

Penalties and Sentences (Penalty Unit Value) Amendment Regulation 2025

Explanatory notes for SL 2025 No. 30

made under the

Penalties and Sentences Act 1992

General Outline

Penalties and Sentences (Penalty Unit Value) Amendment Regulation 2025

Authorising law

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

Policy objectives and the reasons for them

The penalty unit is the basic measure used to calculate the value of financial penalties imposed for criminal and regulatory offences in Queensland. The value of the penalty unit is prescribed in section 3 of the *Penalties and Sentences Regulation 2015* (the PS Regulation). The prescribed penalty unit value applies to the *State Penalties Enforcement Act 1999* (SPE Act) and infringement notices issued under that Act, most other state laws, and most local laws and infringement notices issued for offences against local laws. The prescribed penalty unit value is currently \$161.30.

A mechanism to index the value of the penalty unit is set out in section 5A of the *Penalties and Sentences Act 1992* (the PS Act). Under this provision, the value may be increased once each financial year by the percentage change published by the Treasurer in the Government Gazette on or before 31 March, or if no amount is published by 3.5 per cent. If the amount calculated by applying the relevant percentage change is not a multiple of 5 cents, the amount must be rounded down to the nearest multiple of 5 cents.

As no percentage change was published in the Queensland Government Gazette on or by 31 March 2025, the penalty unit value will be indexed by 3.5 per cent.

The main policy objective of the *Penalties and Sentences (Penalty Unit Value) Amendment Regulation 2025* (Amendment Regulation) is to give effect to the indexation of the penalty unit by 3.5 per cent by prescribing \$166.90 as the monetary value of the penalty unit effective from 1 July 2025. Increasing the value of the penalty unit preserves the deterrent and punitive effect of financial penalties for prescribed criminal and regulatory offences.

Achievement of policy objectives

The Amendment Regulation achieves the policy objectives by amending section 3 of the PS Regulation to prescribe the new monetary value of a penalty unit for particular purposes under the PS Act as \$166.90.

The Amendment Regulation giving effect to the new penalty unit value commences on 1 July 2025.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the policy objectives of the PS Act and the prescribed mechanism to index the monetary value of the 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 Amendment Regulation ensures the value of the penalty unit is preserved relative to inflation. Increasing the penalty unit value will ensure the deterrent and punitive effect of financial penalties for prescribed criminal and regulatory offences in Queensland is maintained.

Any costs associated with implementing the new penalty unit value will be met from existing budget and resource allocations of the relevant departments, statutory bodies, and local governments.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

As the Amendment Regulation gives effect to the indexation of the penalty unit value in accordance with the legislative indexation mechanism in section 5A of the PS Act, no public consultation was undertaken.

A summary Impact Analysis Statement has been completed that identifies that the Amendment Regulation is not subject to regulatory impact assessment requirements under the Queensland Government Better Regulation Policy as it relates to general criminal laws and is machinery in nature.