

Queensland

State Penalties Enforcement Amendment Bill 2017

Queensland

State Penalties Enforcement Amendment Bill 2017

Contents

		Page
Part 1	**Preliminary**	
1	Short title	10
2	Commencement	10
Part 2	**Amendment of Land Act 1994**	
3	Act amended	10
4	Amendment of sch 6 (Dictionary)	10
Part 3	**Amendment of Land Title Act 1994**	
5	Act amended	11
6	Amendment of sch 2 (Dictionary)	11
Part 4	**Amendment of State Penalties Enforcement Act 1999**	
7	Act amended	11
8	Amendment of s 9 (The SPER charter)	11
9	Amendment of s 13 (Service of infringement notices—generally)	12
10	Amendment of s 14 (Service of infringement notices for infringement notice offences involving vehicles)	12
11	Insertion of new s 14A	12
	14A Recovery of vehicle identification costs	13
12	Amendment of s 15 (Infringement notices)	13
13	Amendment of s 17 (Liability for infringement notice offences involving vehicles)	14
14	Amendment of s 22 (Ways alleged offender may deal with infringement notice)	14
15	Replacement of s 23 (Application to pay fine by instalments)	15
	23 Application for early referral of fine to SPER	15
16	Omission of s 24 (Registration of instalment payments for infringement notices)	16
17	Replacement of s 25 (Alleged offender who pays can not be prosecuted)	

Contents

. 16

25 Alleged offender who pays can not be prosecuted . . 16

18 Replacement of s 26 (When alleged offender can not elect to have offence decided by court) 17

26 When alleged offender can not elect to have offence decided by court 17

19 Amendment of s 27 (When infringement notice offence is to be decided by court) 17

20 Amendment of s 28 (Administering authority may withdraw infringement notice) 17

21 Replacement of s 29 (Cancellation of registration on withdrawal of infringement notice) 18

29 Cancellation of registration on withdrawal of infringement notice 18

22 Amendment of s 30 (Application to cancel infringement notice for mistake of fact) 19

23 Insertion of new pt 3A 19

Part 3A Payment plans

32A Application to registrar for payment plan 20

32B Offering payment plan 21

32C Acceptance of payment plan 22

32D Amending payment plan 22

32E Cancelling payment plan 22

24 Insertion of new pt 3B 24

Part 3B Work and development orders

32F Definitions for part 24

32G Work and development orders 24

32H Eligibility for work and development order 26

32I No work and development order for restitution or compensation 26

32J Application for work and development order 26

32K Eligibility assessment by approved sponsor 27

32L Decision on application 27

32M Unpaid work must be performed cumulatively 28

32N Effect of this part on enforcement action 28

32O Variation of work and development order 29

32P Withdrawal of work and development order 30

32Q Revocation of work and development order 31

Authorised by the Parliamentary Counsel

32R Satisfaction of SPER debt 33
32S External review of decisions under this part 33
25 Replacement of pt 4, div 1 (Default commences enforcement process) 33
Division 1 Preliminary
33 What is an infringement notice default 34
33A What is an unpaid court debt 34
Division 1A Registering unpaid amounts with SPER for collection
34 Registering unpaid amounts with SPER 35
35 Lodgement fee for particular administering authorities 36
36 Effect of registration on collection and prosecution . . 36
37 Amending matter registered with SPER 37
Division 1B Early referral notices
37A Serving early referral notice 37
37B Ways person may respond to early referral notice . . 37
37C Cancelling early referral notice 38
Division 1C Court debt payment notices
37D Serving court debt payment notice 38
37E Ways person may respond to court debt payment notice 38
37F Cancelling court debt payment notice 39
37G Effect of appeal on court debt payment notice 39
26 Amendment of s 38 (Issue of enforcement order) 40
27 Insertion of new s 39 41
39 Enforcement fee imposed for enforcement order . . . 41
28 Replacement of s 40 (Service of enforcement order) 41
40 Service of enforcement order 42
29 Amendment of s 41 (Ways enforcement debtor may deal with enforcement order) 42
30 Omission of ss 42–50 43
31 Amendment of s 51 (Election for court hearing) 43
51 When infringement notice offence is to be decided by court 43
32 Insertion of new s 51A 43
51A Court election or proceeding for offence cancels enforcement order 44
33 Amendment of s 52 (Default after time to pay) 45

Authorised by the Parliamentary Counsel

34 Omission of s 53 (Breach of fine option order) 45
35 Amendment of pt 4, div 5, hdg (Effect of appeal on enforcement order) 46
36 Insertion of new s 54B 46
54B Effect of rehearing or reopening proceedings on enforcement order 46
37 Replacement of pt 4, div 6 47
Division 6 Cancellation of enforcement orders relating to infringement notice defaults
55 Definitions for division 47
56 Application for cancellation of all or part of enforcement order 47
56A Request for further information 49
56B Stay of enforcement action 50
57 Decision on application 50
57A Information sharing about cancellations 51
58 Appeal against refusal to cancel enforcement order . 51
59 Effect of cancellation of enforcement order 52
60 Proceedings after the cancellation of enforcement order 53
38 Replacement of s 61 (Application of pt 5) 54
61 Application of pt 5 54
39 Insertion of new ss 62A–62D 55
62A Definition for part 55
62B Applying part to particular persons 55
62C Enforcement fee imposed for defaults requiring enforcement action 56
62D Invitation to apply for payment plan 56
40 Amendment of s 63 (Issue of enforcement warrant) 56
41 Amendment of s 63A (Renewal of enforcement warrant) 57
42 Amendment of s 69 (Enforcement of enforcement warrant may be made conditional) 58
43 Amendment of s 73D (Payment by enforcement debtor before sale) 58
44 Amendment of s 75 (Issue of fine collection notice) 58
45 Amendment of s 79 (When registrar may issue fine collection notice for redirection of earnings) 59
46 Amendment of s 102 (Financial institution to make payments) . . 60
47 Insertion of new pt 5, div 6A 60

Authorised by the Parliamentary Counsel

Division 6A Provisions about direction to pay amount from financial institution account

103A Application of division 60

103B Copy of fine collection notice to enforcement debtor 61

103C Financial institution to make deduction 61

103D Financial institution to make payment 62

48 Amendment of s 104 (Criteria for suspending driver licence) . . . 62

49 Replacement of s 105 (Suspension of driver licence) 63

105 Suspension of driver licence 63

50 Amendment of s 106 (General effect of suspension of driver licence) 64

51 Amendment of s 107 (Review of suspension of driver licence) . . 64

52 Amendment of s 108A (Criteria for vehicle immobilisation) 64

53 Amendment of s 108C (Registrar to serve notice of intention to issue immobilisation warrant) 65

54 Amendment of s 108D (Issue and service of immobilisation warrant) 65

55 Amendment of s 108F (Effect of immobilisation warrant) 65

56 Amendment of s 108H (Where and when an immobilisation warrant may or may not be enforced) 66

57 Amendment of s 108L (Immobilisation search warrant) 66

58 Amendment of s 108N (Immobilisation notice) 67

59 Amendment of s 108O (Immobilisation period and access to vehicle) 67

60 Amendment of s 108P (When immobilising device may be removed before end of immobilisation period) 67

61 Amendment of s 108R (Direction by registrar to seize vehicle under enforcement warrant) 68

62 Replacement of s 108S (Direction by registrar to re-enforce current immobilisation warrant) 68

108S Direction by registrar to re-enforce current immobilisation warrant 68

63 Omission of s 109 (Making of fine option order after enforcement warrant) 69

64 Amendment of s 110 (Registration of interests) 69

65 Amendment of s 113 (Order of satisfaction if more than 1 enforcement order) 70

66 Amendment of s 114 (Power of person serving fine collection notice or enforcing warrant to demand name and address etc.) 70

67 Amendment of s 115 (Effect of particular proceedings) 71

68 Omission of s 118 (Good behaviour order when imprisonment not appropriate) 71

Authorised by the Parliamentary Counsel

69 Amendment of s 119 (Enforcement by imprisonment) 71
70 Insertion of new s 119A 72
119A Enforcement fee imposed for defaults requiring arrest and imprisonment warrant 72
71 Omission of pt 7 (General provisions about fine option orders) . 72
72 Amendment of s 131 (Definitions for pt 8) 72
73 Insertion of new pt 8A 73
Part 8A Information sharing
Division 1 Preliminary
134A Definitions for part 73
Division 2 Information collection
134B Information from police commissioner 73
134C Registrar may require person to give information . . . 75
134D Registrar may require attendance by persons 75
134E Power to record giving of information 77
134F Registrar may require translation or conversion of information 77
134G False or misleading information 78
Division 3 Information protection
134H Unauthorised disclosure of confidential information . 79
134I Non-disclosure of particular information 80
134J Limited use of self-incriminating information 80
Division 4 Information sharing
134K Information-sharing arrangements 81
134L Disclosure of confidential information by registrar . . . 82
134M Registrar may advise police commissioner about particular warrants 84
74 Omission of ss 137–146D 84
75 Omission of pt 9, div 1 (Content of particular notices, orders and warrants) 84
76 Insertion of new s 149A 85
149A References to amounts otherwise being discharged 85
77 Insertion of new ss 150AA and 150AB 86
150AA Registrar may waive or return fee 86
150AB Redirecting amounts to unpaid SPER debts 86
78 Amendment of s 150B (Guidelines) 86
79 Insertion of new s 151 87

Authorised by the Parliamentary Counsel

	151	Registrar may arrange for use of information system	87
80	Omission of ss 151–152I		88
81	Amendment of s 153 (Register)		88
82	Amendment of s 155 (Non-reviewable decision)		89
83	Amendment of s 157 (Evidentiary provisions)		89
84	Amendment of s 158 (Service of document)		92
85	Replacement of s 163 (Approval of other forms)		93
	163	Approval of other forms	93
86	Omission of s 164 (Review of Act)		94
87	Amendment of s 165 (Regulation-making power)		94
88	Insertion of new pt 10, div 7		95
	Division 7	Transitional provisions for State Penalties Enforcement Amendment Act 2017	
	183	Definitions for division	95
	184	Approved sponsors	95
	185	Conversion of fine option orders	96
	186	Conversion of applications for fine option orders	97
	187	Continuation of good behaviour orders	98
	188	Application to pay fine by instalments	98
	189	Continued payment under an instalment payment notice	99
	190	Effect of existing enforcement documents	100
	191	Effect of existing default certificates	101
	192	Continuation of particular applications	101
	193	Continuation of particular certificate evidence	102
	194	Transitional regulation-making power	102
89	Amendment of sch 2 (Dictionary)		103
Part 5	**Consequential amendments**		
90	Acts amended		106
Schedule 1	**Minor and consequential amendments**		107
	Penalties and Sentences Act 1992		107
	Police Powers and Responsibilities Act 2000		108
	Queensland Building and Construction Commission Act 1991		109
	Transport Operations (Passenger Transport) Act 1994		110
	Victims of Crime Assistance Act 2009		110
	Waste Reduction and Recycling Act 2011		111

Authorised by the Parliamentary Counsel

2017

A Bill

for

An Act to amend the *Land Act 1994*, the *Land Title Act 1994* and the *State Penalties Enforcement Act 1999*, and to amend the legislation mentioned in schedule 1, for particular purposes

The Parliament of Queensland enacts—

Part 1 Preliminary

Clause 1 Short title

This Act may be cited as the *State Penalties Enforcement Amendment Act 2017*.

Clause 2 Commencement

This Act, other than sections 7, 9, 10, 13, 20(1), 26(3), 28, 42(1), 44(1) and (2), 45, 46, 47, 53, 55(2), 57, 58, 59, 66, 73, 74, 77, 80, 81(1), 83(1), (3) and (5), 84, 85, 86 and 89(1) and (3), commences on a day to be fixed by proclamation.

Part 2 Amendment of Land Act 1994

Clause 3 Act amended

This part amends the *Land Act 1994*.

Clause 4 Amendment of sch 6 (Dictionary)

Schedule 6, definition *enforcement warrant*—

omit, insert—

enforcement warrant means—

(a) an enforcement warrant under the *Civil Proceedings Act 2011*, section 90; or

(b) an enforcement warrant under the *State Penalties Enforcement Act 1999*, section 63(1)(a).

Authorised by the Parliamentary Counsel

Part 3 Amendment of Land Title Act 1994

Clause 5 Act amended

This part amends the *Land Title Act 1994*.

Clause 6 Amendment of sch 2 (Dictionary)

Schedule 2, definition *enforcement warrant*—

omit, insert—

enforcement warrant means—

(a) an enforcement warrant under the *Civil Proceedings Act 2011*, section 90; or

(b) an enforcement warrant under the *State Penalties Enforcement Act 1999*, section 63(1)(a).

Part 4 Amendment of State Penalties Enforcement Act 1999

Clause 7 Act amended

This part amends the *State Penalties Enforcement Act 1999*.

Clause 8 Amendment of s 9 (The SPER charter)

Section 9(c), 'community service work'—

omit, insert—

non-monetary satisfaction of SPER debts

Authorised by the Parliamentary Counsel

Clause 9 Amendment of s 13 (Service of infringement notices—generally)

Section 13—

insert—

(4) An infringement notice for an offence must not be served on a person after the end of the period within which an administering authority may start a prosecution for the offence and, if served, must be withdrawn.

(5) Section 28(2) to (4) applies to the withdrawal of an infringement notice under subsection (4).

