

# **State Penalties Enforcement (Animal Management, Biosecurity and Vegetation Management Activities) Amendment Regulation 2018**

Explanatory notes for SL 2018 No. 42

made under the

*State Penalties Enforcement Act 1999*

## **General Outline**

### **Short title**

*State Penalties Enforcement (Animal Management, Biosecurity and Vegetation Management Activities) Amendment Regulation 2018*

### **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 a number of new PIN offences and amend some existing PIN offences under the *Animal Management (Cats and Dogs) Act 2008* (AMCD Act), the *Biosecurity Act 2014* (Biosecurity Act), the *Planning Act 2016* (Planning Act) and the *Vegetation Management Act 1999* (VM Act) to assist with the enforcement of existing offences under those Acts.

## **Achievement of policy objectives**

The *State Penalties Enforcement (Animal Management, Biosecurity and Vegetation Management Activities) Amendment Regulation 2018* (the Amendment Regulation) amends the Regulation to prescribe new PIN offences under:

- the AMCD Act which relate to the implanting of prescribed permanent identification devices (PPIDs) in cats and dogs, and the provision of PPID registration services;
- the Biosecurity Act for breaches of the general biosecurity obligation relating to the labelling and use of feed containing restricted animal material, the eradication of cattle tick from infested land, the movement of cattle tick carriers; the moving of fire ants, soil or other fire ant carriers from within a fire ant biosecurity zone or producing hay within such a zone; and the moving of electric ants or an electric ant carrier from an electric ant biosecurity zone;
- the Biosecurity Act which relate to distributing, moving, keeping, or giving food to particular categories of restricted matter (for example, weeds, pest animals and noxious fish); feeding restricted material to ruminants, pigs and poultry; maintaining barrier fences erected to protect grazing and agricultural land from wild dogs and rabbits; carrying a biosecurity instrument permit; registration of biosecurity entities, keeping bees in a hive, and conduct in restricted places; displaying of certain information on hives; recording the movements of designated animals; biosecurity prevention and control programs; supplying, fitting and removing of approved devices; complying with directions and requirements of authorised and designated officers, and not interfering by tampering with things that have been seized or by entering places if access has been restricted; contravening information-obtaining powers of officers; accredited certifiers and the issuing of biosecurity certificates; complying with audit requirements; and returning cancelled, suspended or amended permits, accreditations and approvals; and
- the Planning Act for carrying out prohibited development.

The Amendment Regulation also amends a number of PIN offences currently prescribed under the Regulation for vegetation clearing offences in the Planning Act. These PIN offences relate to carrying out assessable development without a permit,

contravening a development approval, contravening an enforcement notice, and dealing with an enforcement notice to prevent the recipient seeing the notice. These amendments include:

- increasing penalties which apply to corporate offenders;
- realigning of, and in some cases increases to, the PIN amounts which correlate to the area of land that has been cleared; and
- increases to the specified ranges of land clearing which correlate to a prescribed PIN amount, including removing the caps on the maximum area of land cleared which may be subject to a PIN.

In addition the Amendment Regulation introduces separate PIN amounts for corporations for two PIN offences currently prescribed under the Regulation for the VM Act. These offences relate to failing to comply with a stop work notice and failing to comply with a restoration notice which may be issued for certain vegetation clearing 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 Office of Best Practice Regulation (OBPR) was consulted in relation to the requirements of the Queensland Government Guide to Better Regulation. OBPR advised that the proposal is unlikely to result in significant adverse impacts and is therefore excluded from further regulatory impact analysis under the Guidelines.