

State Penalties Enforcement (Water Supply (Safety and Reliability) and Other Matters) Amendment Regulation 2018

Explanatory notes for SL 2018 No. 209

made under the

State Penalties Enforcement Act 1999

General Outline

Short title

State Penalties Enforcement (Water Supply (Safety and Reliability) and Other Matters) 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 repeal two existing PIN offences under the *Water Supply (Safety and Reliability) Act 2008* (Water Supply Act), the *Electrical Safety Regulation 2013* (ES Regulation) and the *Work Health and Safety Act 2011* (WHS Act) to assist with the enforcement of existing offences under those Acts.

Achievement of policy objectives

The *State Penalties Enforcement (Water Supply (Safety and Reliability) and Other Matters) Amendment Regulation 2018* (the Amendment Regulation) amends the Regulation to prescribe new PIN offences under:

- the ES Regulation for an offence concerning testing of electrical equipment to confirm electrical safety; and
- the Water Supply Act for breaches of various obligations that are imposed on water service providers to ensure the safety and reliability of water supply. The relevant offences relate to not giving notice of intention to stop operating as a service provider; non-compliance with an approved Drinking Water Quality Management Plan (DWQMP); non-compliance with a notice to amend a DWQMP; failing to review a DWQMP as required; failing to prepare and provide an annual DWQMP report as required; failing to give information under a requirement of an authorised officer; tampering with seized things; tampering with seized equipment; non-compliance with a requirement to support seizure; failure to give name or address; contravention of an improvement notice; and non-compliance with a compliance notice.

The Amendment Regulation also updates the relevant authorised person entry so that an authorised officer appointed under section 402 of the Water Supply Act can issue the new PIN offences under the Water Supply Act.

The Amendment Regulation removes reference to two offences currently prescribed under the Regulation which are no longer required. These amendments:

- repeal an existing PIN for an offence under the WHS Act which has been repealed;
- repeal an existing reference to section 25(3) of the ES Regulation which is not an offence provision.

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.