



Queensland

Penalties and Sentences Act 1992

Penalties and Sentences Regulation 2005

Current as at 21 August 2012

Information about this reprint

This regulation is reprinted as at 21 August 2012. 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 reprints 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 reprints.**

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

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Penalties and Sentences Regulation 2005

[as amended by all amendments that commenced on or before 21 August 2012]

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)

- (1) The value of a penalty unit for a local law made by a local government mentioned in schedule 2, or an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against a local law made by a local government mentioned in schedule 2, is \$75.
- (2) The value of a penalty unit for a local law made by a local government not mentioned in schedule 2, or an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against a local law made by a local government not mentioned in schedule 2, is \$100.
- (3) The value of a penalty unit for a local law made under clause 35 of the agreement made under the *Alcan Queensland Pty. Limited Agreement Act 1965*, or an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against a local law made under that clause, is \$100.

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

[s 4]

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.

8A Offender levy—Act, s 179C(5)

For section 179C(5) of the Act, the prescribed amount is—

- (a) if the sentence is imposed by the Supreme or District Court—\$300; or
- (b) if the sentence is imposed by a Magistrates Court—\$100.

9 Repeal

The Penalties and Sentences Regulation 1992 SL No. 394 is repealed.

Schedule 1 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
Cannabis 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
Fenethylamine	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.

Schedule 2 Makers of local laws—\$75 as value of penalty unit

section 2A

Aurukun Shire Council
Burke Shire Council
Doomadgee Aboriginal Shire Council
Etheridge Shire Council
Gold Coast City Council
Hope Vale Aboriginal Shire Council
Longreach Regional Council
Murweh Shire Council
Napranum Aboriginal Shire Council
Pormpuraaw Aboriginal Shire Council
Quilpie Shire Council
Torres Shire Council
Torres Strait Island Regional Council
Western Downs Regional Council
Woorabinda Aboriginal Shire Council
Wujal Wujal Aboriginal Shire Council
Yarrabah Aboriginal Shire Council

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). Accordingly, this reprint includes all amendments that commenced operation on or before 21 August 2012. 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	
1B	2009 SL No. 77	1 July 2009	
1C	2010 SL No. 13	19 February 2010	
1D	2012 Act No. 17	21 August 2012	

5 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

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)

Penalties and Sentences and Another Regulation Amendment Regulation (No. 1) 2009 SL No. 77 pts 1–2

notfd gaz 5 June 2009 pp 486–8

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2009 (see s 2)

Environmental and Resource Management and Other Legislation Amendment Regulation (No. 1) 2010 SL No. 13 pts 1, 10

notfd gaz 19 February 2010 pp 407–9
commenced on date of notification

Penalties and Sentences and Other Legislation Amendment Act 2012 No. 17 pts 1, 11

date of assent 14 August 2012
ss 1–2 commenced on date of assent
remaining provisions commenced 21 August 2012 (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
sub 2009 SL No. 77 s 4

Offender levy—Act, s 179C(5)

s 8A ins 2012 Act No. 17 s 41

SCHEDULE 1—PRESCRIBED DANGEROUS DRUGS AND PRESCRIBED QUANTITIES

sch 1 (prev sch) num 2009 SL No. 77 s 5

SCHEDULE 2—MAKERS OF LOCAL LAWS—\$75 AS VALUE OF PENALTY UNIT

sch 2 ins 2009 SL No. 77 s 6
amd 2010 SL No. 13 s 20