



Queensland

State Penalties Enforcement (Modernisation) Amendment Act 2022

Act No. 10 of 2022

An Act to amend the Land Tax Act 2010, the Residential Tenancies and Rooming Accommodation Act 2008, the State Penalties Enforcement Act 1999, the State Penalties Enforcement Amendment Act 2017, the State Penalties Enforcement Regulation 2014, the Taxation Administration Act 2001, the Traffic Regulation 1962 and the Transport Operations (Road Use Management) Act 1995 for particular purposes

[Assented to 10 June 2022]



Queensland

State Penalties Enforcement (Modernisation) Amendment Act 2022

Contents

		Page
Part 1	Preliminary	
1	Short title	5
2	Commencement	5
Part 2	Amendment of Land Tax Act 2010	
3	Act amended	5
4	Amendment of s 33 (Reduced rate for particular trustees)	6
Part 3	Amendment of Residential Tenancies and Rooming Accommodation Act 2008	
5	Act amended	6
6	Amendment of s 121 (No entitlement to interest)	6
7	Replacement of ch 2, pt 3, div 5, hdg	6
8	Replacement of ss 149 and 150	7
	150 Rental bond account	7
9	Replacement of s 151 (Unclaimed amounts in rental bond account)	7
	151 Unclaimed amounts in rental bond account	7
10	Omission of s 152 (Rental bond interest account)	9
11	Replacement of s 153 (Other payments from rental bond interest account)	9
	153 Guaranteed payment of rental bonds	9
12	Insertion of new s 482A	9
	482A Banking arrangements for rental bond account	9
13	Insertion of new ch 14, pt 6	10
	Part 6 Transitional provisions for State Penalties Enforcement (Modernisation) Amendment Act 2022	
	572 Former rental bond interest account	10
	573 Transfer of value of current investments into rental bond account	11

Contents

	574	Balancing of rental bond account	11
14		Amendment of sch 2 (Dictionary)	12
Part 4		Amendment of State Penalties Enforcement Act 1999	
Division 1		Preliminary	
15		Act amended	12
Division 2		Amendments commencing on assent	
16		Insertion of new s 9A	12
	9A	Registrar	13
17		Replacement of s 10 (Staff and contractors)	13
	10	Staff and contractors	13
18		Amendment of s 10A (Service contractors)	13
19		Relocation and renumbering of ss 11A and 11B	13
20		Amendment of s 13 (Service of infringement notices—generally)	14
21		Amendment of s 32 (Proceedings after cancellation of infringement notice)	14
22		Amendment of s 33 (Default by person served with infringement notice)	14
23		Amendment of s 35 (Effect of registration under this division) . .	16
24		Amendment of s 57 (Decision on application)	16
25		Amendment of s 73D (Payment by enforcement debtor before sale)	16
26		Amendment of s 73E (Storage before sale)	17
27		Amendment of s 114 (Power of person serving fine collection notice or enforcing warrant to demand name and address etc.)	17
28		Insertion of new s 117A	17
	117A	Use of body-worn cameras by enforcement officers .	17
29		Amendment of s 134L (Disclosure of confidential information by registrar)	18
30		Insertion of new s 134LA	19
	134LA	Disclosure of identifying information when remitting amounts collected by SPER	19
31		Replacement of s 149 (Enforcement costs and their allocation) .	20
	149	Enforcement costs	20
32		Insertion of new pt 9, div 2A	20
	Division 2A	Appointment of enforcement officers	
	159B	Explanation of div 2A	20
	159C	Appointment	20
	159D	Appointment conditions and limit on powers	21

	159E	When office ends	21
	159F	Resignation	22
33		Replacement of ss 160 and 161	22
	160	Delegation by administering authority	22
	161	Delegation by registrar	23
34		Amendment of s 165 (Regulation-making power)	23
35		Insertion of new s 166	24
	166	Registrar as administering authority etc.	24
36		Insertion of new pt 10, div 9	26
	Division 9	Transitional provisions for State Penalties Enforcement (Modernisation) Amendment Act 2022	
	196	Current enforcement officers	26
	197	Infringement notices issued after change of administering authority	27
37		Amendment of sch 2 (Dictionary)	28
Division 3		Amendments consequential on State Penalties Enforcement Amendment Act 2017	
38		Amendment of s 134LA (Disclosure of identifying information when remitting amounts collected by SPER)	29
39		Amendment of s 166 (Registrar as administering authority etc.)	30
Part 5		Amendment of State Penalties Enforcement Amendment Act 2017	
40		Act amended	30
41		Amendment of s 25 (Replacement of pt 4, div 1 (Default commences enforcement process))	30
42		Amendment of s 37 (Replacement of pt 4, div 6)	31
Part 6		Amendment of State Penalties Enforcement Regulation 2014	
Division 1		Preliminary	
43		Regulation amended	31
Division 2		Amendments commencing on assent	
44		Amendment of s 5 (Administering authority for nominated laws)	32
45		Amendment of s 12 (Identifying particulars for vehicle)	32
46		Insertion of new s 29A	32
	29A	Enforcement costs—Act, s 149	32
47		Amendment of sch 2 (Dictionary)	33
Division 3		Amendments commencing on 1 July 2022	
48		Amendment of s 5 (Administering authority for nominated laws)	33
49		Replacement of pt 7, hdg (Transitional provision)	33

Contents

50	Insertion of new pt 7, div 2	34
	Division 2 Transitional provision for State Penalties Enforcement (Modernisation) Amendment Act 2022	
	31 Infringement notices served before change of administering authority	34
51	Amendment of sch 1 (Infringement notice offences and fines for nominated laws)	35
Division 4	Amendments commencing on 30 November 2022	
52	Amendment of sch 1 (Infringement notice offences and fines for nominated laws)	45
Part 7	Amendment of Taxation Administration Act 2001	
53	Act amended	46
54	Amendment of s 111 (Disclosure of confidential information) . . .	46
Part 8	Amendment of Traffic Regulation 1962	
55	Regulation amended	47
56	Amendment of s 208AA (Information about images or videos made by digital driver behaviour camera system—Act, s 113A)	47
Part 9	Amendment of Transport Operations (Road Use Management) Act 1995	
57	Act amended	48
58	Amendment of s 52 (False or misleading statements)	48
59	Amendment of s 53 (False or misleading documents, generally)	48
60	Amendment of s 114 (Offences detected by photographic detection device)	48
61	Amendment of s 116 (Notice accompanying summons)	49
62	Amendment of sch 4 (Dictionary)	49

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *State Penalties Enforcement (Modernisation) Amendment Act 2022*.

