



Queensland

# **Penalties and Sentences and Other Acts Amendment Bill 2008**





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# 2008

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## A Bill

for

***An Act to amend the *Penalties and Sentences Act 1992*, the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, the *Food Act 2006*, the *Gene Technology Act 2001*, the *Hire-purchase Act 1959*, the *Liquor Act 1992*, the *Transport Infrastructure Act 1994*, the *Transport Operations (Passenger Transport) Act 1994*, the *Transport Operations (Road Use Management) Act 1995* and for particular purposes***

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<b>The Parliament of Queensland enacts—</b>	1	
<b>Clause 1</b>	<b>Short title</b>	2
	This Act may be cited as the <i>Penalties and Sentences and Other Acts Amendment Act 2008</i> .	3 4
<b>Clause 2</b>	<b>Commencement</b>	5
	(1) Section 3 and the schedule, part 1 commence on 1 January 2009.	6 7
	(2) The schedule, part 2 commences on a day to be fixed by proclamation.	8 9
<b>Clause 3</b>	<b>Penalties and Sentences Act 1992 amended</b>	10
	(1) This section amends the <i>Penalties and Sentences Act 1992</i> .	11
	(2) Section 5(1)—	12
	<i>omit, insert—</i>	13
	‘(1) The value of a penalty unit is—	14
	(a) for the <i>State Penalties Enforcement Act 1999</i> or an infringement notice under that Act, other than an infringement notice for an offence against a local law—\$100; or	15 16 17 18
	(b) for a local law, or an infringement notice under the <i>State Penalties Enforcement Act 1999</i> for an offence against a local law—the amount, not more than \$100, prescribed under a regulation; or	19 20 21 22
	(c) in any other case, for this or another Act—\$100.’.	23
<b>Clause 4</b>	<b>Acts amended in schedule</b>	24
	The schedule amends the Acts it mentions.	25

<b>Schedule</b>	<b>Amendments relating to penalty unit increase</b>	1 2
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	section 4	3
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<b>Part 1</b>	<b>Amendments commencing on 1 January 2009</b>	4 5
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In the table below, the penalty in a provision mentioned in the first column is amended by omitting the number or dollar amount in the second column and inserting the number or penalty amount opposite in the third column.	6 7 8 9
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<b>Table</b>	10
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Penalty in	Omit	Insert
<i>Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984</i>		
section 34	'25'	'19'
sections 35(1) and 36(1)	'10'	'8'
sections 38(2) and (3)	'250'	'190'
<i>Food Act 2006</i>		
sections 32, 33, 34(1) and (2)	'1350'	'1000'
sections 35(1) and (2), 37(1), (2) and (3), 38(1) and (2), 39(1), (2), (3) and (4) and 221	'700'	'500'
sections 36(1) and (2)	'550'	'400'
<i>Gene Technology Act 2001</i>		
sections 32(a), 34(1)(a) and (2)(a), 35A(a) and 146(3)(a)	'2933'	'2200'

## Schedule

<b>Penalty in</b>	<b>Omit</b>	<b>Insert</b>
sections 32(b), 34(1)(b) and (2)(b), 35A(b) and 146(3)(b)	‘733’	‘550’
sections 33(1)(a), 34(3)(a), 35(1)(a) and (2)(a) and 35B(a)	‘293’	‘220’
sections 33(1)(b), 34(3)(b), 35(1)(b) and (2)(b), 35B(b), 36 and 37	‘73’	‘55’
sections 53(4) and 164(4)	‘44’	‘33’
sections 175(1) and (2), 187(1) and (2) and 192A(1)	‘176’	‘132’
section 192	‘88’	‘66’
<b><i>Hire-purchase Act 1959</i></b>		
section 7(2)	‘\$100’	‘1 penalty unit’
sections 37, 39, 44(9) and 46(1)	‘\$400’	‘4 penalty units’
<b><i>Liquor Act 1992</i></b>		
sections 168B(1)(a) and 168C(1)	‘500’	‘375’
section 168B(1)(b)	‘700’	‘525’
section 168B(1)(c)	‘1000’	‘750’
<b><i>Transport Operations (Road Use Management) Act 1995</i></b>		
section 24(4)	‘27’	‘20’
sections 30A(7), 39B(2)(b), 39C(2) and 163A(1)	‘80’	‘60’
sections 33A(4), 37(2)(b) and (3)(b), 39E(7), 39F(5), 39G(5), 39O(1), 50(5), 50AA(4) and 50AB(2)	‘120’	‘90’
sections 46C(1) and (3)	‘107’	‘80’
sections 48A(5), 49(2) and (5)	‘60’	‘45’
sections 53B(2), (3), (4) and (5), 53C(1) and (2), 53D(1), 57C(1) and 162D(1)	‘134’	‘100’



## Part 2 1

### Amendments commencing on 2

### proclamation

In the table below, the penalty in a provision mentioned in the 3  
 first column is amended by omitting the number in the second 4  
 column and inserting the number opposite in the third column. 5

**Table 6**

Penalty in	Omit	Insert
<b><i>Transport Infrastructure Act 1994</i></b>		
section 443(4)	‘135’	‘100’
sections 451(2)(a) and 458B(a)	‘1320’	‘1000’
sections 451(2)(b), 452(4) and 458B(b)	‘665’	‘500’
<b><i>Transport Operations (Passenger Transport) Act 1994</i></b>		
section 112(4)	‘40’	‘30’
sections 123(4) and (5), 124(2) and (4) and 136	‘100’	‘75’
sections 126H(5), 126JA(2), 130(1) and 131(1)	‘200’	‘150’
sections 126NB(a) and 126NC(4)(a)	‘270’	‘200’
sections 126NB(b) and 126NC(4)(b)	‘135’	‘100’
<b><i>Transport Operations (Road Use Management) Act 1995</i></b>		
sections 30(3)(b) and 33D(3)	‘80’	‘60’
sections 32(5), 33(4)(b), 38(3)(b) and 39(3)(b)	‘120’	‘90’
section 49A(5)	‘60’	‘45’
sections 52(2)(b), 53(2)(b) and 55(a)	‘134’	‘100’

Schedule

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<b>Penalty in</b>	<b>Omit</b>	<b>Insert</b>
section 54(1)(b)	'107'	'80'
sections 153A(1), 154(1), (2) and (6), 161D(2), 161G(5), 161I(b), 161J(4)(b) and 161L(2)(b)	'135'	'100'
sections 154(3), (4) and (5), 156(2)(b), 160(3) and 161Q(b)	'665'	'500'
sections 156(2)(a) and 161Q(a)	'1320'	'1000'
sections 161I(a), 161J(4)(a) and 161L(2)(a)	'270'	'200'

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