



Penalties and Sentences Act 1992

Penalties and Sentences Regulation 2015

Current as at 9 December 2016



Queensland

Penalties and Sentences Regulation 2015

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Penalties and Sentences Regulation 2015

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 \$121.90.

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—

- (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.

9A Corresponding control orders—Act, s 161ZW

For section 161ZW of the Act, each of the following is prescribed to be a corresponding control order—

- (a) a serious crime prevention order under the *Crimes (Serious Crime Prevention Orders) Act 2016* (NSW);
- (b) a control order under the *Serious Crime Control Act* (NT), if the order is made on the ground mentioned in section 23(1)(d) of that Act;
- (c) a control order under the *Serious and Organised Crime (Control) Act 2008* (SA), if the court is satisfied of the matter mentioned in section 22(2)(c) of that Act.

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—\$344.30; or
- (b) if the sentence is imposed by a Magistrates Court—\$114.80.

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
<i>Cannibis sativa</i>	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

Dangerous drug	Quantity
Hydromorphone	1.0g
Ketamine	0.2g
Lysergic acid	3 tickets or tabs
Lysergide	3 tickets or tabs
Methadone	1.0g
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

Dangerous drug	Quantity
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

1 Index to endnotes

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2 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amd	= amendment	prov	= provision
t			
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renu	= renumbered
		m	
ins	= inserted	rep	= repealed
lap	= lapsed	(retro	= retrospectively
)	
notf	= notified	rv	= revised version
d			
num	= numbered	s	= section

Key	Explanation	Key	Explanation
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
		m	
prev	= previous		

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Current as at	Amendments included	Notes
31 July 2015	none	RA ss 26, 27, 35

Current as at	Amendments included	Notes
1 July 2016	2016 SL No. 39 2016 SL No. 85	
9 December 2016	2016 Act No. 62	

4 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note.

Penalties and Sentences Regulation 2105 SL No. 77

made by the Governor in Council on 30 July 2015
notfd <www.legislation.qld.gov.au> 31 July 2015
ss 1–2 commenced on date of notification
remaining provisions commenced DATE (see s 2)
exp 1 September 2025 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.
amending legislation—

Penalties and Sentences Amendment Regulation (No. 1) 2016 SL No. 39

notfd <www.legislation.qld.gov.au> 29 April 2016
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2016 (see s 2)

Justice Legislation (Fees) Amendment Regulation (No. 1) 2016 SL No. 85 pts 1, 38

notfd <www.legislation.qld.gov.au> 17 June 2016
ss 1–2 commenced on date of notification
pt 38 commenced 1 July 2016 (see s 2)

Serious and Organised Crime Legislation Amendment Act 2016 No. 62 s 1, pt 20

date of assent 9 December 2016
commenced on date of assent

5 List of annotations

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

s 3 amd 2016 SL No. 39 s 4

Corresponding control orders—Act, s 161ZW
s 9A ins 2016 No. 62 s 286

Offender levy—Act, s 179C(5)
s 10 amd 2016 SL No. 85 s 82

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