

# State Penalties Enforcement Amendment Regulation (No. 1) 2017

Explanatory notes for SL 2017 No. 119

made under the

*State Penalties Enforcement Act 1999*

## General Outline

### Short title

*State Penalties Enforcement Amendment Regulation (No. 1) 2017*

### Authorising law

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

Amendments to the Regulation are required to prescribe new, and remove existing, PIN offences under the *Animal Management (Cats and Dogs) Act 2008* (AMCD Act), the *Biosecurity Act 2014* (Biosecurity Act), the *Casino Control Act 1982* (Casino Control Act), the *Electrical Safety Regulation 2013* (Electrical Safety Regulation), the *Gaming Machine Act 1991* (Gaming Machine Act), the *Liquor Act 1992* (Liquor Act) and the *Major Events Act 2014* (Major Events Act).

## **Achievement of policy objectives**

The *State Penalties Enforcement Amendment Regulation (No. 1) 2017* (the Amendment Regulation) amends the Regulation to prescribe new PIN offences under:

- the AMCD Act which relates to the registration of dog breeders, ensuring cats or dogs are implanted with a prescribed permanent identification device, ensuring dogs have a relevant supply number, providing particular details about a dog, and complying with an information requirement given by an authorised person;
- the Biosecurity Act for fishing in the white spot biosecurity zone in breach of section 94D of the *Biosecurity Regulation 2016*;
- the Casino Control Act for a person at a casino who is asked to give evidence of their age and who either refuses to do so or provides a false identification document;
- the Electrical Safety Regulation which relate to ensuring that no person, plant or thing comes within an unsafe distance of an overhead or underground electric line, or, where it is not reasonably practicable to do so, ensuring that a risk assessment is conducted and control measures are implemented;
- the Gaming Machine Act which relate to the unauthorised manufacture, sale, supply, obtaining or possession of gaming machines and restricted components;
- the Liquor Act which relate to ID scanning obligations of licensees, disclosure of personal information recorded by an ID scanner, appropriate operation of an approved ID scanning system, obligations in the event of an ID scanning system failure, notifying a change in an approved operator's executive officers, operating an ID scanning system without approval, privacy obligations in relation to an ID scanning system, and complying with a direction about an ID scanning system; and
- the Major Events Act which relate to entering, exiting or remaining in a major event area without authority, prohibited conduct within a major event area, entering a restricted area, playing field or competition area without authority, obstructing a person participating in a major event, bringing liquor into, or selling, supplying or consuming liquor in, a major event area, bringing vehicles into, or leaving vehicles

in, a major event area, driving a vehicle in a major event lane, and not complying with a direction given by, or obstructing, an authorised person.

The Amendment Regulation also removes some existing PIN offences under the AMCD Act and the Liquor Act as a result of the repeal of those offences.

### **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 the implementation of 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 Queensland Government Guide to Better Regulation.