

State Penalties Enforcement Amendment Regulation (No. 4) 2016

Explanatory notes for SL 2016 No. 159

made under the

State Penalties Enforcement Act 1999

General Outline

Short title

State Penalties Enforcement Amendment Regulation (No. 4) 2016

Authorising law

Section 165 of the *State Penalties Enforcement Act 1999* (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* (Regulation) prescribes PIN offences, the administering authorities for PIN offences and authorised persons to serve PINs.

The objectives of the *State Penalties Enforcement Amendment Regulation (No. 4) 2016* (Amendment Regulation) are to:

- prescribe new, and remove existing, PIN offences;
- align the powers of distributor-retailers and local government service providers to issue PINs for certain PIN offences under the *Water Supply (Safety and Reliability) Act 2008*; and
- make other minor and consequential amendments to the regulation.

Achievement of policy objectives

The policy objectives are achieved by amending Schedule 1 to the Regulation to:

- prescribe new, and remove existing, PIN offences under the *Tobacco and Other Smoking Products Act 1998* to reflect new smoking bans provided for in the *Tobacco and Other Smoking Products (Smoke-free Places) Amendment Act 2016*;
- prescribe new PIN offences under the *Liquor Act 1992* and the *Water Supply (Safety and Reliability) Act 2008*;
- align the powers of distributor-retailers and local government service providers to issue PINs for certain PIN offences under the *Water Supply (Safety and Reliability) Act 2008*;
- remove existing PIN offences under the *Water Efficiency Labelling and Standards Act 2005* consequential upon the *Water Legislation (Miscellaneous Provisions) Amendment Act 2014*;
- renumber an existing PIN offence under the *Queensland Building and Construction Commission Act 1991* consequential upon the *Queensland Building and Construction Commission and Other Legislation Amendment Act 2014*; and
- make other minor and consequential amendments.

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 was consulted in relation to the requirements of the Regulatory Impact Statement (RIS) system, and has advised that a RIS is not required for the Amendment Regulation.

The Office of Liquor and Gaming Regulation (OLGR), Queensland Health (QH), the Department of Energy and Water Supply (DEWS) and the Department of Housing and Public Works (DHPW) were consulted in relation to the Amendment Regulation.