

State Penalties Enforcement (Hospital and Health and Regulated Waste) Amendment Regulation 2019

Explanatory notes for SL 2019 No. 10

made under the

State Penalties Enforcement Act 1999

General Outline

Short title

State Penalties Enforcement (Hospital and Health and Regulated Waste) Amendment Regulation 2019

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 ten new PIN offences under the *Environmental Protection Regulation 2008* to assist with the enforcement of the offences and repeal one existing infringement notice offence which is prescribed in relation to the *Hospital and Health Boards Act 2011*.

Achievement of policy objectives

The *State Penalties Enforcement (Hospital and Health and Regulated Waste) Amendment Regulation 2019* (the Amendment Regulation) amends the Regulation to prescribe new PIN offences under the *Environmental Protection Regulation 2008* which concern the requirement for a waste generator or waste receiver to notify and report to the administering authority waste related information, to keep records, and not wilfully tamper with, interfere with or otherwise jeopardise waste sampling and testing and test results.

The Amendment Regulation removes reference to one offence currently prescribed under the Regulation which has been repealed from the *Hospital and Health Boards Act 2011*.

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 excluded from further regulatory impact analysis under the Guidelines.