Clause 10 Amendment of s 14 (Service of infringement notices for infringement notice offences involving vehicles)

(1) Section 14(2)(a), 'latest'—

omit.

(2) Section 14(2)(b) and (c)—

omit, insert—

(b) for the person named in a known user declaration—at the person's address stated in the declaration or another address for the person in the register of vehicles kept under a registration Act; or

(c) for the person named in a sold vehicle declaration—at the person's address stated in the declaration or another address for the person in the register of vehicles kept under a registration Act.

Clause 11 Insertion of new s 14A

Part 3—

insert—

Authorised by the Parliamentary Counsel

14A Recovery of vehicle identification costs

(1) This section applies if, for the purpose of serving an infringement notice for an infringement notice offence involving a vehicle, the administering authority reasonably incurs a cost in establishing ownership of the vehicle (a ***verification cost***).

(2) The fine for the offence is increased by the amount of the verification cost.

Clause 12 Amendment of s 15 (Infringement notices)

(1) Section 15(2)(f)—

omit, insert—

(f) the ways the alleged offender may respond to the notice under section 22;

(2) Section 15(2)—

insert—

(i) if the amount of the fine is increased under section 14A because the administering authority incurred a verification cost—the amount of the verification cost;

(j) that if the alleged offender defaults—

(i) the fine may be registered with SPER as an infringement notice default; and

(ii) additional fees may be payable; and

(iii) enforcement action may be taken to recover the amount of the fine.

(3) Section 15(3)—

omit.

Authorised by the Parliamentary Counsel

Clause 13 Amendment of s 17 (Liability for infringement notice offences involving vehicles)

Section 17(5)—

omit.

Clause 14 Amendment of s 22 (Ways alleged offender may deal with infringement notice)

(1) Section 22, heading, 'deal with'—

omit, insert—

respond to an

(2) Section 22(1)(c)—

renumber as section 22(1)(d).

(3) Section 22(1)—

insert—

(c) apply to the administering authority under section 23 for the immediate registration of the fine for the purpose of paying the fine under a payment plan with SPER; or

(4) Section 22(1)—

insert—

(e) if the administering authority offers the alleged offender a payment plan administered by the authority—accept the payment plan.

(5) Section 22(2)—

omit, insert—

(2) An election to have the matter of the offence decided in a Magistrates Court must be made in the way acceptable to the administering authority.

Authorised by the Parliamentary Counsel

Clause 15 Replacement of s 23 (Application to pay fine by instalments)

Section 23—

omit, insert—

23 Application for early referral of fine to SPER

(1) This section applies if—

(a) an infringement notice is served on a person for an offence; and

(b) the fine for the offence is at least the amount prescribed by regulation.

(2) For the purpose of paying the fine under a payment plan with SPER, the person may apply to the administering authority for the immediate registration of the unpaid amount of the fine under section 34(1)(a).

Note—

See part 3A for payment plans with SPER.

(3) The application—

(a) may only be made within 28 days after the date of the infringement notice; and

(b) may only be made in the approved form or another way acceptable to the administering authority; and

(c) must be accompanied by an amount (the ***upfront payment***), of at least the amount prescribed by regulation, to be paid towards the amount of the fine.

(4) However, the application need not be accompanied by the upfront payment if—

(a) the administering authority accepts payment of an upfront payment by direct debit from an account held with a financial institution; and

Authorised by the Parliamentary Counsel

(b) the person authorises payment of the upfront payment by direct debit from an account held with a financial institution.

(5) If the application complies with subsection (3), the administering authority must register the unpaid amount of the fine with SPER under section 34 as soon as practicable after receiving the application.

(6) Nothing in this section prevents an administering authority from offering the alleged offender a payment plan that is administered by the authority.

Clause 16 Omission of s 24 (Registration of instalment payments for infringement notices)

Section 24—

omit.

Clause 17 Replacement of s 25 (Alleged offender who pays can not be prosecuted)

Section 25—

omit, insert—

25 Alleged offender who pays can not be prosecuted

(1) This section applies if—

(a) an infringement notice is served on an alleged offender for an offence; and

(b) the alleged offender pays the fine for the offence as required by the infringement notice or the alleged offender begins to otherwise discharge the fine.

(2) The alleged offender must not be prosecuted in a court for the offence.

Authorised by the Parliamentary Counsel

(3) Subsection (2) applies even though more than 1 infringement notice has been served on the alleged offender for the offence.

Clause 18 Replacement of s 26 (When alleged offender can not elect to have offence decided by court)

Section 26—

omit, insert—

26 When alleged offender can not elect to have offence decided by court

A person served with an infringement notice for an offence may not elect to have the matter decided by a Magistrates Court if—

(a) the person pays the fine for the offence as required by the infringement notice; or

(b) after applying for early referral of the fine for the offence to SPER under section 23, the person enters into a payment plan for the fine.

Clause 19 Amendment of s 27 (When infringement notice offence is to be decided by court)

Section 27(2)—

omit, insert—

(2) Subsection (1)(b) does not prevent the administering authority registering an infringement notice default under section 34 instead of starting a proceeding for the offence under the *Justices Act 1886*.

Clause 20 Amendment of s 28 (Administering authority may withdraw infringement notice)

(1) Section 28(1)—

Authorised by the Parliamentary Counsel

omit, insert—

(1) An administering authority may withdraw an infringement notice at any time before the fine is satisfied in full.

(2) Section 28(2)(c)—

omit, insert—

(c) if an infringement notice default was registered under section 34(1)(a) because of the infringement notice, give SPER a copy of the withdrawal notice.

Clause 21 Replacement of s 29 (Cancellation of registration on withdrawal of infringement notice)

Section 29—

omit, insert—

29 Cancellation of registration on withdrawal of infringement notice

(1) If an administering authority gives SPER a copy of a withdrawal notice under section 28(2)(c), the registrar must, as soon as practicable after receiving the notice—

(a) cancel the registration of the relevant infringement notice default; and

(b) cancel any enforcement order issued because of the registration of the relevant infringement notice default; and

(c) refund any amount paid to SPER because of the registration of the infringement notice default.

(2) If a person is subject to a work and development order for an enforcement order made because of the relevant infringement notice default—

Authorised by the Parliamentary Counsel

(a) the registrar must revoke the work and development order or, if the work and development order is for more than the amount of the enforcement order, vary the work and development order to the lesser amount; and

(b) the person is not entitled to compensation for performing an activity under the work and development order, other than unpaid work; and

(c) if the person performed unpaid work under the work and development order, the administering authority must compensate the person for the unpaid work.

(3) For subsection (2)(c), the registrar may, having regard to the amounts prescribed for unpaid work under section 165(11)(c), decide the amount of the compensation.

(4) If the registrar revokes or varies a work and development order under subsection (2)(a), the registrar must give the person written notice of the revocation or variation.

Clause 22 Amendment of s 30 (Application to cancel infringement notice for mistake of fact)

Section 30(1)—

omit, insert—

(1) This section applies to an infringement notice if an administering authority has registered an infringement notice default under section 34 in relation to the notice.

Clause 23 Insertion of new pt 3A

After section 32—

Authorised by the Parliamentary Counsel

insert—

Part 3A Payment plans

32A Application to registrar for payment plan

(1) This section applies if—

(a) a person is served with—

(i) an early referral notice; or

(ii) a court debt payment notice; or

(iii) an enforcement order; or

(b) a person is invited by the registrar to apply for a payment plan.

(2) The person may, within the time limit, apply to the registrar to pay a proposed amount under a payment plan.

(3) The application may only be made in the approved form or another way acceptable to the registrar.

Examples of other ways an application may be made that may be acceptable to the registrar—

by telephone or by use of the internet

(4) In this section—

time limit means—

(a) for an early referral notice—28 days after the date of the notice; or

(b) for a court debt payment notice—the period stated in the notice; or

(c) for an enforcement order—28 days after the date of the order; or

(d) for an invitation—the period stated in the invitation.

Authorised by the Parliamentary Counsel

32B Offering payment plan

(1) This section applies if a person applies to the registrar to pay an amount under a payment plan under section 32A.

(2) The registrar must decide to—

(a) offer the person a payment plan; or

(b) if the person is already subject to a payment plan when making the decision—offer a variation of the previous plan; or

(c) refuse to offer the person a payment plan.

(3) Without limiting the reasons why the registrar may refuse to offer the person a payment plan, the registrar may refuse because—

(a) the person has previously failed to pay an amount to SPER; or

(b) the person failed to comply with another payment plan entered into by the person; or

(c) the registrar has previously taken enforcement action against the person; or

(d) the person failed to comply with a work and development order the person was subject to; or

(e) the person has not satisfied the registrar that the person can not pay the amount in full or pay the amount of the required instalments.

(4) The registrar may—

(a) decide to only offer the person a payment plan that is for all or part of the person's SPER debt, regardless of the amount the person proposed in the application to pay under a payment plan; or

(b) offer the person a payment plan on the conditions the registrar is satisfied are

Authorised by the Parliamentary Counsel

required to ensure the person's compliance with the plan or cooperation with SPER.

(5) The registrar may communicate the offer of a payment plan to the person in the way decided by the registrar.

(6) If the registrar decides to refuse to offer the person a payment plan, the registrar must notify the person of the decision.

32C Acceptance of payment plan

If a person accepts a payment plan offered by the registrar under section 32B—

(a) the registrar must give the person written notice of the plan including information about any conditions of the plan and the consequences for failing to comply with the plan; and

(b) SPER is responsible for collecting, and may collect, the amount remaining to be paid under the plan.

32D Amending payment plan

(1) The registrar may, with the agreement of the person subject to a payment plan, amend the plan or the conditions of the plan.

(2) As soon as practicable after amending the payment plan, the registrar must give the person written notice of the amended payment plan, including information about any conditions of the plan and the consequences for failing to comply with the plan or its conditions.

32E Cancelling payment plan

(1) The registrar may immediately cancel a payment

Authorised by the Parliamentary Counsel

plan without prior notice being given to the person subject to the plan if—

(a) the person fails to pay an instalment as required under the plan; or

(b) the person fails to comply with a condition of the plan.

(2) Also, the registrar may immediately cancel a payment plan without prior notice being given to the person subject to the plan if—

(a) the enforceable amount of the person's SPER debt increases; and

(b) the person does not discharge the increase by 1 or a combination of the following ways within 14 days after the day the person's SPER debt increases—

(i) paying an amount to SPER;

(ii) entering into a work and development order for an amount; and

(c) if the registrar proposes to amend the plan under section 32D—the person does not agree to the amendment.

(3) However, the registrar must not cancel the payment plan if—

(a) the registrar is satisfied the plan can be amended to cover the increase by 1 or both of the following—

(i) increasing the amount of the instalments to be made under the plan;

(ii) extending the duration of the plan; and

(b) the person agrees to the amendment.

(4) As soon as practicable after cancelling a payment plan under this section, the registrar must give the person subject to the plan written notice of the

Authorised by the Parliamentary Counsel

cancellation.

Clause 24 Insertion of new pt 3B

Before part 4—

insert—

Part 3B Work and development orders

32F Definitions for part

In this part—

approved sponsor, for a work and development order, means a person or entity approved by the registrar for that type of work and development order.

eligibility assessment see section 32K(1).

work and development order see section 32G(1).

32G Work and development orders

(1) A ***work and development order*** is an order requiring a person to undertake any of the following to satisfy all or part of the enforceable amount of the person's SPER debt—

(a) unpaid work for, or on behalf of, an approved sponsor;

(b) medical or mental health treatment under an approved sponsor's treatment plan provided by a health practitioner;

(c) an educational, vocational or life skills course as decided by an approved sponsor;

(d) financial or other counselling as decided by an approved sponsor;

Authorised by the Parliamentary Counsel

(e) drug or alcohol treatment as decided by an approved sponsor;

(f) if the person is under 25 years of age—a mentoring program as decided by an approved sponsor;

(g) if the person is an Aborigine or a Torres Strait Islander and lives in a remote area—a culturally appropriate program as decided by an approved sponsor.

(2) A work and development order must be in the approved form and state—

(a) the amount of a person's SPER debt that is to be satisfied by complying with the order; and

(b) the activities that must be undertaken to comply with the order.

(3) In this section—

health practitioner means—

(a) a medical practitioner; or

(b) a psychologist within the meaning of the Health Practitioner Regulation National Law; or

(c) a registered health practitioner endorsed by the Nursing and Midwifery Board of Australia as a nurse practitioner under the Health Practitioner Regulation National Law.

registered health practitioner see the Health Practitioner Regulation National Law, section 5.

remote area means an area of the State prescribed by regulation.

Authorised by the Parliamentary Counsel

32H Eligibility for work and development order

An individual is eligible for a work and development order if the individual is an enforcement debtor and is unable to pay the enforceable amount of the individual's SPER debt because the individual—

(a) is experiencing financial hardship; or

(b) has a mental illness within the meaning prescribed by regulation; or

(c) has a cognitive or intellectual disability; or

(d) is homeless; or

(e) has a substance use disorder as prescribed by regulation; or

(f) is experiencing domestic and family violence.

32I No work and development order for restitution or compensation

A work and development order can not be applied to satisfy that part of a person's SPER debt that a court has ordered the person pay to someone else by way of restitution or compensation under the *Penalties and Sentences Act 1992*, section 35(1).

