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Strategic Policy and Legislation Division

25 November 2008

Ref: 17/08

Local Government Bulletin

Penalty Unit Increase –Advice required by 19 December 2008.

Purpose

To advise Councils on actions to be taken for the recently announced increase in penalty unit value to apply to local law penalties from 1 March 2009. Your advice is urgently sought by **19 December 2008**.

Background

The Queensland Government has recently decided to increase the penalty unit value as it applies to penalties under State legislation to \$100 from 1 January 2009. The current value of \$75 was established in 1999.

The Government wishes to ensure that no local government is obliged to adopt the increase if it does not wish to.

As communicated in the letter of the Minister for Main Roads and Local Government of 12 November 2008, the increase will apply to local law penalties of particular local governments at 1 March 2009 only if Councils individually advise the Minister by 19 December 2008 that they wish the increase to apply.

The increase will apply to penalties contained in local laws, and thus associated Penalty Infringement Notice offences, only if Councils provide written advice to the Minister.

If advice is not received by the above date, it will be taken that the council has elected to “opt-out” and the current value of \$75 will remain in force for penalty units related to Council's local laws.

Councils possess delegated authority to issue Penalty Infringement Notices under various Queensland statutes. There may be merit in considering the issue of consistency of local law penalty unit values with the \$100 value applying to State penalties.

The Government has yet to give consideration to the situation of Councils wishing to “opt-in” at a later date. Advice will be provided once a position has been established.

It would be appreciated if Councils which have already responded and those intending to respond could confirm their response by email to Michael.Clair@dlgsr.qld.gov.au.

Further information

Enquiries on this matter should be addressed to Michael Clair, Principal Project Officer, Strategic Policy and Legislation Division, Phone: 07 323 83587, Fax: 07 324 73639, or Michael.Clair@dlgsr.qld.gov.au. The Department’s postal address is PO Box 15031, City East, Queensland 4002.

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Nancy Spencer

A/Executive Director

Strategic Policy and Legislation Division

Department of Local Government, Sport and Recreation

Telephone: (07) 3033 0588 | Fax: (07) 3225 1351 | nancy.spencer@dlgpsr.qld.gov.au