

I hereby certify that this PUBLIC BILL has finally passed the  
Legislative Assembly of Queensland.

Legislative Assembly Chamber,  
Brisbane,

The Clerk of the Parliament.

13 March 20 14

In the name and on behalf of the Queen, I assent to this Bill.

*Penelope Wensley*  
Government House,  
Brisbane, 13<sup>th</sup> March,

2014



Queensland

No. 6 of 2014  
A BILL for

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





Queensland

# Penalties and Sentences (Indexation) Amendment Bill 2014

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**2014**

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**A Bill**

for

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

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## **The Parliament of Queensland enacts—**

### **1 Short title**

This Act may be cited as the *Penalties and Sentences (Indexation) Amendment Act 2014*.

### **2 Commencement**

This Act commences on a day to be fixed by proclamation.

### **3 Act amended**

This Act amends the *Penalties and Sentences Act 1992*.

### **4 Amendment of s 5 (Meaning of penalty unit)**

(1) Section 5(1)—

*omit, insert—*

(1) The value of a penalty unit is—

- (a) for the *State Penalties Enforcement Act 1999* or an infringement notice, other than an infringement notice for an offence against a law mentioned in paragraph (b), (c) or (d)—
  - (i) the amount prescribed under section 5A; or
  - (ii) if no amount is prescribed—\$110; or
- (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
- (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)

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does not apply or made under clause 35 of the Alcan agreement—

- (i) the amount prescribed under section 5A; or
  - (ii) if no amount is prescribed—\$110; or
- (d) for the *Work Health and Safety Act 2011*, the *Electrical Safety Act 2002*, the *Safety in Recreational Water Activities Act 2011* or an infringement notice for an offence against any of those Acts—\$100; or
- (e) in any other case, for this Act or another Act—
- (i) the amount prescribed under section 5A; or
  - (ii) if no amount is prescribed—\$110.

(2) Section 5—

*insert—*

- (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.

*Example—*

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.

(3) Section 5—

*insert—*

- (5) In this section—

***Alcan agreement*** means the agreement made under the *Alcan Queensland Pty. Limited Agreement Act 1965*.

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

## 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.
- (5) A regulation may only prescribe 1 increase for an amount for a financial year.

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Authorised by the Parliamentary Counsel