2 Commencement

- (1) Part 2 commences on 30 June 2022.
- (2) The following provisions commence on 1 July 2022—
 - (a) part 3;
 - (b) part 6, division 3.
- (3) The following provisions commence on 30 November 2022—
 - (a) part 6, division 4;
 - (b) part 8.
- (4) Section 38 commences on the day of commencement of the *State Penalties Enforcement Amendment Act 2017*, section 25.
- (5) Section 39 commences on the day of commencement of the *State Penalties Enforcement Amendment Act 2017*, section 37.

Part 2 Amendment of Land Tax Act 2010

3 Act amended

This part amends the *Land Tax Act 2010*.

[s 4]

4 Amendment of s 33 (Reduced rate for particular trustees)

Section 33(1)—

omit, insert—

- (1) This section applies to—
 - (a) a trustee for a person under the *Bankruptcy Act 1966* (Cwlth); or
 - (b) a trustee for an incapacitated person within the meaning of the *Public Trustee Act 1978*; or
 - (c) a trustee of a special disability trust under—
 - (i) the *Social Security Act 1991* (Cwlth), section 1209L; or
 - (ii) the *Veterans' Entitlements Act 1986* (Cwlth), section 52ZZZW.

Part 3 Amendment of Residential Tenancies and Rooming Accommodation Act 2008

5 Act amended

This part amends the *Residential Tenancies and Rooming Accommodation Act 2008*.

6 Amendment of s 121 (No entitlement to interest)

Section 121, 'other than the authority'—

omit, insert—

other than the State

7 Replacement of ch 2, pt 3, div 5, hdg

Chapter 2, part 3, division 5, heading—

omit, insert—

Division 5 Rental bond account

8 Replacement of ss 149 and 150

Sections 149 and 150—

omit, insert—

150 Rental bond account

- (1) The authority must keep a rental bond account.
- (2) The account is in addition to other accounts the authority is required or permitted to keep under this or another Act.
- (3) The authority must pay into the rental bond account all rental bonds it receives under this Act.
- (4) The authority may pay only the following amounts out of the rental bond account—
 - (a) amounts payable under division 3;
 - (b) amounts paid under section 151.

Note—

See section 482A in relation to the banking arrangements for the rental bond account.

9 Replacement of s 151 (Unclaimed amounts in rental bond account)

Section 151—

omit, insert—

151 Unclaimed amounts in rental bond account

- (1) This section applies if—
 - (a) in order to make a payment out of the rental bond account under division 3, the authority draws a cheque and gives it to the person entitled to the payment; and

[s 9]

- (b) the cheque is not presented for payment within 15 months after it is drawn; and
 - (c) it is at least 7 years since the cheque was drawn; and
 - (d) since the end of the time mentioned in paragraph (b), the person has not received the amount and has not asked the authority to be paid the amount.
- (2) This section also applies if—
- (a) the authority has made 1 or more attempts to make a payment out of the rental bond account under division 3 using an electronic payment method; and
 - (b) the payment could not be effected because of incomplete or incorrect information about the intended payee’s bank account or for another reason; and
 - (c) it is at least 7 years since the first attempt; and
 - (d) the person has not received the amount and, since the last attempt, has not asked the authority to be paid the amount.
- (3) With the Minister’s agreement, the authority may pay an amount mentioned in subsection (1) or (2) out of the rental bond account for—
- (a) establishing or administering rental advisory services; or
 - (b) establishing schemes for supplying residential accommodation; or
 - (c) researching, or setting up projects about improving, relationships between lessors and tenants and providers and residents; or
 - (d) facilitating the resolution of disputes about agreements by tribunals; or

(e) conducting a scheme, or helping another entity to conduct a scheme, to provide housing or a related service.

(4) Subsection (3) does not affect a person's entitlement to be paid an amount mentioned in subsection (1) or (2).

10 Omission of s 152 (Rental bond interest account)

Section 152—

omit.

11 Replacement of s 153 (Other payments from rental bond interest account)

Section 153—

omit, insert—

153 Guaranteed payment of rental bonds

- (1) The payment of rental bonds under this Act by the authority is guaranteed by the Treasurer on behalf of the State.
- (2) An amount payable by the Treasurer under the guarantee is to be paid out of the consolidated fund, which is appropriated accordingly.

12 Insertion of new s 482A

After section 482—

insert—

482A Banking arrangements for rental bond account

- (1) The Treasurer may give the authority a direction about the banking arrangements for the rental bond account.
- (2) A direction must be consistent with requirements

[s 13]

applying to the authority under this or another Act.

- (3) A direction may require or authorise the keeping of a rental bond account that is comprised of 2 or more bank accounts.
- (4) The authority must comply with a direction under this section.

13 Insertion of new ch 14, pt 6

Chapter 14—

insert—

Part 6

Transitional provisions for State Penalties Enforcement (Modernisation) Amendment Act 2022

572 Former rental bond interest account

- (1) This section applies to the account that, until the commencement, was kept by the authority under former section 149(1)(b).
- (2) From the commencement, the account continues as an account that the authority is permitted to keep under this Act.
- (3) In this section—
former section 149(1)(b) means section 149(1)(b) as in force from time to time before the commencement.

