



*Penalties and Sentences Act 1992*

# **Penalties and Sentences Regulation 2005**

**Current as at 1 July 2013**

## Information about this reprint

This reprint shows the legislation current as at the date on the cover and is authorised by the Parliamentary Counsel.

A new reprint of the legislation will be prepared by the Office of the Queensland Parliamentary Counsel when any change to the legislation takes effect. This change may be because a provision of the original legislation, or an amendment to it, commences or because a particular provision of the legislation expires or is repealed.

When a new reprint is prepared, this reprint will become a historical reprint. Also, if it is necessary to replace this reprint before a new reprint is prepared, for example, to include amendments with a retrospective commencement, an appropriate note would be included on the cover of the replacement reprint and on the copy of this reprint at [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au).

The endnotes to this reprint contain detailed information about the legislation and reprint. For example—

- The table of reprints endnote lists any previous reprints and, for this reprint, gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it.
- The list of legislation endnote gives historical information about the original legislation and the legislation which amended it. It also gives details of uncommenced amendments to this legislation. For information about possible amendments to the legislation by Bills introduced in Parliament, see the Queensland Legislation Current Annotations at [www.legislation.qld.gov.au/Leg\\_Info/information.htm](http://www.legislation.qld.gov.au/Leg_Info/information.htm).
- The list of annotations endnote gives historical information at section level.

All Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints are not continued.



## 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 1 July 2013]

## 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 \$110.
- (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 \$110.

## 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]

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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—\$310.50; or
- (b) if the sentence is imposed by a Magistrates Court—\$103.50.

## **9 Repeal**

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

# Schedule 1 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
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



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

Doomadgee Aboriginal Shire Council

Gold Coast City Council

Hope Vale Aboriginal Shire Council

Napranum Aboriginal Shire Council

Pormpuraaw Aboriginal Shire Council

Quilpie Shire Council

Torres Shire Council

Torres Strait Island 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 1 July 2013. 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 version
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

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3237 0466 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

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	

Current as at	Amendments included	Notes
1 March 2013	2013 SL No. 5	
1 July 2013	2013 SL No. 122	

## 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)

**Penalties and Sentences Amendment Regulation (No. 1) 2013 SL No. 5**

notfd gaz 1 February 2013 pp 192–4

ss 1–2 commenced on date of notification

remaining provisions commenced 1 March 2013 (see s 2)

**Justice Legislation (Fees) Amendment Regulation (No. 1) 2013 SL No. 122**

notfd gaz 28 June 2013 pp 739–47

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2013 immediately after the Uniform Civil Procedure and Another Rule Amendment Rule (No. 1) 2013 (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

amd 2013 SL No. 5 s 4

**Offender levy—Act, s 179C(5)**

s 8A ins 2012 Act No. 17 s 41

amd 2013 SL No. 122 s 3 sch

**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; 2013 SL No. 5 s 5

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