

State Penalties Enforcement (Model By-laws for Trust Land) Amendment Regulation 2017

Explanatory notes for SL 2017 No. 42

made under the

State Penalties Enforcement Act 1999

General Outline

Short title

State Penalties Enforcement (Model By-laws for Trust Land) Amendment Regulation 2017

Authorising law

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

Policy objectives and the reasons for them

The purpose of the Amendment Regulation is to allow certain trustees of trust land under the *Land Act 1994* to issue a penalty infringement notice (PIN) for an offence against a model by-law adopted by the trustee and contained in a Schedule under the *Land Regulation 2009*.

Achievement of policy objectives

The Amendment Regulation amends the *State Penalties Enforcement Regulation 2014* (SPE Regulation) to allow trustees of trust land under the *Land Act 1994* to issue a PIN for an offence against a model by-law contained in a Schedule under the *Land Regulation 2009*, if:

- the model by-laws have been adopted by the trustee in the way prescribed under the *Land Regulation 2009*;
- the trustee is the State or a statutory body established under an Act that provides that the statutory body represents the State; and
- the maximum penalty for the by-law PIN offence is not more than 10 penalty units.

The trustee of the trust land is the administering authority for the issuing of the PIN offences and an employee of the trustee (approved by the trustee) is the authorised

person empowered to serve a PIN for a by-law PIN offence. The prescribed penalty amount for a by-law PIN offence will vary according to a sliding scale similar to that applying to local law PIN offences. The Amendment Regulation commences on 3 April 2017.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the 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

The issue of a PIN for a by-law PIN offence is a less costly process than the prosecution of the offence in court for both the trustee of the trust land and the recipient of the PIN.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

The Queensland Productivity Commission was consulted and confirmed that a Regulatory Impact Statement is not required.