573 Transfer of value of current investments into rental bond account

- (1) As soon as practicable after the commencement, the authority must transfer, into the rental bond account, an amount equal to the market value of its current investments.
- (2) In this section—

agreed valuation time means the time, on 30 June 2022, agreed between the Treasurer and the authority for the purpose of making a valuation under this section.

current investments means the investments, held by the authority at the agreed valuation time, that were made from the rental bond account.

investment means an amount invested under the *Statutory Bodies Financial Arrangements Act 1982*.

market value, of the current investments, means the value of the investments, as at the agreed valuation time, determined in a way agreed between the Treasurer and the authority.

574 Balancing of rental bond account

- (1) After complying with section 573, the authority must notify the Treasurer of the amount by which the balance of the rental bond account (the *starting balance*) is more or less than the amount of the rental bonds held by the authority at that time (the *rental bond liability*).
- (2) If the amount of the starting balance is less than the amount of the rental bond liability, the Treasurer must pay into the rental bond account an amount equal to the difference.
- (3) Any payment required under subsection (2) is to be made from the consolidated fund, which is

[s 14]

appropriated accordingly.

- (4) If the amount of the starting balance is more than the amount of the rental bond liability, the authority must pay an amount equal to the difference from the rental bond account into another account kept by the authority.

14 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *rental bond account* and *rental bond interest account*—
omit.
- (2) Schedule 2—
insert—

rental bond account means the account by that name kept under section 150.

Part 4 Amendment of State Penalties Enforcement Act 1999

Division 1 Preliminary

15 Act amended

This part amends the *State Penalties Enforcement Act 1999*.

Division 2 Amendments commencing on assent

16 Insertion of new s 9A

After section 9—
insert—

9A Registrar

- (1) There is a registrar of SPER.
- (2) The office of registrar is held by the person holding office as the Commissioner of State Revenue under the *Taxation Administration Act 2001*.
- (3) The registrar has the functions and powers given under this or another Act.

17 Replacement of s 10 (Staff and contractors)

Section 10—

omit, insert—

10 Staff and contractors

- (1) The staff of SPER are employed under the *Public Service Act 2008*.
- (2) The registrar may also engage, under contract, debt collectors and other entities to assist the registrar in the administration and enforcement of this Act.
- (3) Persons engaged under subsection (2) are engaged under this Act and not the *Public Service Act 2008*.

18 Amendment of s 10A (Service contractors)

Section 10A(1), ‘section 10(3)(b)’—

omit, insert—

section 10(2)

19 Relocation and renumbering of ss 11A and 11B

Sections 11A and 11B—

[s 20]

relocate to part 9, division 2A, as inserted by this Act, and
renumber as sections 159G and 159H.

20 Amendment of s 13 (Service of infringement notices—generally)

Section 13(4), ‘an administering authority may start a prosecution for the offence’—

omit, insert—

a prosecution for the offence may be started

21 Amendment of s 32 (Proceedings after cancellation of infringement notice)

Section 32(2)—

omit, insert—

(2) If the infringement notice is withdrawn or cancelled and the name of the actual offender is known, nothing in this or any other Act prevents—

- (a) the administering authority issuing an infringement notice against the actual offender; or
- (b) a proceeding being started in a court for the offence against the actual offender.

22 Amendment of s 33 (Default by person served with infringement notice)

(1) Section 33(3)—

omit.

(2) Section 33(4)—

renumber as section 33(3).

(3) Section 33(5) to (7)—

omit, insert—

- (4) If a default certificate is given to SPER for registration on or before the final day, the registrar must register the certificate as soon as practicable after it is received.
- (5) If a default certificate is given to SPER for registration after the final day, the registrar must not register it.
- (6) A regulation may, for an infringement notice offence, prescribe—
 - (a) a day (the ***due day***), before the final day, by which the administering authority must give a default certificate for the offence to SPER for registration; and
 - (b) a late lodgement fee that is payable by the administering authority for giving a default certificate for the offence to SPER for registration after the due day.
- (7) An administering authority may give an amended default certificate to SPER for registration if amendment of an earlier certificate is necessary because of error, the dishonour of a cheque, or for another reason.
- (8) Subsection (5) does not apply to an amended default certificate.
- (9) No registration fee under subsection (3) or late lodgement fee under subsection (6)(b) is payable for an amended default certificate.
- (10) In this section—

final day, for registration of a default certificate for an infringement notice offence, means—
 - (a) the latest day on which a prosecution for the offence may be started; or

[s 23]

- (b) if a day, earlier than the day mentioned in paragraph (a) is prescribed by regulation to be the final day for registration of the default certificate—the day prescribed.

23 Amendment of s 35 (Effect of registration under this division)

Section 35(2)(a), after ‘registration fee’—

insert—

under section 33(3)

24 Amendment of s 57 (Decision on application)

Section 57(4) and (5)—

omit, insert—

- (4) If the registrar cancels the relevant enforcement order—
 - (a) the registrar must refer the matter of the offence to the administering authority; and
 - (b) the administering authority may—
 - (i) accept payment of the fine in full as stated in the infringement notice for the offence; or
 - (ii) issue a fresh infringement notice for the offence; and
 - (c) if the administering authority does not take an action mentioned in paragraph (b)(i) or (ii), a proceeding may be started against the applicant for the offence.

25 Amendment of s 73D (Payment by enforcement debtor before sale)

Section 73D(b), ‘costs of enforcement’—

omit, insert—

enforcement costs

26 Amendment of s 73E (Storage before sale)

Section 73E(2)—

omit, insert—

- (2) SPER must pay any storage expenses.

Note—

Storage expenses that are enforcement costs may be recovered under section 73D or 73J.

