

Penalties and Sentences (Penalty Unit Value) Amendment Regulation 2023

Explanatory notes for SL 2023 No. 40

Made under the

Penalties and Sentences Act 1992

General Outline

Short Title

Penalties and Sentences (Penalty Unit Value) Amendment Regulation 2023

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 2023* (Amendment Regulation) is to increase, from 1 July 2023, the prescribed monetary value of the penalty unit in section 3 of the *Penalties and Sentences Regulation 2015* (PS Regulation).

The PS Regulation prescribes the penalty unit value under the *Penalties and Sentences Act 1992* (PS Act) applicable to the *State Penalties Enforcement Act 1999* and most infringement notices issued under that Act (section 5(1)(a)(i) of the PS Act), most other state laws (section 5(1)(e)(i) of the PS Act), and most local laws and infringement notices for offences against local laws (section 5(1)(c)(i) of the PS Act). The prescribed penalty unit value is currently \$143.75.

Section 5A of the PS Act provides a mechanism for the indexation of the monetary value of a penalty unit in prescribed circumstances. The monetary value of a penalty unit may be increased once in a financial year by 3.5% or by a percentage change published by the Treasurer in the Queensland Government Gazette on or before 31 March.

On 31 March 2023, a percentage change of 7.7% for the penalty unit value for sections 5(1)(a)(i), (c)(i) and (e)(i) of the PS Act was published in the Queensland Government Gazette by the Honourable Cameron Dick MP, Treasurer and Minister for Trade and Investment. The Amendment Regulation gives effect to the indexation of the penalty unit by prescribing \$154.80 as the penalty unit value.

Increasing the penalty unit value ensures the deterrent and punishment effect of fines and infringement notices is maintained.

Achievement of policy objectives

The policy objectives are achieved by amending section 3 of the PS Regulation to prescribe the monetary value of a penalty unit for particular purposes under the PS Act as \$154.80 effective from 1 July 2023.

Consistency with policy objectives of authorising law

Increasing the prescribed penalty unit value in section 3 of the PS Regulation from \$143.75 to \$154.80 effective from 1 July 2023 is consistent with the objectives of the PS Act and the prescribed mechanism for the indexation of the monetary value of the penalty unit.

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 for particular purposes by 7.7% from \$143.75 to \$154.80 maintains the deterrent and punishment effect of fines and infringement notices.

Any costs of implementing the increase in the prescribed penalty unit value arising from operational and information technology 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

In accordance with the *Queensland Government Guide to Better Regulation* the Office of Best Practice Regulation was not consulted. The Department of Justice and Attorney-General has self-assessed the Amendment Regulation to be excluded from further regulatory impact analysis under exclusion category (j) – regulatory proposals relating to police powers and administration, general criminal laws, the administration of courts and tribunals and corrective services.

Further consultation was not considered necessary as the amendment is consistent with the legislative indexation mechanism in section 5A of the PS Act.