



Penalties and Sentences Act 1992

Penalties and Sentences Regulation 2005

Reprinted as in force on 31 August 2005

Reprint No. 1

**This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

Information about this reprint

This regulation is reprinted as at 31 August 2005.

This page is specific to this reprint. A table of reprints is included in the endnotes.

Also see endnotes for information about when provisions commenced.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



Queensland

Penalties and Sentences Regulation 2005

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Penalties and Sentences Regulation 2005

[reprinted as in force on 31 August 2005]

1 Short title

This regulation may be cited as the *Penalties and Sentences Regulation 2005*.

2 Commencement

This regulation commences on 31 August 2005.

3 Principle prescribed—Act, s 9(2)(p)

In sentencing an offender, a court must also have regard to the principle that it should not refuse to make a fine option order or a community based order for the offender merely because of—

- (a) any physical, intellectual or psychiatric disability of the offender; or
- (b) the offender's sex, educational level or religious beliefs.

4 Drug diversion courts—Act, s 15B

The following are prescribed for the definition *drug diversion court* in section 15B¹ of the Act—

- (a) each Magistrates Court;
- (b) each Childrens Court constituted by a magistrate.

5 Prescribed dangerous drugs and prescribed quantities—Act, s 15D

The schedule sets out—

¹ Section 15B (Definitions for div 1) of the Act

- (a) the dangerous drugs prescribed for the definition *prescribed dangerous drug* in section 15D² of the Act; and
- (b) for each prescribed dangerous drug, the quantity prescribed for the definition *prescribed quantity* in section 15D of the Act.

6 Application for permission to leave or stay out of Queensland

An application for permission mentioned in section 66(1)(f), 93(1)(f), 103(1)(f) or 114(1)(h) of the Act must be made to an authorised corrective services officer by or on behalf of the offender.

7 Recording of hours of community service performed

- (1) The project supervisor must record on an attendance return provided by the chief executive (corrective services)—
 - (a) the time of each day at which the offender reports for community service; and
 - (b) the time of each day at which the offender stops performing community service.
- (2) The offender must countersign each entry made by the project supervisor in the attendance return.
- (3) In this section—

project supervisor means the person under whose supervision an offender performs community service.

8 Chief executive (corrective services) to be advised if fine paid

If a fine or a part of a fine is paid, the proper officer of the court in which the original order was made must notify the chief executive (corrective services) of the payment.

2 Section 15D (Meaning of *eligible drug offence*) of the Act

9 Repeal

The Penalties and Sentences Regulation 1992 SL No. 394 is repealed.

Schedule Prescribed dangerous drugs and prescribed quantities

section 5

Dangerous drug	Quantity
Amphetamine.	1.0g
Barbituric acid	5.0g
4-Bromo-2,5-dimethoxyamphetamine	0.02g
4-Bromo-2,5-dimethoxyphenethylamine.	0.02g
Cannibis sativa.	50.0g
Cocaine	1.0g
Codeine, except where it is compounded with 1 or more other medicaments in such a way that it cannot be readily extracted and where it is contained—	
(a) in divided preparations containing 30mg or less of codeine per dosage unit; or	
(b) in undivided preparations containing 1% or less of codeine.	5.0g
N,N-Diethyltryptamine	1.0g
2,5-Dimethoxy-4-Ethylamphetamine (DOET)	1.0g
2,5-Dimethoxy-4-Methylamphetamine	1.0g
N,N-Dimethyltryptamine.	1.0g
Fenethylline	1.0g
Fentanyl	0.0025g
Gamma hydroxybutyric acid	1.0g
Heroin	1.0g
Hydromorphone.	1.0g
Ketamine	0.2g
Lysergic acid	3 tickets or tabs
Lysergide	3 tickets or tabs
Methadone	1.0g
Methcathinone	1.0g
5-Methoxy-3,4-Methylenedioxyamphetamine (MMDA) . .	1.0g

Schedule (continued)

Dangerous drug	Quantity
2-Methylamino-1-(3,4-methylenedioxyphenyl) butane (MBDB)	1.0g
4-Methylaminorex	1.0g
Methylamphetamine	1.0g
3,4-Methylenedioxyethylamphetamine (MDEA)	1.0g
3,4-Methylenedioxymethamphetamine (MDMA)	1.0g
4-Methylthioamphetamine (4-MTA)	1.0g
Moramide	1.0g
Morphine	1.0g
Opium	5.0g
Paramethoxyamphetamine (PMA)	1.0g
Pethidine	1.0g
Phencyclidine	0.2g
Psilocin	0.04g
Psilocybin	0.04g
Tetrahydrocannabinol	1.0g
3,4,5-Trimethoxyamphetamine (TMA)	1.0g

In this schedule—

ticket or tab means the amount of the dangerous drug, not greater than 0.000040g, that is prepared or apparently prepared for the purpose of being administered as a single dose.

Endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Penalties and Sentences Regulation 2005 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	31 August 2005	

5 List of legislation

Penalties and Sentences Regulation 2005 SL No. 213

made by the Governor in Council on 25 August 2005

notfd gaz 26 August 2005 pp 1477–8

ss 1–2 commenced on date of notification

remaining provisions commenced 31 August 2005 (see s 2)

exp 1 September 2015 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.