32J Application for work and development order

(1) An approved sponsor may, with the agreement of an individual (the ***subject applicant***), apply on behalf of the individual to the registrar for a work and development order to satisfy all or part of the enforceable amount of the individual's SPER debt if the individual is eligible for the order under section 32H.

(2) The application must—

Authorised by the Parliamentary Counsel

(a) state the grounds on which the subject applicant is eligible for the order; and

(b) state the activities that are proposed to be carried out by the subject applicant under a work and development order and the time by which the activities are proposed to be completed.

(3) An application for a work and development order to satisfy an amount mentioned in section 32I is of no effect.

32K Eligibility assessment by approved sponsor

(1) Before making an application for a work and development order under section 32J, the approved sponsor must undertake an assessment (an ***eligibility assessment***) of the applicant's eligibility for a work and development order under section 32H.

(2) The registrar may require the sponsor to give the registrar evidence to support the eligibility assessment within a stated period of not less than 28 days.

(3) If the approved sponsor fails to comply with the requirement within the stated period, the application is taken to have been withdrawn.

32L Decision on application

(1) After receiving an application for a work and development order under section 32J, the registrar must—

(a) make the order as applied for; or

(b) refuse to make the order.

(2) The registrar must refuse to make the work and development order if making the order would

Authorised by the Parliamentary Counsel

result in more than the maximum number, as prescribed by regulation, of work and development orders applying to the person proposed to be subject to the order.

(3) If the registrar makes the work and development order as applied for—

(a) the registrar must give a copy of the order to the person to be subject to the order; and

(b) the order takes effect when the order is made or on the later date stated in the order.

(4) If the registrar refuses to make the work and development order, the registrar must give the applicant a notice of the decision complying with the QCAT Act, section 157.

32M Unpaid work must be performed cumulatively

All unpaid work required to be undertaken by a person under a work and development order is to be undertaken cumulatively with any community service the person must perform under another Act.

32N Effect of this part on enforcement action

(1) This section applies if a work and development order is made for an individual in relation to an amount.

(2) No enforcement action may be taken against the individual in relation to the amount while the individual is complying with the order.

(3) To remove any doubt, it is declared that nothing in subsection (2) prevents enforcement action being taken against the individual in relation to an amount that is not subject to the order.

Authorised by the Parliamentary Counsel

32O Variation of work and development order

(1) An approved sponsor for a work and development order may, with the agreement of the individual subject to the order, apply to SPER on behalf of the individual for an increase in the order amount because an additional enforceable amount of the individual's SPER debt is proposed to become subject to the order.

(2) The individual subject to a work and development order may apply to SPER for a decrease in the order amount because the individual proposes to pay an amount to SPER or enter into a payment plan for an amount.

(3) After considering an application made under subsection (1) or (2), the registrar must—

(a) vary the work and development order; or

(b) refuse to vary the work and development order.

(4) If the registrar varies the work and development order, the registrar must—

(a) give the individual subject to the order a copy of the varied order in the approved form; and

(b) notify the approved sponsor that the order has been varied.

(5) If the registrar refuses to vary the work and development order, the registrar must give the applicant a notice of the decision complying with the QCAT Act, section 157.

(6) The registrar may, with the agreement of the individual subject to a work and development order, vary the order by giving the individual a copy of the varied order in the approved form.

(7) In this section—

Authorised by the Parliamentary Counsel

order amount, in relation to a work and development order, means the amount of an individual's SPER debt that would be satisfied under the order if the order were fully complied with.

32P Withdrawal of work and development order

(1) The approved sponsor for a work and development order may apply to the registrar to withdraw the order because the approved sponsor is unable to continue as the approved sponsor.

(2) The individual subject to a work and development order may apply to the registrar to withdraw the order because the individual believes the approved sponsor will be unable to continue as the approved sponsor.

(3) After considering an application made under subsection (1) or (2), the registrar must—

(a) withdraw the work and development order; or

(b) refuse to withdraw the work and development order.

(4) If the registrar withdraws the work and development order, the registrar must give written notice of the decision to—

(a) the applicant; and

(b) if the applicant is not the individual subject to the work and development order—the individual.

(5) If the registrar refuses to withdraw the work and development order, the notice given to an applicant under subsection (4) must comply with the QCAT Act, section 157.

(6) To remove any doubt, it is declared that any

Authorised by the Parliamentary Counsel

amount not taken to be satisfied under the work and development order when it is withdrawn continues to be payable to SPER.

(7) Subsection (8) applies if—

(a) a person is subject to a work and development order; and

(b) before the work and development order is due to end, the registrar becomes aware that the amount remaining to be satisfied under the order is nil.

(8) As soon as practicable after becoming aware of the matter, the registrar must withdraw the work and development order and give the person notice of the withdrawal.

32Q Revocation of work and development order

(1) The registrar may revoke a work and development order if—

(a) the registrar is satisfied that the individual subject to the order has failed, without reasonable excuse, to comply with the order; or

(b) the registrar believes that—

(i) information provided in, or in connection with, the application for the order is false or misleading in a material particular; or

(ii) information provided in, or in connection with, an eligibility assessment provided by an approved sponsor is false or misleading in a material particular; or

(iii) the individual subject to the order no longer meets the eligibility criteria

Authorised by the Parliamentary Counsel

stated in the person's application for the order; or

(iv) the approved sponsor supervising compliance with the order is unable to satisfactorily continue the supervision or is in breach of any obligation under this part; or

(v) the person or entity supervising compliance with the order is no longer an approved sponsor.

(2) Before revoking the work and development order the registrar must, by written notice given to the person subject to the order, advise the person that—

(a) the registrar proposes to revoke the order and the reason for revoking the order; and

(b) the person may object to the registrar revoking the order by giving the registrar, within a stated period of at least 28 days, written reasons as to why the order should not be revoked.

(3) After considering all objections, if any, made under subsection (2)(b), the registrar must decide to—

(a) take no further action in relation to the order; or

(b) vary the order; or

(c) revoke the order.

(4) After making a decision under subsection (3) the registrar must give the person written notice of the decision.

(5) Also, if the decision is to vary or revoke the order, the notice of the decision must comply with the QCAT Act, section 157.

Authorised by the Parliamentary Counsel

32R Satisfaction of SPER debt

(1) This section applies to a person subject to a work and development order.

(2) If the person complies with the order, the amount stated in the order is taken to be satisfied.

(3) If the person pays the amount stated in the order, the order is taken to have been complied with.

(4) If a person complies with some, but not all, of the requirements of the order, the amount stated in the order is only satisfied to the extent of the value of the activities that have been undertaken at the rate or rates set out in the order.

32S External review of decisions under this part

(1) This section applies to a person entitled to be given notice of any of the following decisions—

(a) a decision to refuse to make a work and development order under section 32L;

(b) a decision to refuse to vary a work and development order under section 32O;

(c) a decision to vary or revoke a work and development order under section 32Q.

(2) The person may apply, as provided under the QCAT Act, to QCAT for a review of the decision.

Clause 25 Replacement of pt 4, div 1 (Default commences enforcement process)

Part 4, division 1—

omit, insert—

Division 1 Preliminary

Authorised by the Parliamentary Counsel

33 What is an *infringement notice default*

An ***infringement notice default*** occurs if a person is served with an infringement notice and—

(a) the person does not respond to the notice as provided under section 22; or

(b) after accepting a payment plan offered by the administering authority, the person fails to pay an instalment under the plan.

Note—

Section 22 provides for the ways a person served with an infringement notice must respond to the notice within 28 days after the date of the notice.

33A What is an *unpaid court debt*

(1) A person's ***unpaid court debt*** is any part of the person's court debt that remains unpaid.

(2) A person's ***court debt*** is an amount that the person is required to pay under any of the following—

(a) an order fining the person for an offence;

(b) an order under the *Penalties and Sentences Act 1992*, section 33B(1) that an amount be paid on the forfeiture of a recognisance;

(c) an order that the person pay to someone else an amount by way of restitution or compensation under the *Penalties and Sentences Act 1992*, section 35(1);

(d) an order that the person pay a penalty mentioned in the *Penalties and Sentences Act 1992*, section 182A or 185;

(e) an order under the *Bail Act 1980*, section 32(1) or 32A(1) that an amount be paid on the forfeiture of an undertaking;

(f) an order under the *Justices Act 1886*, section 161A(3);

Authorised by the Parliamentary Counsel

(g) an order made before 27 November 2000 that the person pay an amount under the *Crown Proceedings Act 1980*, section 13 or 14;

(h) an order mentioned in the *Industrial Relations Act 2016*, section 380(1) or 406(1);

(i) another fine or order prescribed by regulation.

Note—

See also the *Penalties and Sentences Act 1992*, section 179F, the *Police Powers and Responsibilities Act 2000*, sections 115 and 781 and the *Victims of Crime Assistance Act 2009*, section 120.

(3) However, a ***court debt*** does not occur under subsection (2)(d) or (f) if, at the time the court makes the order, the court can not order that payment of the unpaid amount can be satisfied by imprisoning the person for a period.

(4) A ***court debt*** also occurs if, on being sentenced for an offence, an offender becomes liable to pay the State the offender levy.

Division 1A Registering unpaid amounts with SPER for collection

34 Registering unpaid amounts with SPER

(1) An administering authority—

(a) may register with SPER an infringement notice default; and

(b) must register with SPER the unpaid amount of a fine the subject of an application

Authorised by the Parliamentary Counsel

complying with section 23(3) (an ***early referral***).

(2) However, the administering authority must not register a matter under subsection (1) if the period within which the authority may start a prosecution for the offence, to which the default relates, has expired.

(3) A court may register with SPER an unpaid court debt.

(4) A matter registered under subsections (1) or (3) must be registered together with the particulars prescribed by regulation.

35 Lodgement fee for particular administering authorities

(1) This section applies to an administering authority if the authority is entitled under an Act to retain the amount of any fine paid to it.

(2) The administering authority must pay SPER the fee prescribed by regulation each time the authority registers a matter under section 34(1).

(3) The registrar may refund the fee under the circumstances prescribed by regulation.

36 Effect of registration on collection and prosecution

(1) This section applies if any of the following matters are registered with SPER—

(a) an infringement notice default;

(b) an early referral;

(c) an unpaid court debt.

(2) SPER is responsible for collecting any unpaid amount relating to the matter.

Authorised by the Parliamentary Counsel

(3) A proceeding against a person for an offence the subject of the infringement notice default or early referral may be started in a court only if authorised under this part.

37 Amending matter registered with SPER

An administering authority or court may request SPER amend the particulars registered for an infringement notice default, early referral or unpaid court debt if an amendment is necessary because of error, the dishonour of a cheque, or for another reason.

Division 1B Early referral notices

37A Serving early referral notice

(1) This section applies if an administering authority registers an early referral with SPER.

(2) The registrar must serve a written notice (an ***early referral notice***) on the person in the approved form informing the person that the unpaid amount of a fine for the person has been registered with SPER and how the person must respond to the notice under section 37B.

37B Ways person may respond to early referral notice

A person served with an early referral notice must, within 28 days after the date of the notice, either—

(a) pay the amount stated in the notice to SPER in full; or

Authorised by the Parliamentary Counsel

(b) apply, under part 3A, to the registrar to pay the amount stated in the notice under a payment plan.

37C Cancelling early referral notice

The registrar may cancel an early referral notice if satisfied a person has been incorrectly named in the notice because of a mistake of fact or the misuse of the name and other particulars of the person named in the notice.

Division 1C Court debt payment notices

37D Serving court debt payment notice

(1) This section applies if a court registers with SPER an unpaid court debt for a person.

(2) The registrar must serve a written notice (a ***court debt payment notice***) on the person in the approved form informing the person that an unpaid court debt for the person has been registered with SPER and how the person must respond to the notice under section 37E.

37E Ways person may respond to court debt payment notice

(1) A person served with a court debt payment notice must, within the period stated in the notice, either—

(a) pay the amount stated in the notice to SPER in full; or

Authorised by the Parliamentary Counsel

(b) apply, under part 3A, to the registrar to pay the amount stated in the notice under a payment plan.

(2) The period stated in the court debt payment notice must be—

(a) if the court ordered a period within which the debt must be paid—the period ordered by the court; or

(b) otherwise—28 days after the date of the notice.

37F Cancelling court debt payment notice

The registrar may cancel a court debt payment notice if satisfied a person has been incorrectly named in the notice because of a mistake of fact or the misuse of the name and other particulars of the person named in the notice.

37G Effect of appeal on court debt payment notice

(1) This section applies to a court debt payment notice for—

(a) a penalty imposed by a court for an offence; or

(b) an offender levy a person became liable to pay the State on being sentenced for an offence.

(2) The court debt payment notice is suspended if, after a person is served with the notice, the person appeals against—

(a) for a penalty—the conviction or sentence for the offence; or

(b) for an offender levy—the conviction for the offence.

Authorised by the Parliamentary Counsel

(3) If the appeal is upheld, the registrar must refund to the person any amount paid to SPER in response to the court debt payment notice.

(4) If the appeal is dismissed, the suspension of the court debt payment notice ends.

Clause 26 Amendment of s 38 (Issue of enforcement order)

(1) Section 38(1)—

omit, insert—

(1) This section applies if—

(a) an infringement notice default for a person is registered with SPER; or

(b) the registrar serves an early referral notice on a person and the person does not do either of the following within 28 days after the date of the notice—

(i) pay SPER the amount stated in the notice;

(ii) enter into a payment plan for the amount stated in the notice; or

(c) the registrar serves a court debt payment notice on a person and the person does not do either of the following within the period stated in the notice—

(i) pay SPER the amount stated in the notice;

(ii) enter into a payment plan for the amount stated in the notice.