27 Amendment of s 114 (Power of person serving fine collection notice or enforcing warrant to demand name and address etc.)

Section 114(9), ‘section 11A(1)’—

omit, insert—

section 159G(1)

28 Insertion of new s 117A

After section 117—

insert—

117A Use of body-worn cameras by enforcement officers

- (1) It is lawful for an enforcement officer to use a body-worn camera to record images or sounds while the officer is performing the officer’s functions under this Act.
- (2) Use of a body-worn camera by an enforcement officer under subsection (1) includes use that is—
- (a) inadvertent or unexpected; or

[s 29]

- (b) incidental to use while performing a function under this Act.
- (3) Subsection (1) does not affect an ability the enforcement officer has at common law or under this Act or another Act to record images or sounds.
- (4) To remove any doubt, it is declared that subsection (1) is a provision authorising the use by an enforcement officer of a listening device for the purposes of the *Invasion of Privacy Act 1971*, section 43(2)(d).
- (5) In this section—
body-worn camera means a device—
 - (a) worn on clothing or otherwise secured on a person; and
 - (b) designed to be used to—
 - (i) record images; or
 - (ii) record images and sounds.

29 **Amendment of s 134L (Disclosure of confidential information by registrar)**

- (1) Section 134L(1)(e)—
omit, insert—
 - (e) to the Minister or an officer of the department, if the disclosure is—
 - (i) for developing or monitoring policies for, or for the operation of, this Act; or
 - (ii) for administering the *Financial Accountability Act 2009*, section 21; or
 - (iii) permitted under a law; or
- (2) Section 134L(1)—
insert—

- (g) if the registrar is the administering authority for an infringement notice offence—to the department or other agency in which the offence provision is administered, for the purpose of the enforcement of the offence.

(3) Section 134L(5)—

insert—

enforcement, of an offence, see section 134K(6).

offence provision, for an infringement notice offence, means the provision containing the offence.

30 Insertion of new s 134LA

After section 134L—

insert—

134LA Disclosure of identifying information when remitting amounts collected by SPER

- (1) This section applies if—
 - (a) under section 34, the registrar registers the prescribed particulars of the unpaid amount relating to a court order; and
 - (b) SPER collects any of the unpaid amount.
- (2) To enable the registrar to pay the amount collected to the entity entitled to it, and to enable the entity to administer the receipt of the amount, the registrar may disclose identifying information for the court order to the entity.
- (3) In this section—

identifying information, for a court order, means the particulars registered under section 34 that are necessary to identify the person against whom the order was made.

[s 31]

31 Replacement of s 149 (Enforcement costs and their allocation)

Section 149—

omit, insert—

149 Enforcement costs

- (1) An *enforcement cost* is a cost that—
 - (a) is reasonably incurred by SPER in taking a step for the purpose of enforcing payment of a fine, penalty or another amount under this Act; and
 - (b) is of a type prescribed by regulation.
- (2) Without limiting subsection (1)(a), a cost is incurred by SPER in taking a step if the cost becomes payable by SPER to another entity for taking the step.

32 Insertion of new pt 9, div 2A

Part 9—

insert—

Division 2A Appointment of enforcement officers

159B Explanation of div 2A

- (1) This division provides for the appointment of enforcement officers.
- (2) Enforcement officers have particular powers under part 5.

159C Appointment

The registrar may, by instrument in writing, appoint any of the following persons as an

enforcement officer—

- (a) a public service employee or contracted debt collector—
 - (i) who is appropriately qualified; and
 - (ii) who the registrar is satisfied is of good character and otherwise suitable for appointment;
- (b) the sheriff, deputy sheriff or bailiff of a court.

159D Appointment conditions and limit on powers

- (1) An enforcement officer holds office on any conditions stated in—
 - (a) the officer's instrument of appointment; or
 - (b) a signed notice given to the officer; or
 - (c) a regulation.
- (2) The instrument of appointment, a signed notice given to the enforcement officer or a regulation may limit the officer's powers.
- (3) In this section—

signed notice means a notice signed by the registrar.

159E When office ends

- (1) The office of a person as an enforcement officer ends if any of the following happens—
 - (a) the term of office stated in a condition of office ends;
 - (b) under another condition of office, the office ends;

[s 33]

- (c) for an officer who is a contracted debt collector appointed under section 159C(a)—the officer ceases to be a contracted debt collector;
 - (d) for an officer appointed under section 159C(b)—the officer ceases to be the sheriff, deputy sheriff or bailiff of a court;
 - (e) the officer’s resignation under section 159F takes effect.
- (2) Subsection (1) does not limit the ways the office of a person as an enforcement officer ends.
- (3) In this section—
- condition of office* means a condition under which the enforcement officer holds office.

159F Resignation

- (1) An enforcement officer may resign by signed notice given to the registrar.
- (2) Subsection (1) does not apply to an enforcement officer if—
 - (a) the officer is a contracted debt collector appointed under section 159C(a); and
 - (b) holding office as an enforcement officer is a condition of the contract under section 10(2) under which the debt collector is engaged.

33 Replacement of ss 160 and 161

Sections 160 and 161—

omit, insert—

160 Delegation by administering authority

An administering authority, or the chief executive officer of an administering authority, may

delegate its functions and powers under this Act, or its functions and powers under another Act as an administering authority, to an appropriately qualified person.

161 Delegation by registrar

- (1) Subject to section 10C, the registrar may delegate functions and powers of the registrar, or of SPER, under this Act or another Act to an appropriately qualified person.
- (2) Without limiting subsection (1), the registrar may delegate, to a bailiff, the registrar's power to appoint a contracted debt collector as an enforcement officer.
- (3) If the registrar is an authorised person for an infringement notice, the registrar may delegate the registrar's functions and powers as an authorised person to an appropriately qualified person.

