



Queensland

Penalties and Sentences and Another Regulation Amendment Regulation (No. 1) 2009

Subordinate Legislation 2009 No. 77

made under the

Penalties and Sentences Act 1992

State Penalties Enforcement Act 1999

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Penalties and Sentences and Another Regulation Amendment Regulation (No. 1) 2009*.

2 Commencement

This regulation commences on 1 July 2009.

Part 2 Amendment of Penalties and Sentences Regulation 2005

3 Regulation amended in pt 2

This part amends the *Penalties and Sentences Regulation 2005*.

4 Replacement of s 2A (Value of penalty unit for particular purposes—Act, s 5(1)(b))

Section 2A—

omit, insert—

‘2A Value of penalty unit for particular purposes—Act, s 5(1)(b)

‘(1) The value of a penalty unit for a local law made by a local government mentioned in schedule 2, or an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against a local law made by a local government mentioned in schedule 2, is \$75.

‘(2) The value of a penalty unit for a local law made by a local government not mentioned in schedule 2, or an infringement notice under the *State Penalties Enforcement Act 1999* for an

[s 5]

offence against a local law made by a local government not mentioned in schedule 2, is \$100.

- ‘(3) The value of a penalty unit for a local law made under clause 35 of the agreement made under the *Alcan Queensland Pty. Limited Agreement Act 1965*, or an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against a local law made under that clause, is \$100.’.

5 Amendment of schedule (Prescribed dangerous drugs and prescribed quantities)

Schedule—

number as schedule 1.

6 Insertion of new sch 2

After schedule 1, as numbered—

insert—

‘Schedule 2 Makers of local laws—\$75 as value of penalty unit

section 2A

Aurukun Shire Council

Burke Shire Council

Dalby Regional Council

Doomadgee Aboriginal Shire Council

Etheridge Shire Council

Gold Coast City Council

Hope Vale Aboriginal Shire Council

Longreach Regional Council

Murweh Shire Council

Napranum Aboriginal Shire Council
Pormpuraaw Aboriginal Shire Council
Quilpie Shire Council
Torres Shire Council
Torres Strait Island Regional Council
Woorabinda Aboriginal Shire Council
Wujal Wujal Aboriginal Shire Council
Yarrabah Aboriginal Shire Council’.

Part 3 Amendment of State Penalties Enforcement Regulation 2000

7 Regulation amended in pt 3

This part amends the *State Penalties Enforcement Regulation 2000*.

8 Amendment of s 12 (Infringement notice offences and fines for local law)

Section 12(2)(b), ‘\$37.50’—
omit, insert—
‘0.5 penalty units’.

9 Amendment of s 27A (Cut-out rate)

Section 27A(1), ‘the amount equalling 1 penalty unit’—
omit, insert—
‘\$100’.

[s 10]

10 Amendment of s 30 (Threshold amount)

Section 30, ‘the amount equalling 2 penalty units’—
omit, insert—
‘\$200’.

11 Insertion of new pt 7

After section 33—
insert—

**‘Part 7 Transitional provision for
Penalties and
Sentences and Another
Regulation
Amendment Regulation (No. 1)
2009**

**‘34 Local laws—particular maximum penalties expressed
as a monetary value**

‘(1) This section applies if—

- (a) before the commencement, the maximum penalty for an offence against a local law made by a local government not mentioned in the *Penalties and Sentences Regulation 2005*, schedule 2 was expressed as a monetary value; and
- (b) on or after the commencement—
 - (i) the maximum penalty for the offence continues to be expressed as the same monetary value; and
 - (ii) a person commits the offence.

‘(2) In working out, under section 12(2), the maximum penalty for the offence as a number of penalty units—

- (a) section 12(3) does not apply; and

(b) the maximum penalty is the number of penalty units that is equal to the monetary value divided by \$75.

‘(3) This section expires on 31 December 2010.

‘(4) In this section—

commencement means the commencement of this section.’.

ENDNOTES

- 1 Made by the Governor in Council on 4 June 2009.
- 2 Notified in the gazette on 5 June 2009.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Justice and Attorney-General.

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