(2) Section 38(3)—

omit, insert—

(3) The amount stated in the enforcement order must be the total of—

Authorised by the Parliamentary Counsel

(a) the unpaid amount of—

(i) the infringement notice default; or

(ii) the early referral; or

(iii) the amount stated in the court debt payment notice; and

(b) the amount of the enforcement fee the person must pay under section 39.

(3) Section 38—

insert—

(5) The enforcement order must be made in the approved form.

(6) To remove any doubt, it is declared that a single enforcement order may relate to 1 or more infringement notice defaults.

Clause 27 Insertion of new s 39

Part 4, division 2—

insert—

39 Enforcement fee imposed for enforcement order

(1) This section applies if the registrar must make an enforcement order for an enforcement debtor under section 38(2).

(2) The enforcement debtor must also pay SPER the enforcement fee prescribed by regulation for making the enforcement order.

(3) The amount of the enforcement fee is added to the enforcement debtor's SPER debt.

Clause 28 Replacement of s 40 (Service of enforcement order)

Section 40—

Authorised by the Parliamentary Counsel

omit, insert—

40 Service of enforcement order

The registrar may serve an enforcement order on a person by—

(a) serving the order on the person personally; or

(b) sending the order by ordinary post to the address for the person known to SPER; or

(c) sending the order by electronic communication under section 158.

Clause 29 Amendment of s 41 (Ways enforcement debtor may deal with enforcement order)

(1) Section 41, heading, 'deal with'—

omit, insert—

respond to

(2) Section 41(b)—

omit, insert—

(b) apply to SPER to pay the amount under a payment plan; or

Note—

See part 3A for payment plans with SPER.

(3) Section 41(c)—

omit.

(4) Section 41(d)—

renumber as section 41(c).

(5) Section 41—

insert—

(2) Also, an approved sponsor may, with the agreement of the debtor, apply on behalf of the

Authorised by the Parliamentary Counsel

debtor under part 3B for—

(a) a work and development order to satisfy the amount stated in the order; or

(b) if the debtor is subject to a work and development order—a variation of the order.

Clause 30 Omission of ss 42–50

Sections 42 to 50—

omit.

Clause 31 Amendment of s 51 (Election for court hearing)

(1) Section 51, heading—

omit, insert—

51 When infringement notice offence is to be decided by court

(2) Section 51(1)(a), 'under the order'—

omit, insert—

under section 41(c)

(3) Section 51(1)(b)—

omit, insert—

(b) takes no action under section 41;

(4) Section 51(2) to (5)—

omit.

Clause 32 Insertion of new s 51A

Part 4, division 3—

insert—

Authorised by the Parliamentary Counsel

51A Court election or proceeding for offence cancels enforcement order

(1) This section applies to an enforcement order that relates to an infringement notice offence.

(2) The enforcement order is cancelled if—

(a) the enforcement debtor responds to the order by electing (a ***court election***) under section 41 to have the matter of the infringement notice offence decided in a Magistrates Court; or

(b) a proceeding for the infringement notice offence is started under the *Justices Act 1886*.

(3) The registrar must notify the administering authority of the effect of subsection (2) as soon as practicable after the enforcement debtor makes the court election.

(4) The registrar must notify the enforcement debtor of the effect of subsection (2) as soon as practicable after either of the following happens—

(a) the debtor makes the court election;

(b) the registrar becomes aware a proceeding for the infringement notice offence has been started under the *Justices Act 1886*, other than because the debtor made the court election.

(5) If an enforcement order is cancelled under subsection (2)—

(a) the order is cancelled on the day the enforcement debtor makes the court election or the proceedings are started; and

(b) any enforcement action already taken in relation to the order must, if practicable, be reversed; and

Authorised by the Parliamentary Counsel

(c) fees and costs, imposed under this Act, are not payable for the issue of the order or any enforcement action taken in relation to the order; and

(d) any amount that has been paid under the order is repayable to the person by whom it was paid; and

(e) the registrar must record in the State penalties enforcement register that the order is cancelled; and

(f) section 31 applies as if the infringement notice to which the enforcement order relates was cancelled under section 30.

Clause 33 Amendment of s 52 (Default after time to pay)

(1) Section 52(1)—

omit, insert—

(1) This section applies if an enforcement debtor fails to pay an amount stated in an enforcement order within 28 days after the date of the order.

(2) Section 52(2), 'or instalment payment notice'—

omit.

(3) Section 52(3)—

omit.

(4) Section 52(4)—

renumber as section 52(3).

Clause 34 Omission of s 53 (Breach of fine option order)

Section 53—

omit.

Authorised by the Parliamentary Counsel

Clause 35 Amendment of pt 4, div 5, hdg (Effect of appeal on enforcement order)

Part 4, division 5, heading, 'appeal'—

omit, insert—

appeal, rehearing or reopening of proceedings

Clause 36 Insertion of new s 54B

Part 4, division 5—

insert—

54B Effect of rehearing or reopening proceedings on enforcement order

(1) This section applies if, after an enforcement order is made for a penalty imposed by a court for an offence—

(a) the enforcement debtor is granted a rehearing of the complaint for the offence in a Magistrates Court under the *Justices Act 1886*, section 142; or

(b) a proceeding against the enforcement debtor for the offence is reopened under the *Justices Act 1886*, section 147A.

(2) The enforcement order is cancelled on the day the enforcement debtor is granted the rehearing or the proceeding is reopened and—

(a) any enforcement action already taken in relation to the order must, if practicable, be reversed; and

(b) fees and costs, imposed under this Act, are not payable for the issue of the order or any enforcement action taken in relation to the order; and

Authorised by the Parliamentary Counsel

(c) any amount that has been paid under the order is repayable to the person by whom it was paid; and

(d) the registrar must record in the State penalties enforcement register that the order is cancelled.

(3) The registrar must notify the enforcement debtor of the effect of subsection (2) as soon as practicable after the registrar becomes aware that the rehearing has been granted or the proceeding has been reopened.

Clause 37 Replacement of pt 4, div 6

Part 4, division 6—

omit, insert—

Division 6 Cancellation of enforcement orders relating to infringement notice defaults

55 Definitions for division

In this division—

decision maker, for an application, see section 56(4).

relevant offence, for an enforcement order, means the infringement notice offence relevant to the order.

56 Application for cancellation of all or part of enforcement order

(1) The enforcement debtor for an enforcement order relating to an infringement notice default may

Authorised by the Parliamentary Counsel

apply for the cancellation of all or part of the order for any of the following reasons—

(a) the debtor did not receive the enforcement order or the infringement notice to which the order relates;

(b) the debtor received the enforcement order, or infringement notice to which the order relates, after the time allowed for responding to the order or notice;

Notes—

1 Under section 22 an alleged offender must respond to an infringement notice within 28 days after the date of the notice.

2 Under section 41 an enforcement debtor must respond to an enforcement order within 28 days after the date of the order.

(c) the debtor was prevented by accident, illness or a similar reason from responding to the enforcement order or the infringement notice to which the order relates;

(d) the infringement notice to which the order relates should not have been registered with SPER as an infringement notice default because the person elected under section 22 to have the matter of the offence relevant to the notice decided in a Magistrates Court.

(2) The application must be made—

(a) to—

(i) if the reason for making the application relates to an infringement notice—the administering authority for the infringement notice; or

(ii) otherwise—the registrar; and

(b) in the approved form or another way acceptable to the administering authority or registrar; and

Authorised by the Parliamentary Counsel

(c) within the earlier of the following—

(i) 14 days after the debtor becomes aware of the existence of the enforcement order;

(ii) 6 months after the issue of the enforcement order.

(3) However, an administering authority or the registrar may accept a late application if satisfied the enforcement debtor has reasonable grounds for the delay.

(4) The entity that receives an application under subsection (1) is the ***decision maker*** for the application.

(5) The enforcement debtor must not, without the approval of the decision maker, make more than 1 application in relation to the same enforcement order.

(6) A single application may be made for the cancellation of 2 or more enforcement orders made against the enforcement debtor.

56A Request for further information

(1) The decision maker may require the applicant to give the decision maker, within a stated reasonable time, any prescribed information to help the decision maker decide the application.

(2) The application is taken to be withdrawn if the applicant does not comply with the requirement.

(3) In this section—

prescribed information means information prescribed by regulation.

Authorised by the Parliamentary Counsel

56B Stay of enforcement action

(1) The decision maker may stay enforcement action, taken under the enforcement order to which the application relates, on the conditions the decision maker considers appropriate.

(2) If, as decision maker, an administering authority acts under subsection (1), the authority must notify SPER as soon as practicable after granting the stay.

57 Decision on application

(1) After considering the application, and any information received under section 56A, the decision maker must cancel the enforcement order or refuse to cancel the order.

(2) However, the decision maker may cancel the enforcement order only if satisfied a reason for cancellation under section 56(1) applies.

(3) Also, subsection (4) applies if—

(a) the reason for the application is that the person did not receive an infringement notice or enforcement order; and

(b) the decision maker is satisfied the person did not receive the notice or order because the person failed to comply with a requirement under a law to inform a government body of a change of address.

Example of a requirement to inform a government body of a change of address—

the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*, section 133

(4) The decision maker may suspend the application until the person satisfies the decision maker that the person has corrected the failure mentioned in

Authorised by the Parliamentary Counsel

subsection (3)(b).

(5) After making a decision under subsection (1), the decision maker must give the applicant notice of the decision in the approved form.

57A Information sharing about cancellations

(1) If, as decision maker, an administering authority cancels an enforcement order under section 57(1), the authority must notify SPER of the cancellation as soon as practicable after cancelling the order.

(2) If, as decision maker, the registrar cancels an enforcement order under section 57(1), the registrar must notify the affected administering authority of the decision as soon as practicable after making the decision.

(3) In this section—

affected administering authority, for an enforcement order, means the administering authority for the infringement notice offence to which the order relates.

58 Appeal against refusal to cancel enforcement order

(1) This section applies if a decision maker refuses to cancel an enforcement order under section 57(1).

(2) The enforcement debtor may, within 14 days after the date of the refusal, apply in writing to a Magistrates Court in the Magistrates Court district in which the relevant offence is alleged to have been committed to have the original application decided by the court.

(3) The application must be filed with the relevant court registrar.

(4) The court registrar must, as soon as practicable,

Authorised by the Parliamentary Counsel

refer the matter to the court and notify the applicant and the decision maker of when and where the application is to be decided.

(5) On an application the court may stay enforcement action, taken under the enforcement order to which the application relates, on the conditions the court considers appropriate.

(6) The court may make any decision about the application that the decision maker could have made.

(7) The court may decide the application in the absence of the applicant if the court is satisfied the applicant is avoiding service of the notice or can not, after reasonable search and inquiry, be found.

(8) Also, the court may decide the application if satisfied that no party to the application will be prejudiced by the non-service of, or any error or omission in, the notice of the decision under section 57(5).

59 Effect of cancellation of enforcement order

If an enforcement order is cancelled under section 57 or 58—

(a) the order stops having effect on the day the order is cancelled; and

(b) any enforcement action already taken in relation to the order must, if practicable, be reversed; and

(c) fees and costs, imposed under this Act, are not payable for the issue of the order or any enforcement action taken in relation to the order; and

(d) any amount that has been paid under the order is repayable to the person by whom it was paid; and

Authorised by the Parliamentary Counsel

(e) the registrar must record in the State penalties enforcement register that the order was cancelled.

60 Proceedings after the cancellation of enforcement order

(1) This section applies if an enforcement order is cancelled under section 57 or 58 and the reason for cancelling the order is—

(a) the debtor did not receive the relevant infringement notice; or

(b) the debtor received the relevant infringement notice after the time allowed for responding to the notice; or

(c) the debtor was prevented by accident or illness or for another similar reason from taking action in relation to the relevant infringement notice.

Note—

If the enforcement order is cancelled for a reason relating to the receipt of, or response to, the order, part 4 continues to apply to the matter for which the order was issued and another enforcement order may be issued.

(2) If the administering authority withdraws the relevant infringement notice, the authority may—

(a) start a proceeding against the applicant for the relevant offence; or

(b) issue a fresh infringement notice for the relevant offence.

(3) For starting a proceeding against the applicant for the relevant offence, the limitation period for making a complaint under the *Justices Act 1886*, section 52 is extended until 1 year after the day the order is cancelled.

(4) With the agreement of the applicant, the

Authorised by the Parliamentary Counsel

administering authority may—

(a) accept payment of the fine in full as stated in the relevant infringement notice; or

(b) re-issue the relevant infringement notice with an amended date of the notice or the address for the applicant as an alleged offender.

(5) If an applicant pays the fine in full under subsection (4)(a), section 25 applies to the applicant as if the applicant were an alleged offender who paid the fine as required by the relevant infringement notice.

(6) In this section—

applicant, for an enforcement order, means the person who applied under section 56 to cancel the order.

relevant infringement notice, for an enforcement order, means the infringement notice to which the order relates.

Clause 38 Replacement of s 61 (Application of pt 5)

Section 61—

omit, insert—

61 Application of pt 5

(1) This part applies to an enforcement debtor if, after being served with an enforcement order, the debtor—

(a) did not pay SPER the amount stated in the order within 28 days after the date of the order; and

(b) if the order relates to an infringement notice offence—did not elect to have the matter of the offence decided in a Magistrates Court as provided for under section 41; and

Authorised by the Parliamentary Counsel

(c) is not otherwise discharging the amount stated in the order.