34 Amendment of s 165 (Regulation-making power)

- (1) Section 165—

insert—

- (1A) A regulation may prescribe an entity to be the administering authority for an infringement notice or infringement notice offence.
- (1B) A regulation may prescribe a person who may serve an infringement notice for an infringement notice offence.

- (2) Section 165(2) and (3)—

omit, insert—

- (2) A regulation may prescribe an offence, other than an indictable offence or an offence against the person, to be an offence to which this Act applies.

[s 35]

- (3) A regulation may prescribe an amount to be the fine payable for an infringement notice offence under an infringement notice.

35 Insertion of new s 166

After section 165—

insert—

166 Registrar as administering authority etc.

- (1) To remove any doubt, it is declared that—
- (a) the registrar is a person who may be prescribed by regulation for a purpose under section 165(1A) or (1B); and
 - (b) unless the context otherwise requires, a reference in this Act to the registrar is a reference to the registrar in that capacity, and does not include a reference to the registrar in the registrar's capacity as (for example)—
 - (i) the administering authority for an infringement notice or infringement notice offence; or
 - (ii) an authorised person for an infringement notice; and

Example—

A regulation under section 165(1B) prescribes the registrar to be a person who may serve an infringement notice for a particular infringement notice offence.

A reference to the registrar in section 134C (Registrar may require person to give information) does not include a reference to the registrar in the registrar's capacity as an authorised person for the infringement notice.

-
- (c) section 162 is not limited by section 163 in relation to an infringement notice for which the registrar is the administering authority.
- (2) In relation to an infringement notice or infringement notice offence for which the registrar is the administering authority—
- (a) this Act applies to the registrar, in the capacity of registrar and in the capacity of administering authority, with all necessary changes; and
- (b) without limiting paragraph (a)—
- (i) a provision requiring an administering authority to give a thing to SPER or the registrar does not apply to the registrar as an administering authority; and

Example—

Section 28(2)(c) requires an administering authority to give to SPER a copy of a notice withdrawing an infringement notice.

If the registrar withdraws an infringement notice for which the registrar is the administering authority, the registrar is not required under section 28(2)(c) to give a copy of the withdrawal notice to SPER.

- (ii) if a provision provides for an administering authority to give a thing to SPER or the registrar for a purpose, the registrar may take action under this Act as if the thing had been given under the provision; and

Example—

Section 28(2)(c) requires an administering authority to give to SPER a copy of a notice withdrawing an infringement notice.

If the registrar withdraws an infringement notice for which the registrar is the administering authority, the registrar may take action under section 29 as if a copy of

[s 36]

the withdrawal notice had been given to SPER under section 28(2)(c).

- (iii) a provision requiring the registrar to notify an administering authority does not apply to the registrar as an administering authority.

Example—

Section 57(4)(a) requires the registrar to refer the matter of an offence to the administering authority in particular circumstances. If the registrar is the administering authority for an offence, section 57(4)(a) does not apply.

36 Insertion of new pt 10, div 9

Part 10—

insert—

Division 9 Transitional provisions for State Penalties Enforcement (Modernisation) Amendment Act 2022

196 Current enforcement officers

- (1) This section applies to a person who was, immediately before the commencement, an enforcement officer under this Act.
- (2) From the commencement, the person continues to be an enforcement officer as if the person had been appointed under section 159C.
- (3) Subsection (2) stops applying to the person at the earliest of the following to happen—

- (a) the person is appointed as an enforcement officer under section 159C;
- (b) the registrar ends the person's deemed appointment under subsection (2) by signed notice given to the person;
- (c) the person resigns as an enforcement officer by signed notice given to the registrar;
- (d) the end of 30 days from the commencement.

197 Infringement notices issued after change of administering authority

- (1) This section applies if an amendment of a regulation by the *State Penalties Enforcement (Modernisation) Amendment Act 2022* (the **2022 amendment**) changes the entity prescribed to be the administering authority for an infringement notice.
- (2) The former approved form for the infringement notice continues to be the approved form during the period (the **transitional period**)—
 - (a) starting on the commencement of the 2022 amendment; and
 - (b) ending when the approval of a new form for the infringement notice under section 162(a) takes effect.
- (3) If an infringement notice in the former approved form is served on a person during the transitional period—
 - (a) the notice does not contravene section 15 only because it refers to the former authority instead of the new authority; and
 - (b) a person who does a thing in the way stated in the notice in relation to the former authority is taken to have done the thing in relation to the new authority.

[s 37]

Example—

If, in accordance with the notice, a person pays a fine to the former authority, the person is taken to have paid the fine to the new authority.

(4) In this section—

former approved form, for an infringement notice, means the approved form for the infringement notice that was in effect immediately before the commencement of the 2022 amendment.

former authority, for an infringement notice, means the administering authority for the notice immediately before the commencement of the 2022 amendment.

new authority, for an infringement notice, means the administering authority for the notice from the commencement of the 2022 amendment.

37 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definitions *appropriately qualified public service officer*, *enforcement officer*, *infringement notice offence* and *registrar*—

omit.

(2) Schedule 2—

insert—

contracted debt collector means a debt collector engaged under a contract under section 10(2).

enforcement cost see section 149.

enforcement officer means a person who holds office under part 9, division 2A as an enforcement officer.

infringement notice offence means an offence prescribed by regulation to be an offence to which this Act applies.

registrar means the person holding office as the registrar under section 9A.

- (3) Schedule 2, definition *administering authority*, ‘under a regulation as’—

omit, insert—

by regulation to be

Division 3 Amendments consequential on State Penalties Enforcement Amendment Act 2017

38 Amendment of s 134LA (Disclosure of identifying information when remitting amounts collected by SPER)

- (1) Section 134LA(1)(a)—

omit, insert—

(a) under section 34—

- (i) an administering authority registers with SPER the unpaid amount of a fine; or
- (ii) a court registers with SPER an unpaid court debt; and

- (2) Section 134LA(2), ‘for the court order’—

omit.

