



Queensland

State Penalties Enforcement Amendment Regulation (No. 2) 2014

Subordinate Legislation 2014 No. 323

made under the

State Penalties Enforcement Act 1999

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[s 1]

1 Short title

This regulation may be cited as the *State Penalties Enforcement Amendment Regulation (No. 2) 2014*.

2 Commencement

Section 4(3) and (4) and (9) to (15) commences on 1 January 2015.

3 Regulation amended

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

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

- (1) Schedule 1, entry for *Electoral Act 1992*, authorised person provision, paragraphs (a) and (b)—

omit, insert—

- (a) for an offence against section 307(1), 307(2), 327, 344(1), 349, 350(1) or 350(2)—

(i) the electoral commissioner under the *Electoral Act 1992*; or

(ii) an authorised officer appointed under the *Electoral Act 1992*, section 321; or

- (b) for an offence against another provision—the electoral commissioner under the *Electoral Act 1992*

- (2) Schedule 1, entry for *Environmental Protection Act 1994*, entries for sections 440ZI(1), 440ZJ(1), 440ZJ(2) and 440ZK(1)—

omit.

- (3) Schedule 1, entry for *Environmental Protection Act 1994*—

insert—

s 443A	in the circumstances in paragraph (b) of the penalty . .	15	75
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- (4) Schedule 1, entry for *Environmental Protection Act 1994*, entries for sections 357I, 363E, 363I(1), 432(2), 432A, 434(2), 435A(3), 438(2), 440(2), 440Q(1), 440ZG, 442(1) and 443—

omit, insert—

s 357I	in the circumstances in paragraph (b) of the penalty . .	20	100
s 363E	in the circumstances in paragraph (b) of the penalty . .	15	75
s 363I(1)	in the circumstances in paragraph (b) of the penalty . .	20	100
s 432(2)	.....	20	100
s 432A	in the circumstances in paragraph (b) of the penalty . .	20	100
s 434(2)	.....	20	100
s 435A(3)	.....	20	100
s 438(2)	.....	20	100
s 440(2)	.....	15	75
s 440Q(1)	in the circumstances in paragraph (b) of the penalty . .	15	75
s 440ZG	in the circumstances in paragraph (b) of the penalty . .	15	75
s 442(1)	in the circumstances in paragraph (b) of the penalty . .	15	75
s 443	in the circumstances in paragraph (b) of the penalty . .	20	100

- (5) Schedule 1, entry for *Environmental Protection Regulation 2008*, columns 1 and 2—

[s 4]

omit, insert—

	Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)	
		Individual	Corporation
s 21(1)	2	-
s 21(3)	2	-
s 81I(1)	2	5
s 81I(2)	2	5
s 81I(3)	2	5
s 81J(1)	2	5
s 81J(2)	2	5
s 81J(3)	2	5
s 81J(4)	2	5
s 81K(1)	2	5
s 81K(2)	2	5
s 81K(3)	2	5
s 81K(4)	2	5
s 81N(1)	2	5
s 81N(3)	2	5
s 81N(4)	2	5
s 81N(5)	2	5
s 81N(6)	2	5
s 81O(1)	2	5
s 81O(2)	2	5
s 81O(3)	2	5
s 81O(4)	2	5
s 81R(1)	2	5
s 81R(2)	2	5
s 81R(3)	2	5
s 81S(1)	2	5
s 81S(2)	2	5

s 81ZA(1)	2	5
s 81ZO(1)	2	5
s 81ZP	2	5
s 81ZQ(1)	1	2
s 81ZR(2)	1	2
s 85(2)	2	-
s 85(7)	2	-
s 87(2)	2	-
s 87(4)	2	-
s 129	2	-
s 130	2	-
s 131(3)	2	-
s 132	2	-

- (6) Schedule 1, entry for *Environmental Protection (Waste Management) Regulation 2000*—

omit.

