

Penalties and Sentences (Penalty Unit Value) Amendment Regulation 2021

Explanatory Notes for SL 2021 No. 46

made under the

Penalties and Sentences Act 1992

General Outline

Short Title

Penalties and Sentences (Penalty Unit Value) Amendment Regulation 2021

Authorising law

Sections 5, 5A and 196 of the *Penalties and Sentences Act 1992*.

Policy objectives and the reasons for them

The objective of the *Penalties and Sentences (Penalty Unit Value) Amendment Regulation 2021* (Amendment Regulation) is to increase, from 1 July 2021, the prescribed monetary value of the penalty unit in section 3 of the *Penalties and Sentences Regulation 2015* (PSR) by 3.3% from \$133.45 to \$137.85.

The PSR prescribes the penalty unit value under the *Penalties and Sentences Act 1992* (PSA) which is applicable to: most local laws and an infringement notice for an offence against a local law (section 5(1)(c)(i) of the PSA); the *State Penalties Enforcement Act 1999* and infringement notices issued under that Act (section 5(1)(a)(i) of the PSA); and most other state laws (section 5(1)(e)(i) of the PSA).

On 30 March 2021, the Honourable Cameron Dick MP, Treasurer and Minister for Investment published a notice in the Queensland Government Gazette providing that, pursuant to section 5A of the PSA, the penalty unit value for sections 5(1)(a)(i), (c)(i) and (e)(i) would increase by 3.3% commencing on 1 July 2021.

Achievement of policy objectives

The policy objectives are achieved by amending section 3 of the PSR to prescribe the monetary value of a penalty unit for particular purposes under the PSA as \$137.85 from 1 July 2021.

Consistency with policy objectives of authorising law

Section 5A of the PSA provides a mechanism for the indexation of the monetary value of a penalty unit in certain circumstances. Increasing the penalty unit value ensures the deterrent and punishment effect of fines and infringement notices is maintained.

The objective of the Amendment Regulation to increase the prescribed monetary value of the penalty unit in section 3 of the PSR is consistent with section 5A of the PSA.

The Amendment Regulation is also consistent with the purposes of the PSA as outlined in section 3, which include:

- collecting into a single Act general powers of courts to sentence offenders;
- providing for a sufficient range of sentences for the appropriate punishment and rehabilitation of offenders, and, in appropriate circumstances, ensuring that protection of the Queensland community is a paramount consideration;
- encouraging particular offenders to cooperate with law enforcement agencies in proceedings or investigations about major criminal offences; and
- promoting consistency of approach in the sentencing of offenders.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The increase of the prescribed penalty unit value by 3.3% to \$137.85 maintains the deterrent and punishment effect of fines and infringement notices for the year commencing from 1 July 2021.

Any costs of implementing the increase in the prescribed penalty unit value arising from operational and system changes will be absorbed by relevant departments, statutory bodies and local governments.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

No consultation was undertaken given the Amendment Regulation is made in accordance with the legislative indexation mechanism in section 5A of the PSA and is of a machinery nature.

A self-assessment by the Department of Justice and Attorney-General determined that no Regulatory Impact Analysis is required as the regulatory proposal is excluded under category (h) of the *Queensland Government Guide to Better Regulation* – regulatory proposals that put forward standard annual fee variations in line with or below a government endorsed indexation factor. Exclusion categories (g) regulatory proposals that

are machinery in nature and exclusion category and (j) regulatory proposals relating to police powers and administration, general criminal laws, the administration of courts and tribunals and corrective services, may also apply.