



Queensland

State Penalties Enforcement (Model By-laws for Trust Land) Amendment Regulation 2017

Subordinate Legislation 2017 No. 42

made under the

State Penalties Enforcement Act 1999

Contents

		Page
1	Short title	2
2	Commencement	2
3	Regulation amended	2
4	Amendment of pt 3, hdg (Infringement notice offences etc. for local laws)	2
5	Insertion of new s 6A	2
	6A Definitions for part	2
6	Amendment of s 7 (Infringement notice offences and fines for local laws)	3
7	Amendment of s 8 (Administering authority for local law)	3
8	Amendment of s 9 (Authorised person for infringement notice for offence against local law or minor traffic offence)	4
9	Amendment of sch 2 (Dictionary)	5

[s 1]

1 Short title

This regulation may be cited as the *State Penalties Enforcement (Model By-laws for Trust Land) Amendment Regulation 2017*.

2 Commencement

This regulation commences on 3 April 2017.

3 Regulation amended

This regulation amends the *State Penalties Enforcement Regulation 2014*.

4 Amendment of pt 3, hdg (Infringement notice offences etc. for local laws)

Part 3, heading, after ‘laws’—

insert—

and by-laws

5 Insertion of new s 6A

Part 3—

insert—

6A Definitions for part

In this part—

by-law means a by-law that is adopted by a trustee under the *Land Act 1994*, section 56(7), and is in force.

trustee means either of the following entities appointed under the *Land Act 1994*, section 44, as a trustee of trust land—

(a) the State;

- (b) a statutory body that is established under an Act and represents the State.

6 Amendment of s 7 (Infringement notice offences and fines for local laws)

- (1) Section 7, heading, after ‘laws’—

insert—

or by-laws

- (2) Section 7—

insert—

- (2A) An offence against a provision of a by-law that is not an offence against the person and for which a person may be punished by a maximum penalty of not more than 10 penalty units is an offence to which the Act applies (a ***by-law infringement notice offence***).

- (2B) The fine payable for a by-law infringement notice offence under an infringement notice is—

- (a) if the offence is otherwise punishable by a maximum penalty of not more than 0.5 penalty units—the maximum penalty; or
- (b) if the offence is otherwise punishable by a maximum penalty of more than 0.5, but not more than 5, penalty units—0.5 penalty units; or
- (c) if the offence is otherwise punishable by a maximum penalty of more than 5, but not more than 10, penalty units—1 penalty unit.

- (3) Section 7(2A) to (3)—

renumber as section 7(3) to (5).

7 Amendment of s 8 (Administering authority for local law)

- (1) Section 8, heading, after ‘law’—

[s 8]

insert—

or by-law

(2) Section 8—

insert—

- (2) The administering authority for an infringement notice offence that is an offence against a provision of a by-law, or an infringement notice about the offence, is the trustee that adopted the by-law.

8 Amendment of s 9 (Authorised person for infringement notice for offence against local law or minor traffic offence)

(1) Section 9, heading, after ‘law’—

insert—

, by-law

(2) Section 9—

insert—

- (1A) An employee of a trustee who is approved by the trustee for the purposes of this subsection is a person authorised to serve an infringement notice for an infringement notice offence that is an offence against a provision of a by-law adopted by the trustee.

(3) Section 9(2), ‘this section’—

omit, insert—

subsection (1)

(4) Section 9(1A) and (2)—

renumber as section 9(2) and (3).

9 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

by-law, for part 3, see section 6A.

trustee, for part 3, see section 6A.

Endnotes

ENDNOTES

- 1 Made by the Governor in Council on 30 March 2017.
- 2 Notified on the Queensland legislation website on 31 March 2017.
- 3 The administering agency is the Department of Justice and Attorney-General.

© State of Queensland 2017