(2) This part starts applying to an enforcement debtor otherwise discharging the amount stated in an enforcement order if—

(a) the debtor is satisfying all or part of the amount by the payment of instalments under a payment plan and the plan is cancelled; or

(b) the debtor is satisfying all or part of the amount by undertaking activities under a work and development order and the order is withdrawn or revoked.

(3) This part also applies to a person served with an early referral notice or a court debt payment notice if, in response to the notice, the person successfully applied for a payment plan to pay the amount stated in the notice and the plan was cancelled.

Clause 39 Insertion of new ss 62A–62D

Part 5, division 1—

insert—

62A Definition for part

In this part—

enforcement debtor includes a person mentioned in section 61(3).

62B Applying part to particular persons

For the purpose of applying this part to a person mentioned in section 61(3) for whom a payment plan was cancelled, the amount still to be paid under the plan when the plan was cancelled is taken to be the amount stated in an enforcement order taken to be given to the person.

Authorised by the Parliamentary Counsel

62C Enforcement fee imposed for defaults requiring enforcement action

(1) If the registrar takes enforcement action against an enforcement debtor under this part, the debtor must pay SPER the enforcement fee prescribed by regulation for the action.

(2) The amount of the enforcement fee is added to the enforcement debtor's SPER debt.

62D Invitation to apply for payment plan

(1) If the registrar takes enforcement action against an enforcement debtor under this part, the registrar may invite the person to apply to the registrar for a payment plan under part 3A.

(2) Nothing in subsection (1)—

(a) requires the registrar to invite a person to apply for a payment plan before, or instead of, taking enforcement action; or

(b) requires the registrar to stop taking enforcement action while the person is applying for a payment plan, or considering a payment plan offered by the registrar, under part 3A.

Clause 40 Amendment of s 63 (Issue of enforcement warrant)

(1) Section 63(1) and (2)—

omit, insert—

(1) The registrar may issue a warrant (an ***enforcement warrant***) to do either of the following to satisfy the enforceable amount of the enforcement debtor's SPER debt—

(a) seize and sell real and personal property, other than exempt property, in which the

Authorised by the Parliamentary Counsel

enforcement debtor has a legal or beneficial interest;

(b) impose a charge on stated property.

(2) An enforcement warrant ends on the day that is—

(a) for an enforcement warrant to seize and sell property—1 year after the day the warrant is issued or the earlier date stated in the warrant; or

(b) for an enforcement warrant to impose a charge on stated property—6 months after the day the warrant is issued or the earlier date stated in the warrant.

(2A) However, if an interest in land or any other property is recorded in any register about dealing with property that is kept under an Act because of an enforcement warrant to impose a charge on stated property, the warrant does not end until the interest is removed from the register.

(2) Section 63(3)(c) to (e)—

omit, insert—

(c) state the date and time of issue and the date, or circumstances under which, the warrant ends.

(3) Section 63(4)—

omit, insert—

(4) On the issue of the enforcement warrant, the enforcement debtor's SPER debt is increased by the enforcement fee prescribed by regulation for issuing the warrant.

Clause 41 Amendment of s 63A (Renewal of enforcement warrant)

Section 63A(1)(b), 'another enforcement warrant'—

omit, insert—

Authorised by the Parliamentary Counsel

an enforcement warrant to impose a charge on stated property

Clause 42 Amendment of s 69 (Enforcement of enforcement warrant may be made conditional)

(1) Section 69(5)(b)—

omit, insert—

(b) must ensure the enforcement debtor takes all action necessary for the amount to be satisfied in the agreed way, including, for example, by giving the enforcement officer necessary information or completing necessary documents.

(2) Section 69(7)(b)—

omit, insert—

(b) by satisfying the amount by undertaking activities under a work and development order.

Clause 43 Amendment of s 73D (Payment by enforcement debtor before sale)

Section 73D(a)—

omit, insert—

(a) the enforceable amount of the enforcement debtor's SPER debt; and

Clause 44 Amendment of s 75 (Issue of fine collection notice)

(1) Section 75(2)—

insert—

(d) directing a financial institution to make payment of an amount from money held by the institution on behalf of the debtor.

Authorised by the Parliamentary Counsel

(2) Section 75—

insert—

(4) The fine collection notice must be in the approved form.

(3) Section 75(1) to (4)—

omit, insert—

(1) The registrar may issue a notice (a ***fine collection notice***) under this division to recover the enforceable amount of an enforcement debtor's SPER debt—

(a) to redirect earnings of the debtor; or

(b) to redirect all or part of a debt owed to the debtor; or

(c) for the regular redirection of all or part of the deposits made to a financial institution account held by the debtor; or

(d) directing a financial institution to make payment of an amount from money held by the institution on behalf of the debtor.

(2) On the issue of the fine collection notice, the enforcement debtor's SPER debt is increased by the enforcement fee prescribed by regulation for issuing the notice.

(3) The fine collection notice must be in the approved form.

Clause 45 Amendment of s 79 (When registrar may issue fine collection notice for redirection of earnings)

Section 79(1)—

omit, insert—

(1) The registrar may issue to a person a fine collection notice for the redirection of an enforcement debtor's earnings only if the registrar

Authorised by the Parliamentary Counsel

is satisfied the person is the debtor's employer.

Clause 46 Amendment of s 102 (Financial institution to make payments)

Section 102(1)(b) and (c)—

omit, insert—

(b) may only deduct from the account an amount, not more than the amount (the ***administration charge***) prescribed by regulation, and keep it as a contribution towards the administrative cost of making payment under the notice; and

(c) must give the enforcement debtor notice of the deduction, including any administration charge deducted.

Clause 47 Insertion of new pt 5, div 6A

Part 5—

insert—

Division 6A Provisions about direction to pay amount from financial institution account

103AApplication of division

This division applies if the registrar issues a fine collection notice for the payment of an amount from a financial institution account under section 75(1)(d).

Authorised by the Parliamentary Counsel

103BCopy of fine collection notice to enforcement debtor

The registrar must serve a copy of the fine collection notice on the enforcement debtor.

103CFinancial institution to make deduction

(1) As soon as practicable after receiving the fine collection notice, the financial institution must deduct the amount stated in the notice (the ***recoverable amount***) from the accounts held by the enforcement debtor with the institution.

(2) Unless required under the fine collection notice to deduct the recoverable amount from a particular account held by the enforcement debtor with the financial institution—

(a) the institution may decide the account from which to deduct the recoverable amount; and

(b) the institution may deduct the recoverable amount by deducting lesser amounts from 2 or more of the accounts held by the enforcement debtor.

Example—

If the recoverable amount is $1200, the financial institution may deduct $1000 from one account and $200 from another account.

(3) However, the financial institution must not deduct an amount from an account if—

(a) the deduction would cause the account to be overdrawn; or

(b) the deduction would cause the total balance of all the accounts the enforcement debtor holds with the financial institution to be less than the amount prescribed by regulation (the ***protected amount***).

Authorised by the Parliamentary Counsel

(4) If the financial institution is prevented by subsection (3) from deducting from the accounts the full amount of the recoverable amount, it must deduct as much of the amount, if any, that it may deduct without contravening subsection (3).

Example—

If the recoverable amount is $950, the protected amount is $400 and the enforcement debtor's account has a balance of $725, the financial institution must deduct $325 from the account.

(5) If the financial institution makes a deduction under this section, the institution may only charge the enforcement debtor an amount, as an administrative cost of complying with the fine collection notice, of not more than the amount prescribed by regulation.

103D Financial institution to make payment

As soon as practicable after making a deduction under section 103C, the financial institution must pay the amount of the deduction to SPER and, if the deduction is less than the recoverable amount, inform SPER of the reasons why the amount is less.

Clause 48 Amendment of s 104 (Criteria for suspending driver licence)

(1) Section 104(2), from 'for'—

omit, insert—

if satisfied the debtor is not taking steps to pay or otherwise discharge the enforceable amount of the debtor's SPER debt.

(2) Section 104(3) to (5)—

omit.

Authorised by the Parliamentary Counsel

Clause 49 Replacement of s 105 (Suspension of driver licence)

Section 105—

omit, insert—

105 Suspension of driver licence

(1) If the registrar decides to suspend an enforcement debtor's driver licence, the registrar must serve on the debtor a notice of intention to suspend the licence in the approved form.

(2) If the registrar acts under subsection (1), the enforcement debtor's SPER debt is increased by the enforcement fee prescribed by regulation for taking the action.

(3) The enforcement debtor's driver licence is suspended if, within 14 days after the date of issue of the notice of intention to suspend the licence—

(a) the debtor does not pay SPER the enforceable amount of the debtor's SPER debt; and

(b) the debtor is not otherwise discharging the enforceable amount of the debtor's SPER debt.

(4) The suspension continues until—

(a) the enforcement debtor pays SPER the enforceable amount of the debtor's SPER debt; or

(b) the enforcement debtor begins to otherwise discharge the enforceable amount of the debtor's SPER debt.

(5) However, the registrar may end the suspension at any time by written notice given to the enforcement debtor.

Authorised by the Parliamentary Counsel

Clause 50 Amendment of s 106 (General effect of suspension of driver licence)

Section 106(4)—

omit, insert—

(4) If the enforcement debtor does not hold a driver licence, the debtor is disqualified from holding or obtaining a driver licence until—

(a) the debtor pays SPER the enforceable amount of the debtor's SPER debt; or

(b) the debtor begins to otherwise discharge the enforceable amount of the debtor's SPER debt.

Clause 51 Amendment of s 107 (Review of suspension of driver licence)

Section 107(3), 'satisfy the unpaid amount stated in the notice of intention to suspend the driver licence'—

omit, insert—

pay or otherwise discharge the enforceable amount of the debtor's SPER debt

Clause 52 Amendment of s 108A (Criteria for vehicle immobilisation)

Section 108A(d)—

omit, insert—

(d) the registrar is satisfied the enforcement debtor is not taking steps to pay or otherwise discharge the enforceable amount of the debtor's SPER debt; and

Authorised by the Parliamentary Counsel

Clause 53 Amendment of s 108C (Registrar to serve notice of intention to issue immobilisation warrant)

Section 108C, 'under section 146A'—

omit, insert—

in the approved form

Clause 54 Amendment of s 108D (Issue and service of immobilisation warrant)

Section 108D(1)—

omit, insert—

(1) The registrar may issue a warrant (an ***immobilisation warrant***), in the approved form, to immobilise 1 or more vehicles of an enforcement debtor if, within 14 days after the registrar serves on the debtor a notice of intention to issue an immobilisation warrant—

(a) the debtor does not pay SPER the enforceable amount of the debtor's SPER debt; and

(b) the debtor is not otherwise discharging the enforceable amount of the debtor's SPER debt.

Clause 55 Amendment of s 108F (Effect of immobilisation warrant)

(1) Section 108F(3)—

omit, insert—

(3) On the issue of an immobilisation warrant, the enforcement debtor's SPER debt is increased by the enforcement fee prescribed by regulation for issuing the warrant.

(2) Section 108F—

insert—

Authorised by the Parliamentary Counsel

(4) An immobilisation warrant ends 12 months after the date of issue of the warrant or the earlier date, decided by the registrar, stated in the warrant.

Clause 56 Amendment of s 108H (Where and when an immobilisation warrant may or may not be enforced)

Section 108H(4)(c)—

omit, insert—

(c) if, before the immobilising device is attached to the enforcement debtor's vehicle—

(i) the debtor pays SPER the enforceable amount of the debtor's SPER debt; or

(ii) the debtor begins to otherwise discharge the enforceable amount of the debtor's SPER debt.

Clause 57 Amendment of s 108L (Immobilisation search warrant)

(1) Section 108L(1)—

omit, insert—

(1) This section applies if an enforcement officer reasonably believes there may be a vehicle, mentioned in an immobilisation warrant, at a premises.

(2) Section 108L(4) and (5)—

omit, insert—

(4) The issuer may issue the immobilisation search warrant only if satisfied there are reasonable grounds for believing the vehicle may be at the premises.

(5) The immobilisation search warrant must be in the approved form and state—

Authorised by the Parliamentary Counsel

(a) that a stated enforcement officer, or all enforcement officers, may enter the stated premises and exercise the powers mentioned in section 108M; and

(b) if the warrant is to be enforced at night—the hours when the stated premises may be entered; and

(c) the time, no later than 7 days after the warrant is issued, when the warrant ends.

Clause 58 Amendment of s 108N (Immobilisation notice)

(1) Section 108N, 'under section 146C'—

omit.

(2) Section 108N—

insert—

(2) The immobilisation notice must be in the approved form.

Clause 59 Amendment of s 108O (Immobilisation period and access to vehicle)

Section 108O(1), '5 days'—

omit, insert—

14 days

Clause 60 Amendment of s 108P (When immobilising device may be removed before end of immobilisation period)

Section 108P(1)—

omit, insert—

(1) The registrar must direct an enforcement officer to remove the immobilising device and immobilisation notice as soon as practicable if, before the end of the immobilisation period, the

Authorised by the Parliamentary Counsel

registrar is satisfied that—

(a) the enforcement debtor has paid SPER the enforceable amount of the debtor's SPER debt or the debtor is otherwise discharging the amount; or

(b) the immobilised vehicle is impeding the use of a place or the road network or is a risk to safety.

