




Speech By
Hon. Jarrod Bleijie

MEMBER FOR KAWANA

Record of Proceedings, 19 November 2013

PENALTIES AND SENTENCES (INDEXATION) AMENDMENT BILL

Introduction

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (12.10 pm): I present a bill for an act to amend the Penalties and Sentences Act 1992 for particular purposes. I now table the bill and the explanatory notes, and I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Penalties and Sentences (Indexation) Amendment Bill 2013 [\[4067\]](#).

Tabled paper: Penalties and Sentences (Indexation) Amendment Bill 2013, explanatory notes [\[4068\]](#).

I am pleased to introduce the Penalties and Sentences (Indexation) Amendment Bill 2013. The bill proposes amendments to the Penalties and Sentences Act 1992 to introduce a legislative mechanism to index the value of the penalty unit. The penalty unit is the basic measure for most fines and penalty infringement notices—commonly called tickets—and is prescribed in section 5 of the Penalties and Sentences Act as \$110 for most state laws. When legislation creates offences with a monetary penalty, the penalty is usually expressed as a certain number of penalty units. For example, the fine for an offence may be prescribed in the legislation as two penalty units. This would equate to a \$220 fine.

The penalty for an offence is set at a level that reflects the seriousness of the offence and provides the level of deterrence or punishment that is considered necessary. Unlike Victoria, the Northern Territory and Tasmania, the value of the penalty unit in Queensland is not indexed. Without periodic increases in the value of the penalty unit, the intended deterrent or punishment effect of monetary penalties reduces. Since 2000 the penalty unit value has been increased twice: firstly in 2009, when the penalty unit value was increased from \$75 to \$100; and again in 2012, when the penalty unit value was increased from \$100 to \$110.

The bill introduces a legislative mechanism to index the penalty unit value to ensure that the deterrent and punishment effect of fines and penalty infringement notices is maintained and provides certainty in relation to future increases. The legislative mechanism in the bill applies to the penalty unit value applicable to: most state laws; the laws of local governments not listed in schedule 2 of the Penalties and Sentences Regulation 2009; and infringement notices issued under most state laws and the laws of local governments not listed in schedule 2 of the Penalties and Sentences Regulation. However, the indexation mechanism will not apply to the penalty unit value for offences in the Work, Health and Safety Act 2011, the Electrical Safety Act 2002, the Safety in Recreational Water Activities Act 2011 or to the penalty unit value applicable to the laws of the 12 local governments listed in schedule 2 of the Penalties and Sentences Regulation.

The bill provides that the penalty unit value may be increased by 3.5% per annum or other rate determined by the Treasurer. This other rate is referred to in the bill as the percentage change, and the percentage change has to be published in the *Government gazette* by 31 March in the year that the penalty unit value is to be changed. The penalty unit amount with the percentage change applied will be rounded down to the nearest coinable amount, that is, the nearest five cents, and then prescribed in a regulation. The requirement for the Treasurer to gazette the percentage change by a specific date ensures that departments, agencies and local governments are provided with adequate indicative notification of the new penalty unit value before it is prescribed in the regulation, provides a public record around the degree of the increase in the penalty unit value and is consistent with the approach adopted in Victoria, which also indexes the penalty unit by a figure other than the Consumer Price Index. Because the penalty unit is used to determine the monetary value of a penalty for an offence, the regulation will form an important, publically accessible historical record of changes in the penalty unit value. In accordance with the bill, when the prescribed penalty unit value is applied to determine the dollar amount of a fine enforced through the issuing of a ticket, the amount of the ticket will be rounded down to the nearest whole dollar.

The bill specifically provides that a regulation may only prescribe a value for a penalty unit once for a financial year but does not require that the penalty unit value must be increased annually. This means that the government has the discretion to determine each year whether an increase will be applied. Parliament maintains ultimate oversight of the penalty unit value because a regulation has to prescribe the penalty unit value upon application of the 3.5% or percentage change.

I want to place on record my thanks to the Hon. David Crisafulli, Minister for Local Government, Community Recovery and Resilience and member for Mundingburra, for his assistance in consulting with the Local Government Association of Queensland on the application of the indexation mechanism to the laws made by local governments. I commend the bill to the House.

First Reading

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (12.14 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Legal Affairs and Community Safety Committee

Mr DEPUTY SPEAKER (Dr Robinson): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.