- (3) Section 134LA(3), definition *identifying information*—

omit, insert—

identifying information means the particulars registered under section 34 that are necessary to identify the person on whom the fine was imposed or by whom the court debt was owing.

[s 39]

39 Amendment of s 166 (Registrar as administering authority etc.)

Section 166(2)(b)(iii), example—

omit, insert—

Example—

Section 57A(2) requires the registrar to notify the affected administering authority of a particular decision. If the registrar is the affected administering authority, section 57A(2) does not apply.

Part 5 Amendment of State Penalties Enforcement Amendment Act 2017

40 Act amended

This part amends the *State Penalties Enforcement Amendment Act 2017*.

41 Amendment of s 25 (Replacement of pt 4, div 1 (Default commences enforcement process))

Section 25, inserted section 34(2)—

omit, insert—

- (2) However, an administering authority may not register a matter under subsection (1) relating to an infringement notice for an offence after—
 - (a) the latest day on which a prosecution for the offence may be started; or
 - (b) if a day, earlier than the day mentioned in paragraph (a) is prescribed by regulation to be the latest day for registration of the matter—the day prescribed.
- (2A) A regulation may, for an infringement notice for a stated offence, prescribe—

-
- (a) a day (the *due day*) by which a matter under subsection (1) must be registered; and
 - (b) a late registration fee that is payable for registration of a matter under subsection (1) after the due day.
- (2B) For subsection (2A)(a), the due day must be before the latest day on which the matter may be registered under subsection (2).

42 Amendment of s 37 (Replacement of pt 4, div 6)

Section 37, inserted section 60(2)—

omit, insert—

- (2) If the administering authority withdraws the relevant infringement notice—
 - (a) the authority may issue a fresh infringement notice for the relevant offence; or
 - (b) if a fresh infringement notice is not issued under paragraph (a), a proceeding may be started against the applicant for the offence.

Part 6 Amendment of State Penalties Enforcement Regulation 2014

Division 1 Preliminary

43 Regulation amended

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

[s 44]

Division 2 Amendments commencing on assent

44 Amendment of s 5 (Administering authority for nominated laws)

(1) Section 5(1)(a), ‘department or agency’—

omit, insert—

entity

(2) Section 5(1)(b), ‘no department or agency’—

omit, insert—

no entity

45 Amendment of s 12 (Identifying particulars for vehicle)

Section 12(4)—

omit.

46 Insertion of new s 29A

After section 29—

insert—

29A Enforcement costs—Act, s 149

For section 149 of the Act, the following types of cost are prescribed—

- (a) work of the type usually performed by a locksmith;
- (b) towing or otherwise transporting a vehicle;
- (c) impounding a vehicle;
- (d) storing or securing property;
- (e) insurance;

-
- (f) selling property, including any of the following—
- (i) engaging an agent;
 - (ii) advertising;
 - (iii) preparation for sale;
 - (iv) commission.

47 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

camera-detected offence see the *Transport Operations (Road Use Management) Act 1995*, section 113.

Division 3 Amendments commencing on 1 July 2022

48 Amendment of s 5 (Administering authority for nominated laws)

Section 5(2)—

omit.

49 Replacement of pt 7, hdg (Transitional provision)

Part 7, heading—

omit, insert—

Part 7 Transitional provisions

Division 1 Transitional provision for SL No. 177 of 2014

[s 50]

50 Insertion of new pt 7, div 2

Part 7—

insert—

Division 2 Transitional provision for State Penalties Enforcement (Modernisation) Amendment Act 2022

31 Infringement notices served before change of administering authority

- (1) This section applies in relation to an infringement notice for an offence served on a person if—
 - (a) when the notice was served, an entity (the *first entity*) was prescribed by this regulation to be the administering authority for the infringement notice or offence; and
 - (b) the notice stated that the person must or may—
 - (i) pay a fine to the first entity; or
 - (ii) make an election or application to the first entity; or
 - (iii) give a declaration or other document to the first entity; and
 - (c) after the notice was served, a 2022 Act amendment commenced and another entity (the *second entity*) became the administering authority for the infringement notice or offence.
- (2) From the commencement of the 2022 Act amendment, for the purpose of a relevant provision of the Act, the first entity and the second entity are each prescribed to be an

administering authority for the infringement notice or offence.

- (3) To remove any doubt, it is declared that subsection (2) does not require a person to do a thing under a relevant provision in relation to both the first entity and the second entity.

Example—

If, under a relevant provision, a person served with an infringement notice may pay a fine to the administering authority, the person may pay the fine to either the first entity or the second entity.

- (4) In this section—

2022 Act amendment means an amendment of this regulation by the *State Penalties Enforcement (Modernisation) Amendment Act 2022*.

relevant provision means a provision under which a thing mentioned in subsection (1)(b)(i) to (iii) must or may be done.

