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PENALTY UNITS AND OTHER PENALTIES
AMENDMENT BILL 2007

(Brought in by the Minister for Justice and Workplace
Relations, the Honourable Steven Kons)

A BILL FOR

An Act to amend the Penalty Units and Other Penalties Act
1987

Be it enacted by His Excellency the Governor of Tasmania, by
and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the Penalty Units and Other Penalties Amendment Act 2007.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

3. Principal Act

In this Act, the Penalty Units and Other Penalties Act 1987* is referred to as the Principal Act.

*No. 13 of 1987
4. Section 4 amended (Penalty units)

Section 4 of the Principal Act is amended by omitting “$100” and substituting “$120, or such other amount as is specified in an order under section 4A(3),”.

5. Section 4A inserted

After section 4 of the Principal Act, the following section is inserted:

4A. Indexation of penalty units

(1) The value of a penalty unit for the financial year commencing on 1 July 2008, and for each subsequent financial year, is to be calculated in accordance with the following formula and rounded off in accordance with subsection (2):

$$A = B \times \frac{C}{D}$$

where –

“A” is the value in dollars of a penalty unit for the relevant financial year;

“B” is $120;

“C” is the value of the CPI figure for Hobart for the December quarter immediately preceding the
financial year in which the value of the penalty unit is to apply;

“D” is the value of the CPI figure for Hobart for the December quarter 2006.

(2) If the value of a penalty unit, calculated in accordance with the formula specified in subsection (1), is not a multiple of $10, the amount is to be rounded down to the nearest multiple of $10.

(3) When, after rounding down, the value of a penalty unit reaches an amount of $130, or any subsequent multiple of $10, the Minister is to make an order declaring the value of a penalty unit to be that amount.

(4) An increase in the value of a penalty unit is of no effect until the making of an order under subsection (3).

(5) On or before 1 July 2008 and on or before 1 July in each subsequent year, the Minister is to publish a notice in the Gazette specifying the value of a penalty unit for the financial year commencing on that 1 July, whether or not the value is to be increased.

(6) Publication under subsection (5) is for public information only and a failure to publish or a delay or error in publication does not affect the value of a penalty unit for the year concerned.
(7) In this section –

“CPI figure for Hobart” means the Consumer Price Index: All Groups Index Number for Hobart published by the Australian Statistician under the authority of the *Census and Statistics Act 1905* of the Commonwealth.