



Crimes Legislation Amendment (Penalty Unit) Act 2015

No. 88, 2015

An Act to amend the *Crimes Act 1914*, and for related purposes

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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[Assented to 26 June 2015]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Crimes Legislation Amendment (Penalty Unit) Act 2015*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
|---|---|---------------------|
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table | The day this Act receives the Royal Assent. | 26 June 2015 |
| 2. Schedule 1 | 31 July 2015. | 31 July 2015 |

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Crimes Act 1914

1 Subsection 3(1) (definition of *quarter*)

Repeal the definition, substitute:

quarter means a period of 3 months ending on 31 March, 30 June, 30 September or 31 December.

2 Subsection 4AA(1) (definition of *penalty unit*)

Repeal the definition, substitute:

penalty unit means the amount of \$180 (subject to indexation under subsection (3)).

3 Subsection 4AA(1A)

Repeal the subsection, substitute:

- (1A) If the amount of a penalty unit is indexed under subsection (3), the Minister must, by notifiable instrument, publish the amount of a penalty unit. However, a failure by the Minister to do so does not invalidate the indexation.

4 At the end of section 4AA

Add:

Indexation of penalty unit

- (3) On 1 July 2018 and each third 1 July following that day (an *indexation day*), the dollar amount mentioned in subsection (1) is replaced by the amount worked out using the following formula:

$$\frac{\text{Indexation factor for the indexation day}}{\times} \frac{\text{Dollar amount immediately before the indexation day}}$$

- (4) The *indexation factor* for an indexation day is the number worked out using the following formula:

$$\frac{\text{Index number for the reference quarter}}{\text{Index number for the base quarter}}$$

where:

base quarter means the March quarter 3 years before the reference quarter.

index number, for a quarter, means the All Groups Consumer Price Index number (being the weighted average of the 8 capital cities) published by the Australian Statistician for that quarter.

March quarter means a quarter ending on 31 March.

reference quarter means the March quarter immediately before the indexation day.

- (5) An indexation factor is to be calculated to 3 decimal places (rounding up if the fourth decimal place is 5 or more).
- (6) Amounts worked out under subsection (3) are to be rounded to the nearest whole dollar (rounding 50 cents upwards).
- (7) Calculations under subsection (4):
 - (a) are to be made using only the index numbers published in terms of the most recently published index reference period; and
 - (b) are to be made disregarding index numbers that are published in substitution for previously published index numbers (except where the substituted numbers are published to take account of changes in the index reference period).

Application of indexed penalty unit

- (8) If the dollar amount mentioned in subsection (1) is increased in accordance with subsection (3), the increased amount only applies to offences committed on or after the indexation day.

5 Application of item 2

The amendment made by item 2 of this Schedule applies in relation to an offence committed on or after the commencement of this item.

*[Minister's second reading speech made in—
House of Representatives on 27 May 2015
Senate on 16 June 2015]*

(77/15)