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

- (1) Schedule 1, entry for Heavy Vehicle (Fatigue Management) National Regulation—

insert—

Administering authority for an infringement notice offence that is an offence against a provision of the Heavy Vehicle (Fatigue Management) National Regulation, or an infringement notice about the offence—the registrar

- (2) Schedule 1, entry for Heavy Vehicle (Mass, Dimension and Loading) National Regulation—

insert—

Administering authority for an infringement

[s 51]

notice offence that is an offence against a provision of the Heavy Vehicle (Mass, Dimension and Loading) National Regulation, or an infringement notice about the offence—the registrar

- (3) Schedule 1, entry for *Heavy Vehicle National Law Act 2012*—

insert—

Administering authority for an infringement notice offence that is an offence against a provision of the Heavy Vehicle National Law Act 2012, or an infringement notice about the offence—the registrar

- (4) Schedule 1, entry for Heavy Vehicle National Law (Queensland)—

insert—

Administering authority for an infringement notice offence that is an offence against a provision of the Heavy Vehicle National Law (Queensland), or an infringement notice about the offence—the registrar

- (5) Schedule 1, entry for *Major Events Act 2014*—

insert—

Administering authority for an infringement notice offence that is an offence against a provision of the Major Events Act 2014, or an infringement notice about the offence—the registrar

- (6) Schedule 1, entry for *Motor Accident Insurance Act 1994*, administering authority for an infringement notice offence entry, ‘Motor Accident Insurance Commission’—

omit, insert—

registrar

- (7) Schedule 1, entry for *Motor Accident Insurance Act 1994*, authorised person for service of infringement notices entry—

omit, insert—

Authorised person for service of infringement notices—

- (a) for an offence against section 20(1) or (2) that is a camera-detected offence—the registrar; or
 - (b) otherwise—an authorised officer under the *Transport Operations (Road Use Management) Act 1995*, section 20
- (8) Schedule 1, entry for *Motor Accident Insurance Regulation 2018*, administering authority for an infringement notice offence entry, ‘Motor Accident Insurance Commission’—

omit, insert—

registrar

- (9) Schedule 1, entry for *Photo Identification Card Act 2008*—

insert—

Administering authority for an infringement notice offence that is an offence against a provision of the *Photo Identification Card Act 2008*, or an infringement notice about the offence—the registrar

- (10) Schedule 1, entry for *Police Powers and Responsibilities Act 2000*—

insert—

Administering authority for an infringement notice offence that is an offence against a provision of the *Police Powers and Responsibilities Act 2000*, or an infringement notice about the offence—the registrar

- (11) Schedule 1, entry for *Public Health Act 2005*, administering authority for an infringement notice offence entry, paragraph (b)—

omit, insert—

[s 51]

- (b) for an infringement notice served by a police officer for an offence against section 346(1), 362D or 362J of that Act—the registrar; or
 - (c) otherwise—the department in which the provision is administered
- (12) Schedule 1, entry for *Public Safety Preservation Act 1986*—
insert—
Administering authority for an infringement notice offence that is an offence against a provision of the Public Safety Preservation Act 1986, or an infringement notice about the offence—the registrar
- (13) Schedule 1, entry for *Summary Offences Act 2005*—
insert—
Administering authority for an infringement notice offence that is an offence against a provision of the Summary Offences Act 2005, or an infringement notice about the offence—the registrar
- (14) Schedule 1, entry for *Tobacco and Other Smoking Products Act 1998*, administering authority for an infringement notice offence entry, paragraph (a), ‘the Act’—
omit, insert—
that Act
- (15) Schedule 1, entry for *Tobacco and Other Smoking Products Act 1998*, administering authority for an infringement notice offence entry, paragraph (c)—
omit, insert—
 - (c) for an infringement notice served by a police officer under the *Police Powers and Responsibilities Act 2000*, section 60(3)(i)—the registrar; or

- (16) Schedule 1, entry for *Tow Truck Act 1973*—

insert—

Administering authority for an infringement notice offence that is an offence against a provision of the *Tow Truck Act 1973*, or an infringement notice about the offence—the registrar

- (17) Schedule 1, entry for *Tow Truck Regulation 2009*—

insert—

Administering authority for an infringement notice offence that is an offence against a provision of the *Tow Truck Regulation 2009*, or an infringement notice about the offence—the registrar

- (18) Schedule 1, entry for *Traffic Regulation 1962*, administering authority for an infringement notice offence entry, paragraph (b)—

omit, insert—

(b) otherwise—the registrar

- (19) Schedule 1, entry for *Transport Infrastructure Act 1994*, administering authority for an infringement notice offence entry—

omit, insert—

Administering authority for an infringement notice offence that is an offence against a provision of the *Transport Infrastructure Act 1994*, or an infringement notice about the offence—

(a) for an offence against section 105ZH(7), 105ZJ(4) or 105ZK(7) of that Act for which an infringement notice is served by an employee of the Brisbane City Council—the Brisbane City Council; or

(b) otherwise—the registrar

[s 51]

- (20) Schedule 1, entry for *Transport Infrastructure Act 1994*, authorised person for service of infringement notices entry, paragraph (b)—

omit, insert—

- (b) for an offence against section 99(7), 100(4) or 101(7)—the registrar; or

- (21) Schedule 1, entry for *Transport Infrastructure (Public Marine Facilities) Regulation 2011*—

insert—

Administering authority for an infringement notice offence that is an offence against a provision of the Transport Infrastructure (Public Marine Facilities) Regulation 2011, or an infringement notice about the offence—the registrar

- (22) Schedule 1, entry for *Transport Infrastructure (Rail) Regulation 2017*—

insert—

Administering authority for an infringement notice offence that is an offence against a provision of the Transport Infrastructure (Rail) Regulation 2017, or an infringement notice about the offence—the registrar

- (23) Schedule 1, entry for *Transport Infrastructure (State-controlled Roads) Regulation 2017*—

insert—

Administering authority for an infringement notice offence that is an offence against a provision of the Transport Infrastructure (State-controlled Roads) Regulation 2017, or an infringement notice about the offence—the registrar

- (24) Schedule 1, entry for *Transport Infrastructure (Waterways Management) Regulation 2012*—

insert—

Administering authority for an infringement notice offence that is an offence against a provision of the Transport Infrastructure (Waterways Management) Regulation 2012, or an infringement notice about the offence—the registrar

- (25) Schedule 1, entry for *Transport Operations (Marine Pollution) Act 1995—*

insert—

Administering authority for an infringement notice offence that is an offence against a provision of the Transport Operations (Marine Pollution) Act 1995, or an infringement notice about the offence—the registrar

