

# State Penalties Enforcement (Transitional) Regulation 2017

Explanatory notes for SL 2017 No. 194

made under the

*State Penalties Enforcement Act 1999*

## General Outline

### Short title

*State Penalties Enforcement (Transitional) Regulation 2017*

### Authorising law

Section 194 of the *State Penalties Enforcement Act 1999*

### Policy objectives and the reasons for them

The *State Penalties Enforcement Amendment Act 2017* (Amendment Act) was assented to on 19 May 2017. The Amendment Act aims to modernise the management of penalty debts by the State Penalties Enforcement Registry (SPER), including providing improved non-monetary debt finalisation options for people in hardship. This is primarily achieved by replacing fine option orders with Work and Development Orders (WDOs).

Some provisions of the Amendment Act commenced on assent. The remaining provisions are to commence on a date fixed by proclamation. It is intended that provisions relating to WDOs commence on 4 December 2017 by proclamation. At the same time, it is intended that relevant transitional provisions for the Amendment Act are also commenced, including new section 194 which provides for the making of a regulation of a saving or transitional nature to facilitate the change from the operation of the former provisions of the *State Penalties Enforcement Act 1999* (the Act) to the new provisions.

Section 194 authorises the making of the proposed transitional regulation – *State Penalties Enforcement (Transitional) Regulation 2017* (Transitional Regulation).

When commenced, the provisions relating to WDOs will contain references to terms utilised in other provisions that are not scheduled to commence until a later date. For instance, provisions of the Act that enable a person to pay-off their SPER debt over a period of time currently employ the term 'instalment payment notice'.

However, the WDO provisions utilise the term 'payment plan'. The latter term will not be introduced into the Act until the later commencement of provisions relating to the modernisation of payment plans.

Therefore, a transitional regulation is necessary to preserve the operation of existing terms in the Act until the commencement of the other provisions on a future date.

The objective of the Transitional Regulation is to facilitate the effective operation of the Act during the transition period following the commencement of WDO provisions and the later commencement of other amendments to the Act which include terms that are referred to in WDO provisions.

### **Achievement of policy objectives**

The policy objective is achieved by making the Transitional Regulation. The Transitional Regulation will be in force for the period beginning 4 December 2017 (the commencement of WDO provisions) and expiring on the commencement of section 25 of the Amendment Act.

### **Consistency with policy objectives of authorising law**

The Transitional Regulation is consistent with the policy objectives of the Act which contemplate the making of a transitional regulation of a transitional nature.

### **Inconsistency with policy objectives of other legislation**

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

### **Benefits and costs of implementation**

There are no costs associated with implementing the Transitional Regulation. The Transitional Regulation is mechanical in nature. It facilitates the effective operation of the Act during the transition period between the commencement of WDO provisions and later commencement of other amendments to the Act.

### **Consistency with fundamental legislative principles**

The Transitional Regulation is consistent with fundamental legislative principles.

## **Consultation**

In accordance with the Queensland Government Guide to Better Regulation, the Office of Best Practice Regulation was not consulted in relation to the regulatory proposal. The department applied a self-assessable exclusion from undertaking further regulatory impact analysis (Category e – Regulatory proposals that are of a transitional nature).