Clause 61 Amendment of s 108R (Direction by registrar to seize vehicle under enforcement warrant)

Section 108R(b)—

omit, insert—

(b) the enforcement debtor has not paid SPER the enforceable amount of the debtor's SPER debt; and

(c) the enforcement debtor is not otherwise discharging the enforceable amount of the debtor's SPER debt.

Clause 62 Replacement of s 108S (Direction by registrar to re-enforce current immobilisation warrant)

Section 108S—

omit, insert—

108SDirection by registrar to re-enforce current immobilisation warrant

(1) This section applies if—

(a) the enforcement of an immobilisation warrant was stopped because the affected enforcement debtor was discharging the enforceable amount of the debtor's SPER debt under a payment plan or work and development order; and

Authorised by the Parliamentary Counsel

(b) the payment plan is cancelled or the work and development order is withdrawn or revoked.

(2) The registrar may direct an enforcement officer to re-enforce the immobilisation warrant.

Clause 63 Omission of s 109 (Making of fine option order after enforcement warrant)

Section 109—

omit.

Clause 64 Amendment of s 110 (Registration of interests)

(1) Section 110(1), 'if'—

omit, insert—

only if

(2) Section 110(1)(b), 'warrant for'—

omit, insert—

warrant, imposing a charge on the land or property, for

(3) Section 110(2)—

omit, insert—

(2) The registration of an interest under subsection (1) does not prevent the registrar issuing—

(a) an enforcement warrant to seize and sell property; or

(b) for property that is a motor vehicle—

(i) a notice of intention to immobilise a vehicle; or

(ii) an immobilisation warrant.

(4) Section 110—

Authorised by the Parliamentary Counsel

insert—

(6) The registrar must, as soon as practicable after either of the following happens, request removal of an interest registered under subsection (1)—

(a) the enforcement debtor pays SPER the amount stated in the enforcement warrant;

(b) the enforcement debtor begins to otherwise discharge the amount stated in the enforcement warrant.

(7) This section does not prevent the registrar requesting removal of an interest registered under subsection (1) in other circumstances.

Clause 65 Amendment of s 113 (Order of satisfaction if more than 1 enforcement order)

Section 113(3), examples—

omit, insert—

Example—

If the enforcement debtor has been ordered to pay the following amounts under a court order—

(a) $200 for a fine, $80 costs of court, $50 witness expenses, $250 professional fees and $300 restitution, under an order made on 2 January 1999;

(b) $500 for a fine, $80 costs of court, $50 witness expenses, $600 professional fees and $350 restitution, under an order made on 4 January 1999;

any part payments must first satisfy the restitution amounts ordered on 2 January 1999 and 4 January 1999 in that order before any other part payments may be applied to satisfy amounts outstanding in the next relevant category.

Clause 66 Amendment of s 114 (Power of person serving fine collection notice or enforcing warrant to demand name and address etc.)

Section 114(9), 'section 10'—

Authorised by the Parliamentary Counsel

omit, insert—

section 11A(1)

Clause 67 Amendment of s 115 (Effect of particular proceedings)

Section 115(1)(a)(ii) and (iii)—

omit, insert—

(ii) pays the amount stated in an enforcement order for the offence under a payment plan; or

(iii) is subject to a work and development order for the amount stated in an enforcement order for the offence; or

Clause 68 Omission of s 118 (Good behaviour order when imprisonment not appropriate)

Section 118—

omit.

Clause 69 Amendment of s 119 (Enforcement by imprisonment)

(1) Section 119(1), 'be satisfied'—

omit, insert—

be discharged

(2) Section 119(2)—

omit.

(3) Section 119(4) and (5)—

omit, insert—

(4) The period of imprisonment is to be worked out for the unpaid amount under the warrant, increased by the amount of the enforcement fee for issuing the warrant, in the same way as the period of imprisonment for an amount stated in an

Authorised by the Parliamentary Counsel

enforcement order is worked out under section 52A.

(5) The arrest and imprisonment warrant must be in the approved form.

(4) Section 119(3) to (7)—

renumber as section 119(2) to (6).

Clause 70 Insertion of new s 119A

After section 119—

insert—

119A Enforcement fee imposed for defaults requiring arrest and imprisonment warrant

(1) If the registrar issues an arrest and imprisonment warrant for the arrest and imprisonment of an enforcement debtor, the enforcement debtor must also pay SPER the enforcement fee prescribed by regulation for issuing the warrant.

(2) The amount of the enforcement fee is added to the enforcement debtor's SPER debt.

Clause 71 Omission of pt 7 (General provisions about fine option orders)

Part 7—

omit.

Clause 72 Amendment of s 131 (Definitions for pt 8)

Section 131, definition *Queensland fine*—

insert—

(c) another amount for which the registrar must take enforcement action.

Authorised by the Parliamentary Counsel

Clause 73 Insertion of new pt 8A

After section 134—

insert—

Part 8A Information sharing

Division 1 Preliminary

134A Definitions for part

In this part—

confidential information means information, including a document, that is disclosed to, obtained by, or otherwise held by, an official under or in relation to this Act.

official means a person who is, or has been, engaged in administering or enforcing this Act, including a person who is providing, or has provided, an authorised service under a service contract or service subcontract.

police commissioner means the commissioner of the police service under the *Police Service Administration Act 1990*.

Division 2 Information collection

134B Information from police commissioner

(1) For the purpose of taking action against a person to enforce payment of an amount under this Act, the registrar may, by written notice given to the police commissioner, ask the police commissioner for any of the following information—

(a) the person's criminal history;

Authorised by the Parliamentary Counsel

(b) a brief description of the circumstances of a conviction mentioned in the person's criminal history;

(c) any address of the person known to the commissioner;

(d) any assets of the person known to the commissioner.

(2) If the registrar advises the police commissioner under section 134J about a particular warrant, the registrar may ask the commissioner for any of the following information about any person known to the commissioner to reside at premises where the registrar proposes to have the warrant enforced—

(a) the person's criminal history;

(b) whether any warning, including, for example, a warning about the health or behaviour of the person, is recorded in a document in the possession of the commissioner;

(c) the details of any warning mentioned in paragraph (b).

(3) The police commissioner may comply with a request of the registrar made under subsection (1) or (2) to the extent the information is in the commissioner's possession or to which the commissioner has access.

(4) If the police commissioner gives the registrar information under this section in writing, the registrar must destroy the information as soon as practicable after the registrar is satisfied it is no longer needed for the purpose for which it was given.

(5) This section applies subject to the *Police Powers and Responsibilities Act 2000*, chapter 21, part 2.

Authorised by the Parliamentary Counsel

134C Registrar may require person to give information

(1) For the administration or enforcement of this Act the registrar may, by written notice given to a person, require the person to—

(a) give the registrar, either orally or in writing, information in the person's knowledge about a stated matter within a stated reasonable period and in a stated reasonable way; or

(b) give the registrar a document about a stated matter in the person's possession or control within a stated reasonable period and in a stated reasonable way.

(2) When making the requirement, the registrar must warn the person it is an offence not to comply with the requirement, unless the person has a reasonable excuse.

(3) The person must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

(4) It is not a reasonable excuse for an individual to fail to comply with the requirement because complying with the requirement might tend to incriminate the individual.

(5) It is a reasonable excuse for a person to fail to comply with the requirement because the person reasonably believes complying with the requirement is likely to endanger a person's safety.

(6) This section does not apply to the Queensland Police Service.

134D Registrar may require attendance by persons

(1) For the administration or enforcement of this Act

Authorised by the Parliamentary Counsel

the registrar may, by written notice given to a person, require the person to attend before the registrar, at a stated reasonable time and place, to do either or both of the following—

(a) give the registrar, either orally or in writing, information in the person's knowledge about a stated matter;

(b) give the registrar a document about a stated matter in the person's possession or control.

(2) The registrar may require—

(a) the information to be given on oath; or

(b) the information or document given to be verified by statutory declaration.

(3) When making the requirement, the registrar must warn the person it is an offence to fail to comply with the requirement, unless the person has a reasonable excuse.

(4) The person must not fail, without reasonable excuse, to—

(a) attend as required by the notice; or

(b) give the registrar information the person is required to give the registrar, and in the way required, under the notice; or

(c) give the registrar a document the person is required to give under the notice; or

(d) give information on oath if required by the registrar; or

(e) verify information or a document by statutory declaration if required by the registrar.

Maximum penalty—100 penalty units.

(5) It is not a reasonable excuse for an individual to fail to give the registrar information or a

Authorised by the Parliamentary Counsel

document because the information or document might tend to incriminate the individual.

(6) It is a reasonable excuse for a person to fail to give the registrar information or a document because the person reasonably believes giving the registrar the information or document is likely to endanger a person's safety.

(7) A person, other than an enforcement debtor or the enforcement debtor's representative, who is required under this section to attend a place is entitled to be paid the expenses prescribed by regulation.

(8) For subsection (2)(a), the registrar may administer an oath.

(9) This section does not apply to the Queensland Police Service.

134E Power to record giving of information

(1) This section applies if a person is giving information to the registrar under section 134D.

(2) With the person's knowledge, a recording may be made, in the way the registrar considers appropriate, of questions asked by the registrar and information given by the person.

(3) The registrar must give the person a copy of the recording if asked to do so by the person.

134F Registrar may require translation or conversion of information

(1) This section applies if—

(a) a person gives information to the registrar; and

Authorised by the Parliamentary Counsel

(b) the registrar reasonably believes the information is relevant to the administration or enforcement of this Act.

(2) The registrar may, by written notice given to the person, require the person to do 1 or more of the following within a stated reasonable period—

(a) translate the information into the English language;

(b) convert the information into a written document;

(c) convert any amount mentioned in the information into Australian currency.

(3) The person must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

(4) If the person does not comply with the requirement, the registrar may have the information translated or converted as mentioned in subsection (2).

(5) The costs and expenses incurred under subsection (4) are a debt payable to the State by the person.

134G False or misleading information

(1) A person must not, in relation to the administration or enforcement of this Act, give the registrar or SPER information the person knows is false or misleading in a material particular.

Maximum penalty—100 penalty units.

(2) Subsection (1) does not apply to a person if the person, when giving information in a document—

Authorised by the Parliamentary Counsel

(a) tells the registrar or SPER, to the best of the person's ability, how the information is false or misleading; and

(b) if the person has, or can reasonably obtain, the correct information—gives the correct information.

Division 3 Information protection

134H Unauthorised disclosure of confidential information

(1) An official must not disclose confidential information acquired by the official in the official's capacity to someone else unless the disclosure is authorised under division 4.

Maximum penalty—100 penalty units.

(2) A person who knowingly acquires confidential information without lawful authority must not disclose the information to someone else.

Example—

A person employed by a cleaning contractor engaged by the State to clean reads a document in the registrar's office containing confidential information.

Maximum penalty—100 penalty units.

(3) A person who receives confidential information and knows, or ought reasonably to know, it is confidential information must not disclose the information to someone else unless the disclosure is authorised under division 4.

Maximum penalty—100 penalty units.

(4) However, subsection (3) does not apply to the person if, under division 4, the registrar disclosed the confidential information to the person and the person disclosed the information—

Authorised by the Parliamentary Counsel

(a) to the extent necessary to enable the person to exercise a power or perform a function conferred on the person under a law for the administration or enforcement of the law; or

(b) for the purpose for which the information was disclosed to the person; or

(c) to someone else for any purpose if the information relates to the person.

134I Non-disclosure of particular information

(1) A person engaged in the administration or enforcement of this Act can not be compelled to disclose to a court or QCAT in a proceeding, or to a party to the proceeding—

(a) confidential information; or

(b) whether or not the person has received particular confidential information; or

(c) the identity of the source of particular confidential information.

(2) This section does not apply to a proceeding for the administration or enforcement of this Act.

134J Limited use of self-incriminating information

(1) This section applies if, in compliance with a requirement to give the registrar information or a document under section 134C or 134D, a person gives the registrar information or a document that might tend to incriminate the person.

(2) Evidence of, or evidence directly or indirectly derived from, the information or document is not admissible in evidence against the person in a criminal proceeding, other than a proceeding in which the falsity or misleading nature of the information or document is relevant.

Authorised by the Parliamentary Counsel

Division 4 Information sharing

134K Information-sharing arrangements

(1) The registrar may enter into an arrangement (an ***information-sharing arrangement***) with an entity prescribed by regulation for the purpose of sharing information held by SPER or the prescribed entity.

(2) Under the information-sharing arrangement, a party to the arrangement may request and receive information held by another party to the arrangement for any of the following purposes—

(a) the administration or enforcement of this Act;

(b) the administration or enforcement of a court order;

(c) the enforcement of an offence administered by a prescribed entity;

(d) another purpose prescribed by regulation.

(3) However, the registrar may only disclose information prescribed by regulation under the information-sharing arrangement.

(4) Disclosure of information by a prescribed entity under an information-sharing arrangement is subject to any limitation on disclosure of the information under another Act.

(5) Each party to the information-sharing arrangement must review their compliance with the requirements of the arrangement annually.

(6) In this section—

enforcement, of an offence, includes the following—

(a) investigating the offence;

Authorised by the Parliamentary Counsel

(b) prosecuting the offence;

(c) imposing or collecting a fine for the offence;

(d) applying to a court for a civil penalty or other order for the offence.

prescribed entity means an entity prescribed by regulation under subsection (1).

