:

- maintaining the integrity of fines as a viable sentencing or punitive option for offenders;
- maintaining confidence in the justice system by enhancing the way fines and other monetary penalties may be enforced; and
- reducing the cost to the State of enforcing fines and other monetary penalties.

Part 3 of the Act provides the legislative basis and supporting framework for the issuing of a penalty infringement notice (PIN), commonly known as a fine or ticket, for an infringement notice offence (PIN offence). A PIN offence is 'an offence other than an indictable offence or an offence against the person, prescribed under the regulation to be an offence to which the Act applies'.

Section 165 of the Act provides for the making of regulations under the Act, including the prescription of PIN offences. The *State Penalties Enforcement Regulation 2014* (the Regulation) prescribes PIN offences, the administering authorities for PIN offences and authorised persons to serve PINs.

Amendments to the Regulation are required to prescribe new, and amend and remove existing, PIN offences under the *Environmental Protection Act 1994*, the *Waste Reduction and Recycling Act 2011*, the *Police Powers and Responsibilities Act 2000* and the *Liquor Act 1992*.

Achievement of policy objectives

The Amendment Regulation amends the Regulation:

- in relation to an offence under section 440ZG of the *Environmental Protection Act 1994* (for the unlawful deposit of prescribed water contaminants or the unlawful release of storm water run-off), to provide for a reduced PIN amount for corporations where the prescribed water contaminant is earth from a small building site or the storm water run-off flows from a small building site;
- to prescribe PIN offences under the *Liquor Act 1992* for failure of licensees to comply with requirements as to who must be present or reasonably available at licensed premises during specified trading hours;
- to remove existing PIN offences under the *Police Powers and Responsibilities Act 2000* as a consequence of the underlying offence provisions having been repealed; and
- to prescribe new PIN offences under the *Waste Reduction and Recycling Act 2011* for failure of: a registered person to comply with the end of waste code (section 158); or an end of waste approval holder to comply with the conditions of the approval (section 173P(2)).

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the policy objectives of the Act.

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

There are no costs associated with implementing the Amendment Regulation.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

The Queensland Productivity Commission (QPC) was consulted in relation to the requirements of the Queensland Government Guide to Better Regulation.