- (26) Schedule 1, entry for *Transport Operations (Marine Pollution) Regulation 2018—*

insert—

Administering authority for an infringement notice offence that is an offence against a provision of the Transport Operations (Marine Pollution) Regulation 2018, or an infringement notice about the offence—the registrar

- (27) Schedule 1, entry for *Transport Operations (Marine Safety) Act 1994—*

insert—

Administering authority for an infringement notice offence that is an offence against a provision of the Transport Operations (Marine Safety) Act 1994, or an infringement notice about the offence—the registrar

- (28) Schedule 1, entry for *Transport Operations (Marine Safety) Regulation 2016—*

insert—

[s 51]

Administering authority for an infringement notice offence that is an offence against a provision of the Transport Operations (Marine Safety) Regulation 2016, or an infringement notice about the offence—the registrar

- (29) Schedule 1, entry for *Transport Operations (Passenger Transport) Act 1994*—

insert—

Administering authority for an infringement notice offence that is an offence against a provision of the Transport Operations (Passenger Transport) Act 1994, or an infringement notice about the offence—the registrar

- (30) Schedule 1, entry for *Transport Operations (Passenger Transport) Regulation 2018*—

insert—

Administering authority for an infringement notice offence that is an offence against a provision of the Transport Operations (Passenger Transport) Regulation 2018, or an infringement notice about the offence—the registrar

- (31) Schedule 1, entry for *Transport Operations (Road Use Management) Act 1995*, administering authority for an infringement notice offence entry, paragraph (b)—

omit, insert—

(b) otherwise—the registrar

- (32) Schedule 1, entry for *Transport Operations (Road Use Management) Act 1995*, authorised person for service of infringement notices entry—

omit, insert—

Authorised person for service of infringement notices—

(a) for an offence against section 84A(1) that is a camera-detected offence—the registrar; or

-
- (b) otherwise—an authorised officer under the *Transport Operations (Road Use Management) Act 1995*, section 20
- (33) Schedule 1, entry for *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015*—
insert—
Administering authority for an infringement notice offence that is an offence against a provision of the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015*, or an infringement notice about the offence—the registrar
- (34) Schedule 1, entry for *Transport Operations (Road Use Management—Dangerous Goods) Regulation 2018*—
insert—
Administering authority for an infringement notice offence that is an offence against a provision of the *Transport Operations (Road Use Management—Dangerous Goods) Regulation 2018*, or an infringement notice about the offence—the registrar
- (35) Schedule 1, entry for *Transport Operations (Road Use Management—Driver Licensing) Regulation 2021*—
insert—
Administering authority for an infringement notice offence that is an offence against a provision of the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2021*, or an infringement notice about the offence—the registrar
- (36) Schedule 1, entry for *Transport Operations (Road Use Management—Road Rules) Regulation 2009*, administering authority for an infringement notice offence entry—
omit, insert—

[s 51]

Administering authority for an infringement notice offence that is an offence against a provision of the Transport Operations (Road Use Management—Road Rules) Regulation 2009, or an infringement notice about the offence—

- (a) for an offence against section 264, 264A or 300 of that regulation—the department in which the provision is administered; or
- (b) for another offence—
 - (i) if an infringement notice for the offence is served by an employee of a local government—the local government; or
 - (ii) otherwise—the registrar

- (37) Schedule 1, entry for *Transport Operations (Road Use Management—Road Rules) Regulation 2009*, authorised person for service of infringement notices entry—

omit, insert—

Authorised person for service of infringement notices—

- (a) for an offence against section 20, 56(1), 56(2), 104(1), 104(2) or 104(3) that is a camera-detected offence—the registrar; or
- (b) otherwise—an authorised officer under the *Transport Operations (Road Use Management) Act 1995*, section 20

- (38) Schedule 1, entry for *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021*—

insert—

Administering authority for an infringement notice offence that is an offence against a provision of the Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021, or an infringement notice about the

offence—the registrar

- (39) Schedule 1, entry for *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021*, authorised person for service of infringement notices entry—
omit, insert—

Authorised person for service of infringement notices—

- (a) for an offence against section 10, 211(f) or 211(h)(ii) that is a camera-detected offence—the registrar; or
- (b) otherwise—an authorised officer under the *Transport Operations (Road Use Management) Act 1995*, section 20
- (40) Schedule 1, entry for *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*—
insert—

Administering authority for an infringement notice offence that is an offence against a provision of the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*, or an infringement notice about the offence—the registrar

Division 4 Amendments commencing on 30 November 2022

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

- (1) Schedule 1, entry for *Transport Operations (Road Use Management—Road Rules) Regulation 2009*, administering authority for an infringement notice offence entry—
omit, insert—

- (i) for developing or monitoring public revenue policies; or
- (ii) for administering the *Financial Accountability Act 2009*, section 21; or
- (iii) permitted under a law; or

Part 8 Amendment of Traffic Regulation 1962

55 Regulation amended

This part amends the *Traffic Regulation 1962*.

56 Amendment of s 208AA (Information about images or videos made by digital driver behaviour camera system—Act, s 113A)

- (1) Section 208AA(2), ‘who has viewed the image or video’—
omit, insert—

or the SPER registrar has viewed the image or video and

- (2) Section 208AA—
insert—

- (4) In this section—

SPER registrar means the registrar under the *State Penalties Enforcement Act 1999*.

insert—

or the SPEA administering authority

61 Amendment of s 116 (Notice accompanying summons)

Section 116(1)(a), ‘or chief executive’—

omit, insert—

, the chief executive or the SPEA administering authority

62 Amendment of sch 4 (Dictionary)

Schedule 4—

insert—

SPEA administering authority, for a camera-detected offence, means the administering authority under the *State Penalties Enforcement Act 1999* for the offence.

© State of Queensland 2022