134L Disclosure of confidential information by registrar

(1) The registrar may disclose confidential information that includes personal information—

(a) to the person to whom the information relates or to someone else—

(i) with the consent, express or implied, of the person to whom the information relates; or

(ii) who the registrar reasonably believes is acting for the person to whom the information relates; or

(b) if the disclosure is expressly permitted or required under another Act; or

(c) in connection with the administration or enforcement of this Act or a revenue law; or

(d) in relation to a legal proceeding under this Act; or

(e) to the Minister, or an officer of the department, for—

(i) developing or monitoring policies for, or for the operation of, this Act; or

(ii) administering the *Financial Accountability Act 2009*, section 21; or

(f) to a law enforcement agency for the purpose of an investigation or proceeding, including

Authorised by the Parliamentary Counsel

for the purpose of deciding whether to start an investigation or proceeding.

(2) The registrar may disclose confidential information that does not include personal information to any person, or for any purpose, the registrar is satisfied is appropriate in the circumstances.

(3) If confidential information contains personal information, the registrar may disclose the confidential information under subsection (2) if the registrar first removes or conceals the personal information.

Note—

Under section 161 the registrar may delegate a power of the registrar under this section to an appropriately qualified person.

(4) This section does not create a right in any person to be given information under this section.

(5) In this section—

law enforcement agency means—

(a) an enforcement body within the meaning of the *Privacy Act 1988* (Cwlth); or

(b) the Queensland Police Service under the *Police Service Administration Act 1990*; or

(c) the Crime and Corruption Commission; or

(d) the department in which the *Corrective Services Act 2006* is administered.

personal information, about a person, means information that—

(a) identifies, or is likely to identify, the person; or

(b) discloses matters about the person's affairs.

revenue law means—

Authorised by the Parliamentary Counsel

(a) a law of the Commonwealth or a State about the assessment, imposition or collection of a tax, fee, duty, royalty or other impost; or

(b) another law administered by the Commissioner of State Revenue appointed under the *Taxation Administration Act 2001*.

Note—

See the *Taxation Administration Act 2001*, sections 7 and 8 for the appointment and functions of the Commissioner of State Revenue.

134M Registrar may advise police commissioner about particular warrants

(1) The registrar may advise the police commissioner of the following information—

(a) that the registrar has issued a particular warrant;

(b) when and where the registrar proposes to have the warrant enforced.

(2) The information may only be used by the Queensland Police Service for the enforcement of the warrant.

(3) In this section—

warrant means an enforcement warrant or an immobilisation warrant.

Clause 74 Omission of ss 137–146D

Sections 137 to 146D—

omit.

Clause 75 Omission of pt 9, div 1 (Content of particular notices, orders and warrants)

Part 9, division 1—

Authorised by the Parliamentary Counsel

omit.

Clause 76 Insertion of new s 149A

After section 149—

insert—

149A References to amounts otherwise being discharged

(1) A reference in this Act to a person otherwise discharging an amount, other than by paying the amount, is a reference to the person satisfying the amount in full by any 1 or a combination of the following—

(a) payment of an amount;

(b) the payment of instalments under a payment plan;

(c) undertaking activities under a work and development order.

Example—

The $2000 amount of a person's SPER debt is otherwise discharged if the person makes a payment to SPER of $250, is subject to a work and development order for $750 and enters into a payment plan for the remaining $1000.

(2) However, the person ceases to be satisfying the amount if—

(a) the person is satisfying all or part of the amount through the payment of instalments under a payment plan and the plan is cancelled; or

(b) the person is satisfying all or part of the amount by undertaking activities under a work and development order and the order is withdrawn or revoked.

Authorised by the Parliamentary Counsel

Clause 77 Insertion of new ss 150AA and 150AB

After section 150A—

insert—

150AA Registrar may waive or return fee

(1) The registrar may waive or return all or part of a fee payable by a person under this Act in the circumstances prescribed by regulation.

(2) However, a fee that is waived may be reinstated if—

(a) the fee was incorrectly identified for waiver; or

(b) the reinstatement is permitted under the circumstances prescribed by regulation.

150AB Redirecting amounts to unpaid SPER debts

(1) This section applies if—

(a) SPER is to pay an amount to a person under this Act; and

(b) the person has a SPER debt.

(2) Despite any other provision of this Act, SPER may apply the whole or part of the amount to the SPER debt instead of paying the money to the person.

(3) This section does not apply to the payment of any balance to an enforcement debtor under section 73J(3)(e) because of the sale of property by an enforcement officer.

(4) In this section—

pay includes transfer or refund.

Clause 78 Amendment of s 150B (Guidelines)

(1) Section 150B—

Authorised by the Parliamentary Counsel

insert—

(2A) The Minister may make guidelines, not inconsistent with this Act, about work and development orders.

(2) Section 150B(3) and (5)(b), '108P(1)(d)'—

omit, insert—

108P(1)(b)

(3) Section 150B(4), 'subsection (3)'—

omit, insert—

subsection (4)

(4) Section 150B(7), 'under subsection (3)'—

omit, insert—

under subsection (3) or (4)

(5) Section 150B(2A) to (7)—

renumber as section 150B(3) to (8).

Clause 79 Insertion of new s 151

Part 9—

insert—

151 Registrar may arrange for use of information system

(1) The registrar may approve a system (an ***information system***) for—

(a) generating, sending, receiving, storing or otherwise processing electronic communications between SPER and an administering authority; or

(b) generating, sending, receiving, storing or otherwise processing electronic communications between SPER and an enforcement debtor or other person; or

Authorised by the Parliamentary Counsel

(c) generating a decision of the registrar, other than a decision prescribed by regulation.

(2) A decision generated by an information system is taken to be a decision made by the registrar.

Clause 80 Omission of ss 151–152I

Sections 151 to 152I—

omit.

Clause 81 Amendment of s 153 (Register)

(1) Section 153(2)(f), (g) and (h)—

omit, insert—

(g) a fine collection notice;

(2) Section 153(3)—

renumber as section 153(4).

(3) Section 153(2)—

omit, insert—

(2) The register must include particulars of the following registered under section 34—

(a) an infringement notice default;

(b) an early referral;

(c) an unpaid court debt.

(3) The register must also include particulars of the following orders, notices and warrants, any payments made and any enforcement action taken after the issue by the registrar of any of the following—

(a) an early referral notice;

(b) a court debt payment notice;

(c) an enforcement order;

Authorised by the Parliamentary Counsel

(d) a work and development order;

(e) an enforcement warrant to seize and sell personal property;

(f) an enforcement warrant imposing a charge on property;

(g) a fine collection notice;

(h) a notice of intention to suspend a driver licence;

(i) a notice of intention to issue an immobilisation warrant;

(j) an immobilisation warrant;

(k) an arrest and imprisonment warrant.

Clause 82 Amendment of s 155 (Non-reviewable decision)

(1) Section 155(1)(a) and (b)—

omit, insert—

(a) a decision of the registrar to refuse to offer a person a payment plan under section 32B;

(b) a decision of the registrar to cancel a payment plan under section 32E;

(2) Section 155(1)(e) and (f)—

omit.

(3) Section 155(1)(g)—

renumber as section 155(1)(e).

Clause 83 Amendment of s 157 (Evidentiary provisions)

(1) Section 157(2)(a)—

omit, insert—

(a) a stated infringement notice was served in a stated way on a stated person at a stated

Authorised by the Parliamentary Counsel

address on a stated day for a stated infringement notice offence;

(2) Section 157(2)(d)—

omit, insert—

(d) an alleged offender applied to the administering authority under section 23(2) for the immediate registration of a fine for the purpose of paying the fine under a payment plan with SPER;

(3) Section 157(2)(i), 'latest'—

omit.

(4) Section 157(3)(a)—

omit, insert—

(a) a stated matter, including an infringement notice default or unpaid court debt, or particulars were registered under the Act on a stated day;

(5) Section 157(3)—

insert—

(k) the amount of a stated person's SPER debt, including information about the unpaid amount of the debt and the history of the debt;

(l) an administering authority withdrew an infringement notice on a stated day;

(m) a stated enforcement order was cancelled on a stated day.

(6) Section 157(3)(c) to (m)—

omit, insert—

(c) a stated person applied to SPER to pay an amount under a payment plan;

Authorised by the Parliamentary Counsel

(d) a stated enforcement action is being taken, or has been taken, against a stated person, including the date the action was taken, ceased or withdrawn;

(e) the amount of a stated person's SPER debt, including information about the unpaid amount of the debt and the history of the debt;

(f) a stated payment plan was accepted by a stated person on a stated day, or cancelled on a stated date;

(g) a stated work and development order was made, varied, withdrawn or revoked on a stated day;

(h) a notice of intention to suspend the driver licence of a stated person was served on the person in a stated way on a stated day;

(i) an administering authority withdrew an infringement notice on a stated day;

(j) a stated enforcement order was cancelled on a stated day;

(k) a stated document was issued on a stated day.

(7) Section 157—

insert—

(4) The registrar must give an administering authority a certificate under subsection (3) about a matter mentioned in subsection (3)(j) if requested by the authority for the purpose of starting a proceeding against a person for an infringement notice offence.

(5) In this section—

enforcement action means any of the following actions taken by the registrar—

Authorised by the Parliamentary Counsel

(a) serving an enforcement order;

(b) issuing an enforcement warrant;

(c) issuing a fine collection notice;

(d) serving a notice of intention to suspend a driver licence;

(e) serving a notice of intention to issue an immobilisation warrant;

(f) issuing an immobilisation warrant;

(g) registering an interest in land or other property under section 110;

(h) issuing an arrest and imprisonment warrant.

Clause 84 Amendment of s 158 (Service of document)

(1) Section 158(1)(b) and (c)—

omit, insert—

(b) if a person gives SPER or the registrar a unique electronic address for the person—by using electronic communication to send the document to the address; or

(c) if a person consents to SPER using a unique electronic address for serving a document to the person—by using electronic communication to send the document to the address; or

(d) in another way prescribed by regulation.

(2) Section 158(2) and (3)—

omit, insert—

(2) Also, in addition to being able to send a document to a person by post as provided for under the *Acts Interpretation Act 1954*, part 10, the registrar may send the document by post to another address for the person known to the registrar.

Authorised by the Parliamentary Counsel

(3) Section 158(4)(a), 'by email under subsection (1)(b)'—

omit, insert—

by using electronic communication

(4) Section 158(4)(a)(i) and (ii), 'the email'—

omit, insert—

the communication

(5) Section 158—

insert—

(5) In this section—

communication network means a network—

(a) capable of electronic communication; and

(b) designed to enable a user of the network to communicate with a specific person or a group of people.

Examples—

a telephone network or computer network

unique electronic address, for a person, means a fixed designation on a communication network assigned to the person for the purpose of the person receiving information.

Examples—

an email address, mobile phone number or user account

(6) Section 158(4) and (5)—

renumber as section 158(3) and (4).

Clause 85 Replacement of s 163 (Approval of other forms)

Section 163—

omit, insert—

163 Approval of other forms

The registrar may approve forms for use under

Authorised by the Parliamentary Counsel

this Act, other than forms for use as infringement notices.

Clause 86 Omission of s 164 (Review of Act)

Section 164—

omit.

Clause 87 Amendment of s 165 (Regulation-making power)

Section 165—

insert—

(11) A regulation may be made about the following for work and development orders—

(a) the unpaid work that may be undertaken under an order;

(b) the courses, plans or programs that may be undertaken under an order;

(c) the amount by which a SPER debt is taken to be satisfied by undertaking particular activities under an order.

(12) A regulation may be made about the following—

(a) the approval of persons or entities as approved sponsors, including conditions of approvals;

(b) the keeping of records relating to work and development orders;

(c) the supporting evidence for eligibility assessments for work and development orders;

(d) disciplinary action that may be taken against approved sponsors, including immediate suspension or cancellation of approvals.

Authorised by the Parliamentary Counsel

Clause 88 Insertion of new pt 10, div 7

Part 10—

insert—

Division 7 Transitional provisions for State Penalties Enforcement Amendment Act 2017

183 Definitions for division

In this division—

amendment Act means the *State Penalties Enforcement Amendment Act 2017*.

amendments means the amendments of this Act made by the amendment Act.

community service has the meaning given by the *Corrective Services Act 2006*, schedule 4.

fine option order means an order converting the unpaid amount of a fine under an enforcement order to hours of unpaid community service.

former, in relation to a provision, means the provision as in force immediately before its amendment by the amendment Act.

184 Approved sponsors

(1) This section applies if, before the commencement, the registrar published, on the department's website, a list of entities that are to be approved sponsors under this Act.

(2) From the commencement, an entity included in the published list is taken to be an approved sponsor for a work and development order to undertake unpaid work for, or on behalf of, an

Authorised by the Parliamentary Counsel

approved sponsor.

(3) Nothing in this section prevents the registrar from cancelling an approval granted under subsection (2) or otherwise taking disciplinary action against the approved sponsor as provided by a regulation made under section 165(12).

185 Conversion of fine option orders

(1) This section applies if immediately before the commencement a person was subject to a fine option order.

(2) The fine option order is taken to be a work and development order to undertake unpaid work for, or on behalf of, an approved sponsor.

(3) If the person was subject to 2 or more fine option orders, the registrar may combine the orders into a single work and development order applying under subsection (2).

