

**2014**

**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**LEGISLATION (PENALTY UNITS) AMENDMENT BILL 2014**

**EXPLANATORY STATEMENT**

Presented by  
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# LEGISLATION (PENALTY UNITS) AMENDMENT BILL 2014

## Outline

The Legislation (Penalty Units) Amendment Bill 2014 (the Bill) amends the *Legislation Act 2001* to increase the value of penalty units that provide the basis for determining statutory fines.

In accordance with section 133 (2) of the Legislation Act, the Attorney-General has considered the appropriateness of current penalty unit values and decided to increase the value of penalty units by approximately 7% so that a penalty unit:

- for an individual has been increased from \$140 to \$150; and
- for a corporation has been increased from \$700 to \$750.

### **Human Rights Considerations**

The Bill does engage any rights under the *Human Rights Act 2004*.

While the Bill seeks to increase penalty units, and therefore increase the maximum penalty for offences that carry a financial penalty, there is nothing in the amendment that affects a court's ability to have regard to an offender's circumstances at sentencing.

The Standing Committee on Justice and Community Safety (performing the duties of a Scrutiny of Bills & Subordinate Legislation Committee) considered an increase in the monetary value of penalty units on two separate occasions (Scrutiny Report, 14 September 2009, page 1 and Scrutiny Report 9, 29 July 2013) and made no comment in relation to the increase or the engagement of human rights.

### **Climate Change Impact Assessment**

There are no climate change impacts flowing from the amendments in this Bill.

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### Detail

#### **Clause 1 — Name of Act**

This is a technical clause that names the short title of the Act.

#### **Clause 2— Commencement**

This clause fixes the date for commencement of the Act. The Act will commence the day after notification.

#### **Clause 3 – Legislation amended**

This clause provides that the legislation being amended is the *Legislation Act 2001*.

#### **Clause 4 – Penalty units – Section 133 (2)**

This clause increases the amounts defined for penalty units from \$140 to \$150 for individuals and from \$700 to \$750 for corporations.

This clause provides an example of how a fine is calculated using penalty units.