- (7) Schedule 1, entry for *Local Government Electoral Act 2011*, authorised person provision—

omit, insert—

Authorised person for service of infringement notices—the electoral commissioner under the *Electoral Act 1992*

- (8) Schedule 1, entry for *Referendums Act 1997*, authorised person provision—

omit, insert—

Authorised person for service of infringement notices—the electoral commissioner under the *Electoral Act 1992*

- (9) Schedule 1, entry for *Tobacco and Other Smoking Products Act 1998*—

[s 4]

insert—

s 26ZGC(1)	2
s 26ZGC(2)	2
s 26ZGD(1)	2
s 26ZGD(2)	2
s 26ZGE	2

- (10) Schedule 1, entry for *Tobacco and Other Smoking Products Act 1998*, administering authority provision, paragraph (a), after ‘28(2)’—

insert—

or (3)

- (11) Schedule 1, entry for *Tobacco and Other Smoking Products Act 1998*, administering authority provision, paragraphs (b) and (c)—

renumber as paragraphs (c) and (d).

- (12) Schedule 1, entry for *Tobacco and Other Smoking Products Act 1998*, administering authority provision—

insert—

- (b) for an infringement notice served by an employee of, or an authorised person appointed by, a Hospital and Health Service—the Hospital and Health Service;
or

- (13) Schedule 1, entry for *Tobacco and Other Smoking Products Act 1998*, authorised person provision, paragraph (b), after ‘26VC,’—

insert—

26ZGD(1)

- (14) Schedule 1, entry for *Tobacco and Other Smoking Products Act 1998*, authorised person provision, paragraph (c)—

renumber as paragraph (f).

(15) Schedule 1, entry for *Tobacco and Other Smoking Products Act 1998*, authorised person provision—

insert—

- (c) for an offence against section 26ZGC(1)—an authorised person appointed under the *Tobacco and Other Smoking Products Act 1998*, section 28(1) or (4) or a police officer; or
- (d) for an offence against section 26ZGC(2) or 26ZGE—an authorised person appointed under the *Tobacco and Other Smoking Products Act 1998*, section 28 or a police officer; or
- (e) for an offence against section 26ZGD(2)—an authorised person appointed under the *Tobacco and Other Smoking Products Act 1998*, section 28(1), (2) or (3) or a police officer; or

(16) Schedule 1—

insert—

Waste Reduction and Recycling Regulation 2011

	Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)	
		Individual	Corporation
s 41X(1)	2	5
s 41Y(2)	2	5
s 41Z(2)	2	5
s 41ZA(2)	2	5
s 41ZA(4)	2	5
s 41ZA(5)	2	5
s 41ZB	2	5
s 41ZC(1)	2	5

[s 5]

s 41ZD	.....	2	5
s 41ZI(1)	.....	2	5
s 41ZI(3)	.....	2	5
s 41ZJ	.....	2	5
s 41ZL(1)	.....	1	2
s 41ZL(2)	.....	1	2
s 41ZM(1)	.....	1	2
s 41ZN(1)	.....	2	5
s 41ZP	.....	2	5
s 41ZQ(2)	.....	2	5
s 41ZQ(4)	.....	2	5

Administering authority for an infringement notice offence that is an offence against a provision of the *Waste Reduction and Recycling Regulation 2011* or an infringement notice about the offence—

- (a) for an infringement notice served by an employee of a local government—the local government; or
- (b) otherwise—the department in which the provision is administered

Authorised person for service of infringement notices—an authorised person appointed under the *Waste Reduction and Recycling Act 2011*, section 183(1)(a) or (b)

- (17) Schedule 1, entry for *Water Supply (Safety and Reliability) Act 2008*, entry for section 43(3), column 1, ‘43(3)’—

omit, insert—

43(5)

5 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

Hospital and Health Service see the *Hospital and Health Boards Act 2011*, schedule 2.

ENDNOTES

- 1 Made by the Governor in Council on 18 December 2014.
- 2 Notified on the Queensland legislation website on 19 December 2014.
- 3 The administering agency is the Department of Justice and Attorney-General.

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Authorised by the Parliamentary Counsel