



Queensland

*Penalties and Sentences Act 1992*

# Penalties and Sentences Regulation 2005

Reprinted as in force on 1 January 2009

Reprint No. 1A

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 1 January 2009. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprint.**

## Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

## Dates shown on reprints

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised 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 an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

**Replacement reprint date** If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



## Queensland

# Penalties and Sentences Regulation 2005

## Contents

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	Page
1	Short title . . . . . 3
2	Commencement . . . . . 3
2A	Value of penalty unit for particular purposes—Act, s 5(1)(b) . . . . 3
3	Principle prescribed—Act, s 9(2)(p) . . . . . 3
4	Drug diversion courts—Act, s 15B . . . . . 3
5	Prescribed dangerous drugs and prescribed quantities—Act, s 15D . . . . . 4
6	Application for permission to leave or stay out of Queensland. . . . 4
7	Recording of hours of community service performed. . . . . 4
8	Chief executive (corrective services) to be advised if fine paid . . . 5
9	Repeal . . . . . 5
<b>Schedule</b>	<b>Prescribed dangerous drugs and prescribed quantities . . . . . 6</b>
 <b>Endnotes</b>	
1	Index to endnotes. . . . . 8
2	Date to which amendments incorporated. . . . . 8
3	Key . . . . . 8
4	Table of reprints . . . . . 9
5	List of legislation. . . . . 9
6	List of annotations . . . . . 9



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# Penalties and Sentences Regulation 2005

[as amended by all amendments that commenced on or before 1 January 2009]

## 1 Short title

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

## 2 Commencement

This regulation commences on 31 August 2005.

## 2A Value of penalty unit for particular purposes—Act, s 5(1)(b)

The value of a penalty unit for a local law, or an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against a local law, is \$75.

## 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 15B 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—

- (a) the dangerous drugs prescribed for the definition *prescribed dangerous drug* in section 15D 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.

**9 Repeal**

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

## Schedule Prescribed dangerous drugs and prescribed quantities

section 5

<b>Dangerous drug</b>	<b>Quantity</b>
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



Dangerous drug	Quantity
Methcathinone . . . . .	1.0g
5-Methoxy-3,4-Methylenedioxyamphetamine (MMDA) . .	1.0g
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

### 1 Index to endnotes

	Page
2 Date to which amendments incorporated . . . . .	8
3 Key . . . . .	8
4 Table of reprints . . . . .	9
5 List of legislation . . . . .	9
6 List of annotations . . . . .	9

### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 January 2009. 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
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

## 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	
1A	2008 SL No. 434	1 January 2009	

## 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.

amending legislation—

### **Penalties and Sentences Amendment Regulation (No. 1) 2008 SL No. 434**

notfd gaz 12 December 2008 pp 2044–53

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 2009 (see s 2)

## 6 List of annotations

### **Value of penalty unit for particular purposes—Act, s 5(1)(b)**

s 2A ins 2008 SL No. 434 s 4