

TASMANIA

**PENALTY UNITS AND OTHER PENALTIES
AMENDMENT BILL 2015**

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**PENALTY UNITS AND OTHER PENALTIES
AMENDMENT BILL 2015**

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
23 April 2015

*(Brought in by the Minister for Infrastructure, the Honourable
Marinus Theodoor Hidding)*

A BILL FOR

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

Be it enacted by Her 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 2015*.

2. Commencement

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

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3. Principal Act

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

4. Section 4 amended (Penalty units)

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

5. Section 4A substituted

Section 4A of the Principal Act is repealed and the following section is substituted:

4A. Indexation of penalty units

- (1) The value of a penalty unit for the financial year commencing on 1 July 2015 is \$154.
- (2) The value of a penalty unit for the financial year commencing on 1 July 2016, and for each subsequent financial year, is to be calculated in accordance with the following formula and rounded off in accordance with subsection (3):

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

where –

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

B is \$154;

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 2014 (as published with the CPI figure for Hobart for the March quarter immediately preceding the financial year in which the value of the penalty unit is to apply).

- (3) If the amount calculated in accordance with the formula specified in subsection (2) is an amount which is dollars and a number of cents, the amount is to be rounded up to the nearest whole dollar.
- (4) On or before 1 June in each year, the Minister is to publish in the *Gazette* notice of the value of a penalty unit that

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is to apply for the financial year commencing on 1 July in that year.

- (5) An increase in the value of a penalty unit is of no effect unless notice of the value of the penalty unit is published under subsection (4).
- (6) A notice under subsection (4) is not a statutory rule within the meaning of the *Rules Publication Act 1953*.
- (7) If, for a financial year, the value of a penalty unit calculated in accordance with the formula specified in subsection (2) results in a reduction in that value –
 - (a) the reduction is of no effect; and
 - (b) the notice published under subsection (4) is to specify that the value of a penalty unit for that financial year is to be the same as in the previous financial year.
- (8) For the avoidance of doubt, nothing in the *Penalty Units and Other Penalties Amendment Act 2015* affects the validity of the value of a penalty unit calculated before the commencement of that Act.
- (9) 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.

6. Section 7A inserted

After section 7 of the Principal Act, the following section is inserted:

7A. Transitional provisions consequent on *Penalty Units and Other Penalties Amendment Act 2015*

(1) In this section –

amending Act means the *Penalty Units and Other Penalties Amendment Act 2015*;

2015 financial year means the financial year commencing on 1 July 2015.

(2) On and after the day on which the amending Act commences, the *Penalty Units and Other Penalties Order 2014* –

(a) is taken to be a notice published under section 4A(4); and

(b) remains in effect until a subsequent notice is published under that section.

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- (3) Despite section 4A(4) and (5), if the amending Act commences on or after 1 June 2015 –
- (a) the Minister is to publish in the *Gazette* notice of the value of a penalty unit for such period of the 2015 financial year as remains after the commencement of that Act; and
 - (b) the value of a penalty unit as specified in that notice takes effect 28 days after that notice is published under paragraph (a).

7. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.