



Queensland

Penalties and Sentences (Indexation) Amendment Bill 2013



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2013

A Bill

for

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

The Parliament of Queensland enacts—	1
Clause 1 Short title	2
This Act may be cited as the <i>Penalties and Sentences (Indexation) Amendment Act 2013</i> .	3 4
Clause 2 Commencement	5
This Act commences on a day to be fixed by proclamation.	6
Clause 3 Act amended	7
This Act amends the <i>Penalties and Sentences Act 1992</i> .	8
Clause 4 Amendment of s 5 (Meaning of penalty unit)	9
(1) Section 5(1)—	10
omit, insert—	11
(1) The value of a penalty unit is—	12
(a) for the <i>State Penalties Enforcement Act 1999</i> or an infringement notice, other than an infringement notice for an offence against a law mentioned in paragraph (b), (c) or (d)—	13 14 15 16 17
(i) the amount prescribed under section 5A; or	18 19
(ii) if no amount is prescribed—\$110; or	20
(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	21 22 23 24
(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)	25 26 27

	does not apply or made under clause 35 of the Alcan agreement—	1 2
	(i) the amount prescribed under section 5A; or	3 4
	(ii) if no amount is prescribed—\$110; or	5
(d)	for the <i>Work Health and Safety Act 2011</i> , the <i>Electrical Safety Act 2002</i> , the <i>Safety in Recreational Water Activities Act 2011</i> or an infringement notice for an offence against any of those Acts—\$100; or	6 7 8 9 10
(e)	in any other case, for this Act or another Act—	11 12
	(i) the amount prescribed under section 5A; or	13 14
	(ii) if no amount is prescribed—\$110.	15
(2)	Section 5—	16
	<i>insert—</i>	17
(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.	18 19 20 21
	<i>Example—</i>	22
	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.	23 24 25 26
(3)	Section 5—	27
	<i>insert—</i>	28
(5)	In this section—	29
	<i>Alcan agreement</i> means the agreement made under the <i>Alcan Queensland Pty. Limited Agreement Act 1965</i> .	30 31 32

[s 5]

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

Clause 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. | 1
2
3 |
| (5) | A regulation may only prescribe 1 increase for an amount for a financial year. | 4
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