(4) The registrar must assign an approved sponsor for a work and development order mentioned in subsection (2).

(5) The registrar may revoke the order under this section if after the commencement—

(a) a fine option order breach notice is in force under section 190; and

(b) the registrar is satisfied the person concerned has contravened the order without reasonable excuse.

(6) Former section 129 applies for revoking the order despite the repeal of that section by the amendments.

(7) The registrar must give the person a written notice explaining the effect of this section and stating the name of the approved sponsor for the person's

Authorised by the Parliamentary Counsel

work and development order.

186 Conversion of applications for fine option orders

(1) This section applies if, before the commencement, a person applied to SPER under former section 43 for the conversion of an amount stated in an enforcement order to hours of unpaid community service under a fine option order and, on the commencement, the application had not been finally dealt with under this Act.

(2) The application is taken to be an application for a work and development order to undertake unpaid work for, or on behalf of, an entity.

(3) For processing the application as an application for a work and development order—

(a) the registrar must assign an approved sponsor for the application; and

(b) despite the amendments, former sections 44 to 46 continue to apply for the application as if a reference in the provisions to a fine option order were a reference to a work and development order; and

(c) former sections 47 to 50 do not apply for the application, regardless of whether the application was referred to the chief executive (corrective services) under former section 47; and

(d) if, before the commencement, the chief executive (corrective services) decided the applicant was not suitable for performing community service under former section 48, the registrar may have regard to the decision when deciding whether to grant the application as an application for a work and development order.

Authorised by the Parliamentary Counsel

187 Continuation of good behaviour orders

(1) This section applies if immediately before the commencement a good behaviour order (a ***continuing order***) applied to a person.

(2) The former provisions of this Act that applied for good behaviour orders continue to apply for the continuing order as if the provisions had not been amended or repealed under the amendment Act.

188 Application to pay fine by instalments

(1) Subsection (2) applies if—

(a) before the commencement—

(i) a person was served with an infringement notice for an offence; and

(ii) within 28 days after the date of the infringement notice, the person applied to the administering authority for approval to pay the fine for the offence by instalments; and

(b) on the commencement, the application had not been finally dealt with.

(2) The application is taken to be an application for an early referral under section 23 and the administering authority must register the unpaid amount of the fine with SPER under section 34(1)(b).

(3) Subsection (4) applies if—

(a) before the commencement—

(i) a person was served with an enforcement order; and

(ii) within 28 days after the date of the enforcement order, the person applied to SPER for approval to pay the

Authorised by the Parliamentary Counsel

amount stated in the enforcement order by instalments; and

(b) on the commencement, the application had not been finally dealt with.

(4) The application is taken to be an application for a payment plan under part 3A and the registrar may decide the application under part 3A.

189 Continued payment under an instalment payment notice

(1) This section applies if—

(a) before the commencement, a person was given an instalment payment notice; and

(b) on the commencement, the person had not finished paying the amount by instalments as required by the instalment payment notice.

(2) The person's obligations to pay an amount by instalments as required by the instalment payment notice are continued as if the notice were a payment plan.

(3) Sections 32D and 32E apply to the instalment payment notice as if a reference in those sections to a payment plan were a reference to the instalment payment notice.

(4) If the instalment payment notice is cancelled under 32E—

(a) the person is taken to be an enforcement debtor for part 5; and

(b) section 62B applies as if a reference to a payment plan in that section were a reference to the instalment payment notice.

Authorised by the Parliamentary Counsel

190 Effect of existing enforcement documents

(1) This section applies to an enforcement document that, if the former provisions of this Act continued to apply, would continue in effect for a period ending after the commencement.

(2) The enforcement document continues in force for the period, and in the circumstances, it would continue in force under the former provisions despite any inconsistency with the provisions of this Act as in force after the amendments.

Example—

A notice of intention to suspend a driver licence served on an enforcement debtor 2 days before the commencement continues for 12 days after the commencement and only suspends the debtor's driver licence if the debtor does not pay the unpaid amount stated in the notice within 14 days.

(3) However, if an enforcement document entitles a person to apply for a fine option order or a good behaviour order, the document is of no effect to that extent.

(4) In this section—

enforcement document means any of the following served on a person before the commencement—

(a) an enforcement order;

(b) a fine collection notice;

(c) a notice of intention to suspend a driver licence;

(d) a fine option order breach notice;

(e) an enforcement warrant;

(f) a notice of intention to issue an immobilisation warrant;

(g) an immobilisation warrant;

Authorised by the Parliamentary Counsel

(h) an immobilisation search warrant;

(i) an arrest and imprisonment warrant.

191 Effect of existing default certificates

(1) Subsection (2) applies if, before the commencement, an administering authority could have given SPER a default certificate for registration under former section 33(1) but had not done so.

(2) The administering authority may register the default certificate with SPER under section 34 as if the certificate were an infringement notice default.

(3) Subsection (4) applies if—

(a) before the commencement, an administering authority gave a default certificate to SPER for registration under former section 33(1); and

(b) SPER had not yet registered the default certificate at the commencement.

(4) SPER may register the default certificate under section 34 as if the certificate were an infringement notice default.

192 Continuation of particular applications

(1) This section applies to any of the following applications made before the commencement if the application had not been finally dealt with under this Act before the commencement—

(a) an application for cancellation of an enforcement order under former section 56 (a ***section 56 application***);

Authorised by the Parliamentary Counsel

(b) an application for a review of the revocation of a fine option order under former section 130 (a ***section 130 application***).

(2) Despite the amendments, a section 56 application may continue to be dealt with under the former provisions of this Act.

(3) Despite the amendments, a section 130 application may continue to be dealt with under the former provisions of this Act.

193 Continuation of particular certificate evidence

In a proceeding under this or another Act a certificate purporting to be signed by the registrar and stating any of the following matters is evidence of the matter—

(a) a stated person applied to SPER to pay the fine under an infringement notice by instalments;

(b) a stated person applied to SPER for conversion, of an amount payable because of a fine, to hours of unpaid community service under a fine option order;

(c) a stated fine option order relating to a stated person was revoked on a stated day.

194 Transitional regulation-making power

(1) A regulation (a ***transitional regulation***) may make provision of a saving or transitional nature—

(a) for which it is necessary to make provision to allow or facilitate the change from the operation of the former provisions of this Act to the operation of the provisions of this Act as in force after the commencement; and

Authorised by the Parliamentary Counsel

(b) for which this Act does not make provision or sufficient provision.

(2) A transitional regulation may have retrospective operation to not earlier than the commencement.

(3) A transitional regulation must declare it is a transitional regulation.

(4) A transitional regulation may only be made within 1 year after the commencement.

(5) This section and a transitional regulation expire 2 years after the commencement.

Clause 89 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definitions *address* and *administration charge*—

omit.

(2) Schedule 2, definitions *civil enforcement fee*, *compliance period*, *default certificate*, *enforcement debtor*, *fine option order*, *fine option order breach notice*, *good behaviour order*, *instalment payment notice*, *relevant person*, *registration fee* and *threshold amount*—

omit.

(3) Schedule 2—

insert—

address means—

(a) for an individual—

(i) the address of the place where the individual usually resides; or

(ii) a postal address for the individual; or

(iii) if a matter relates to a business owned or controlled by the individual—the address of the business; or

(b) for a corporation—

Authorised by the Parliamentary Counsel

(i) the head office, a registered office or a principal office of the corporation; or

(ii) a postal address for the corporation.

confidential information, for part 8A, see section 134A.

electronic communication means communication of information in the form of—

(a) data, text or images by guided or unguided electromagnetic energy; or

(b) sound by guided or unguided electromagnetic energy, if the sound is capable of being processed at its destination as language.

official, for part 8A, see section 134A.

police commissioner, for part 8A, see section 134A.

postal address, of a person, means—

(a) the address of the place where the person receives mail sent by post, other than a place at which the person usually resides or works; or

(b) a location or other designation sufficient to identify the part of a place where the person receives mail sent by post.

Example for paragraph (b)—

a post office box or parcel locker

SPER debt, of a person at a particular time, means the total amount the person must pay to SPER at that time, including, for example, fines and fees payable under this Act.

State penalties enforcement register means the register kept under section 153(1).

(4) Schedule 2—

Authorised by the Parliamentary Counsel

insert—

approved sponsor see section 32F.

court debt payment notice see section 37D(2).

decision maker, for part 4, division 6, see section 56(4).

early referral see section 34(1)(b).

early referral notice see section 37A(2).

eligibility assessment, for part 3B, see section 32K(1).

enforceable amount, of a person's SPER debt, means that part of the person's SPER debt for which the registrar may take enforcement action under part 5 or 6 (regardless of whether the registrar has started the action) less any amount for which recovery or enforcement action is suspended.

Example—

On application for the cancellation of an enforcement order, the decision maker may stay enforcement taken under the order. See section 56B(1).

enforcement action means action taken under this Act by the registrar or SPER to recover an amount a person must pay to SPER, including an action the registrar or SPER may take under this Act because the person failed to pay an amount to SPER.

Examples of enforcement action—

issuing an enforcement warrant, issuing a fine collection notice, issuing a notice of intention to suspend a licence or issuing an immobilisation warrant

enforcement debtor—

(a) for part 5—see section 62A; or

(b) generally—see section 38(2).

enforcement fee, for particular enforcement

Authorised by the Parliamentary Counsel

action, means the fee prescribed by regulation for the enforcement action.

infringement notice default see section 33.

payment plan, for an amount, means an arrangement for paying the amount over a period by regular instalments.

relevant offence, for part 4, division 6, see section 55.

unpaid court debt see section 33A.

work and development order see section 32G(1).

(5) Schedule 2, definition *cut-out rate*, paragraphs (e) and (f)—

omit, insert—

(e) for an infringement notice offence—the amount prescribed by regulation for this paragraph or, if no amount is prescribed, $60.

Part 5 Consequential amendments

Clause 90 Acts amended

Schedule 1 amends the Acts it mentions.

Authorised by the Parliamentary Counsel

Schedule 1 Minor and consequential amendments

section 90

Penalties and Sentences Act 1992

1 Section 179F(1)(c), 'the unpaid amount of the fine'—

omit, insert—

an unpaid court debt under the SPE Act

2 Section 179F(2), 'particulars'—

omit, insert—

offender levy under section 34 of the SPE Act as if the levy were an unpaid court debt

3 Section 179F(7), definition *excluded provisions*, paragraph (b)—

omit.

4 Section 179F(7), definition *excluded provisions*, paragraphs (c) to (f)—

renumber as paragraphs (b) to (e).

Authorised by the Parliamentary Counsel

Police Powers and Responsibilities Act 2000

1 Section 71A(2)(a) and (b)—

omit, insert—

(a) the fine for the offence is not paid or otherwise being discharged under the *State Penalties Enforcement Act 1999*, section 149A; and

(b) an infringement notice default has not been registered for the offence under the *State Penalties Enforcement Act 1999*, section 34; and

2 Schedule 6, definition *default certificate*—

omit.

3 Schedule 6, definition *found guilty*, paragraph (a)(i) and (ii)—

omit, insert—

(i) the fine for the offence has been paid or is otherwise being discharged under the *State Penalties Enforcement Act 1999*, section 149A; or

(ii) an infringement notice default has been registered for the offence under the *State Penalties Enforcement Act 1999*, section 34; or

Authorised by the Parliamentary Counsel

Queensland Building and Construction Commission Act 1991

1 Section 67AQ, definitions *default certificate* and *registrar*—

omit.

2 Section 67AQ, definition *conviction*, paragraphs (c) and (d)—

omit, insert—

(c) the person starting to otherwise discharge a fine for an infringement notice under the *State Penalties Enforcement Act 1999*, section 149A;

(d) the registration of an infringement notice default under the *State Penalties Enforcement Act 1999*, section 34;

3 Section 67AX(2)(d) and (e)—

omit, insert—

(d) if a person begins to otherwise discharge the fine for an infringement notice offence under the *State Penalties Enforcement Act 1999*, section 149A—on the day the person begins to otherwise discharge the fine; or

(e) if the administering authority registers an infringement notice default under the *State Penalties Enforcement Act 1999*, section 34—on the day the default is registered; or

4 Section 99(3)(e)(ii)—

omit, insert—

Authorised by the Parliamentary Counsel

(ii) an infringement notice default has been registered for the notice under the *State Penalties Enforcement Act 1999*, section 34; and

5 Schedule 2, definition *default certificate*—

omit.

6 Schedule 2, definition *registrar*—

omit, insert—

registrar means the principal registrar under the Tribunal Act.

Transport Operations (Passenger Transport) Act 1994

1 Section 129ZO(7), definition *dealt with*, paragraph (c)—

omit, insert—

(c) the respondent has begun to otherwise discharge the fine for the infringement notice under the *State Penalties Enforcement Act 1999*, section 149A;

Victims of Crime Assistance Act 2009

1 Section 120(1)(c), 'of the unpaid amount of a fine imposed by that court'—

omit, insert—

for an unpaid court debt under the *State Penalties Enforcement Act 1999*

Authorised by the Parliamentary Counsel

2 Section 120(3), 'fine option order provisions and'—

omit.

3 Section 120(6), definition *fine option order provisions*—

omit.

Waste Reduction and Recycling Act 2011

1 Section 114(2), '22(1)(c), 33(1)(d)'—

omit, insert—

22(1)(d)

© State of Queensland 2017

Authorised by the Parliamentary Counsel