



Queensland

Penalties and Sentences Regulation 2015

Subordinate Legislation 2015 No. 77

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 2015*.

2 Prescribed local government—Act, s 5(1)(b)

For section 5(1)(b) of the Act, the prescribed local governments are mentioned in schedule 2.

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

For section 5A(1) of the Act, the prescribed value of a penalty unit for section 5(1)(a)(i), (c)(i) and (e)(i) of the Act is \$117.80.

4 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.

5 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.

6 Prescribed dangerous drugs and prescribed quantities—Act, s 15D

Schedule 1 sets out—

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- (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.

7 **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), 110C(1)(f) or 114(1)(h) of the Act must be made to an authorised corrective services officer by or for the offender.

8 **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 when the offender reports for community service; and
 - (b) the time of each day when 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.

9 **Chief executive (corrective services) to be advised if fine or part of fine is paid**

If, under section 73 of the Act, a fine or a part of a fine is paid to the proper officer of the court in which the original order was made, the proper officer must notify the chief executive (corrective services) of the payment.

10 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 Court or District Court—\$332.70; or
- (b) if the sentence is imposed by a Magistrates Court—\$110.90.

11 Repeal

The Penalties and Sentences Regulation 2005, SL No. 213 is repealed.

Schedule 1 Prescribed dangerous drugs and prescribed quantities

section 6

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 can not 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

Schedule 1

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 to be administered as a single dose.

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

section 2

Aurukun Shire Council
Doomadgee Aboriginal Shire Council
Hope Vale Aboriginal Shire Council
Napranum Aboriginal Shire Council
Pormpuraaw Aboriginal Shire Council
Torres Shire Council
Torres Strait Island Regional Council
Woorabinda Aboriginal Shire Council
Wujal Wujal Aboriginal Shire Council
Yarrabah Aboriginal Shire Council’.

ENDNOTES

- 1 Made by the Governor in Council on 30 July 2015.
- 2 Notified on the Queensland legislation website on 31 July 2015.
- 3 The administering agency is the Department of Justice and Attorney-General.