

# ***State Penalties Enforcement (Police Powers and Responsibilities) Amendment Regulation 2018***

Explanatory notes for SL 2018 No. 192

Made under the

*State Penalties and Enforcement Act 1999*

## **General Outline**

### **Short Title**

*State Penalties Enforcement (Police Powers and Responsibilities) 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.

Although section 791(2)(c) of the PPRA is already prescribed as an infringement notice offence the applicable infringement notice fine of 4 penalty units (currently \$522.00) is considered too large an amount in the circumstances where a person fails to complete a drug diversion program, as the average court fine imposed in these circumstances is \$270.00.

An amendment to the Regulation is required to prescribe a new PIN amount of 1.5 penalty units (currently \$195.85) which will apply in particular circumstances for an offence under section 791(2)(c) of the *Police Powers and Responsibilities Act 2000* (PPRA) which is already prescribed as a PIN offence in the Regulation.

## **Achievement of policy objectives**

The *State Penalties Enforcement (Police Powers and Responsibilities) Amendment Regulation 2018* (the Amendment Regulation) amends the Regulation to prescribe a new PIN amount for an offence committed in particular circumstances pursuant to section 791(2)(c) of the PPRA, being failure to participate in and complete a drug diversion assessment program upon the direction of a police officer. The Amendment Regulation will assist with enforcement of this offence in these circumstances.

## **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 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.