



Queensland

Penalties and Sentences (Indexation) Amendment Act 2014

Act No. 6 of 2014



Queensland

Penalties and Sentences (Indexation) Amendment Act 2014

Contents

		Page
1	Short title	4
2	Commencement	4
3	Act amended	4
4	Amendment of s 5 (Meaning of penalty unit)	4
5	Insertion of new s 5A	6
	5A Prescribed value of particular penalty unit	6



Queensland

Penalties and Sentences (Indexation) Amendment Act 2014

Act No. 6 of 2014

**An Act to amend the Penalties and Sentences Act 1992 for particular
purposes**

[Assented to 13 March 2014]

The Parliament of Queensland enacts—

1 Short title

This Act may be cited as the *Penalties and Sentences (Indexation) Amendment Act 2014*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

3 Act amended

This Act amends the *Penalties and Sentences Act 1992*.

4 Amendment of s 5 (Meaning of penalty unit)

(1) Section 5(1)—

omit, insert—

(1) The value of a penalty unit is—

- (a) for the *State Penalties Enforcement Act 1999* or an infringement notice, other than an infringement notice for an offence against a law mentioned in paragraph (b), (c) or (d)—
 - (i) the amount prescribed under section 5A; or
 - (ii) if no amount is prescribed—\$110; or
- (b) for a local law, or an infringement notice for an offence against a local law, made by a local government prescribed under a regulation—\$75; or
- (c) for a local law, or an infringement notice for an offence against a local law made by a local government to which paragraph (b)

does not apply or made under clause 35 of the Alcan agreement—

- (i) the amount prescribed under section 5A; or
 - (ii) if no amount is prescribed—\$110; or
- (d) for the *Work Health and Safety Act 2011*, the *Electrical Safety Act 2002*, the *Safety in Recreational Water Activities Act 2011* or an infringement notice for an offence against any of those Acts—\$100; or
- (e) in any other case, for this Act or another Act—
- (i) the amount prescribed under section 5A; or
 - (ii) if no amount is prescribed—\$110.

(2) Section 5—

insert—

- (2A) However, if the monetary value of the penalty obtained under subsection (2) for an infringement notice is not a multiple of \$1, the amount is rounded down to the nearest multiple of \$1.

Example—

If the prescribed amount of a penalty unit under subsection (1)(a)(i) is \$115.25 and an infringement notice prescribes a fine of 3 penalty units, the monetary value of the fine is \$345, rounded down from \$345.75.

(3) Section 5—

insert—

- (5) In this section—

Alcan agreement means the agreement made under the *Alcan Queensland Pty. Limited Agreement Act 1965*.

infringement notice means an infringement notice under the *State Penalties Enforcement Act 1999*.

5 Insertion of new s 5A

After section 5—

insert—

5A Prescribed value of particular penalty unit

- (1) A regulation may prescribe the same monetary value of a penalty unit for section 5(1)(a)(i), (c)(i) and (e)(i).
- (2) The amount prescribed must not be more than the amount last prescribed under this section increased by—
 - (a) if, on or before 31 March in a year in which the regulation is made, the Treasurer publishes in the gazette a percentage change to the amount last prescribed—that percentage; or
 - (b) otherwise—3.5%.

Examples—

- 1 On 31 March 2015, the Treasurer publishes a 3% change in the value of a penalty unit. On 30 June 2015 the amount of the penalty unit is \$115. The amount prescribed by regulation on 1 July 2015 may be \$118.45.
 - 2 The Treasurer has not, on or before 31 March 2015, published a percentage change in the value of a penalty unit. On 30 June 2015, the amount of the penalty unit is \$115. The amount prescribed by regulation on 1 July 2015 may be \$119.
- (3) If the amount worked out under subsection (2) is not a multiple of 5 cents, the amount must be rounded down to the nearest multiple of 5 cents.

- (4) For subsection (2), if an amount has not been prescribed under this section, the amount last prescribed is taken to be \$110.
- (5) A regulation may only prescribe 1 increase for an amount for a financial year.

© State of Queensland 2014
Authorised by the Parliamentary Counsel