

State Penalties Enforcement Amendment (Postponement) Regulation 2018

Explanatory notes for SL 2018 No. 51

made under the

State Penalties Enforcement Amendment Act 2017

General Outline

Short title

State Penalties Enforcement Amendment (Postponement) Regulation 2018

Authorising law

Section 2 of the *State Penalties Enforcement Amendment Act 2017*

Section 15DA of the *Acts Interpretation Act 1954*

Policy objectives and the reasons for them

Section 15DA of the *Acts Interpretations Act 1954* provides that where an Act is to commence by proclamation, but is not proclaimed, it automatically commences one year and one day after the date of assent. However, a regulation may extend this automatic commencement date for up to 12 months.

The *State Penalties Enforcement Amendment Act 2017* (the Amendment Act) received assent on 19 May 2017. The Amendment Act supports the implementation of a new service delivery model for the State Penalties Enforcement Registry (SPER) to modernise the management of penalty debts in Queensland. The provisions of the Amendment Act facilitate this new model by providing improved non-monetary debt finalisation options for people experiencing hardship, enabling case management of debtors by SPER, establishing fairer fee arrangements, creating efficiencies in the management of disputes and delivering improvements to SPER's enforcement functions.

The new SPER service delivery model is being implemented through a staged approach throughout 2017 and 2018. To support this approach, the Amendment Act provides that the legislation commences by proclamation with the exception of a small number of provisions that commenced on assent. This enables commencement of the provisions which support specific elements of the new service model to coincide with implementation of each of those elements by SPER.

Provisions of the Amendment Act which deliver improved non-monetary debt finalisation options for people experiencing hardship through the introduction of a work and development order scheme commenced by proclamation on 4 December 2017. However, most of the Amendment Act provisions have not yet commenced, and therefore will automatically commence on 20 May 2018 unless a regulation is made.

It is proposed that automatic commencement of the remaining provisions of the Amendment Act be delayed until 20 May 2019. This will enable the uncommenced provisions to be commenced by proclamation concurrently with the implementation of the elements of SPER's new service model which the provisions support.

Achievement of policy objectives

In accordance with Section 15DA of the *Acts Interpretation Act 1954*, the Regulation will delay the period before automatic commencement of the provisions of the Amendment Act that have not commenced to the end of 19 May 2019. This will provide for the automatic commencement of the remaining Amendment Act provisions on 20 May 2019, unless the provisions are commenced by proclamation prior to this date.

Consistency with policy objectives of authorising law

The Regulation is consistent with the main objectives of the Amendment Act as it ensures that the commencement of the remaining Amendment Act provisions coincides with the implementation of the elements of SPER's new service delivery model that the provisions support.

Inconsistency with policy objectives of other legislation

The Regulation is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives of the Regulation.

Benefits and costs of implementation

The Regulation does not involve any additional costs.

Consistency with fundamental legislative principles

The Regulation is consistent with fundamental legislative principles.

Consultation

Extensive consultation has been undertaken with the government agencies, statutory bodies, the Local Government Association of Queensland, local governments and universities which refer unpaid fines and penalties to SPER for collection on the implementation of SPER's new service delivery model, and the planned staged commencement of the provisions in the Amendment Act. The stakeholders are supportive of the implementation approach including the staged commencement.