



Queensland

Penalties and Sentences Regulation 2005

Subordinate Legislation 2005 No. 213

made under the

Penalties and Sentences Act 1992

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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—

- (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.

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

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

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

- 1 Made by the Governor in Council on 25 August 2005.
- 2 Notified in the gazette on 26 August 2005.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Justice and Attorney-General.