

## Legal Affairs and Safety Committee

### Report No. 54, 57th Parliament

#### Subordinate legislation tabled between 10 May 2023 and 23 May 2023

#### 1 Aim of this report

This report summarises the committee's findings following its examination of the subordinate legislation within its portfolio areas tabled between 10 May 2023 and 23 May 2023. It reports on any issues identified by the committee relating to the policy to be given effect by the legislation, fundamental legislative principles and lawfulness. It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992* (LSA).<sup>1</sup>

The report also notes any issues identified by the committee in its consideration of compliance with the *Human Rights Act 2019* (HRA)<sup>2</sup> and the human rights certificates tabled with the subordinate legislation.<sup>3</sup>

#### 2 Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date
40	<i>Penalties and Sentences (Penalty Unit Value) Amendment Regulation 2023</i>	23 May 2023	11 October 2023

\*Disallowance dates are based on proposed sitting dates as advised by the Leader of the House. These dates are subject to change.

#### 3 Committee consideration of the subordinate legislation



The committee did not identify any significant issues regarding the policy, consistency with fundamental legislative principles, human rights compatibility or lawfulness of the subordinate legislation.

The committee considers that:

- the explanatory notes tabled with the subordinate legislation noted in this report comply with the requirements of s 24 of the LSA
- the human rights certificates tabled with the subordinate legislation provide a sufficient level of information to facilitate understanding of the subordinate legislation in relation to their compatibility with the HRA.

The following section provides a brief overview of the subordinate legislation.

<sup>1</sup> LSA, Part 4.

<sup>2</sup> Section 8 of the *Human Rights Act 2019* (HRA) relevantly provides that a statutory provision is compatible with human rights if the provision does not limit a human right or limits a human right only to the extent that is reasonable and demonstrably justifiable in accordance with HRS, s 13 which provides that a human right may be subject under law only to reasonable limits that can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

<sup>3</sup> HRA, s 41.

## 4 Penalties and Sentences (Penalty Unit Value) Amendment Regulation 2023

### 4.1 Policy objective

The *Penalties and Sentences (Penalty Unit Value) Amendment Regulation 2023* (SL No. 40) increases the monetary value of a penalty unit by 7.7 per cent from \$143.75 to \$154.80.

Under the *Penalties and Sentences Act 1992*, the monetary value of a penalty unit may be increased once in a financial year by 3.5 per cent or by a percentage change published by the Treasurer in the Queensland Government Gazette (gazette) on or before 31 March.<sup>4</sup>

By notice in the gazette published on 31 March 2023, the Treasurer advised that the prescribed value of a penalty unit will increase by 7.7 per cent commencing on 1 July 2023.<sup>5</sup>

The human rights certificate advises that the rise is intended to appropriately account for inflation ‘to maintain the deterrent and punishment effects of monetary penalties’.<sup>6</sup>

## 5 Recommendation

The committee recommends that the House notes this report.



Peter Russo MP

**Chair**  
**August 2023**

### Legal Affairs and Safety Committee

<b>Chair</b>	Mr Peter Russo MP, Member for Toohey
<b>Deputy Chair</b>	Mrs Laura Gerber MP, Member for Currumbin
<b>Members</b>	Ms Sandy Bolton MP, Member for Noosa
	Ms Jonty Bush MP, Member for Cooper
	Mr Jason Hunt MP, Member for Caloundra
	Mr Jon Krause MP, Member for Scenic Rim

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<sup>4</sup> *Penalties and Sentences Act 1992*, s 5A.

<sup>5</sup> *Queensland Government Gazette*, 31 March 2023, p 366, <https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/d48257f6-cf8b-4342-ad6c-a482167b194c/31.03.23-combined.pdf?ETag=15ecd0a35a13783456a88f2854b3dbdd>.

<sup>6</sup> SL No. 40, human rights certificate, p 2.