

NORTHERN TERRITORY OF AUSTRALIA

PENALTY UNITS ACT 2009

As in force at 1 July 2022

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 July 2022

PENALTY UNITS ACT 2009

An Act to provide for calculating the monetary amount of penalties expressed as penalty units

1 Short title

This Act may be cited as the *Penalty Units Act 2009*.

2 Commencement

This Act commences on the date fixed by the Administrator by *Gazette* notice.

3 Definitions

In this Act:

penalty includes any of the following:

- (a) a fine or penalty imposed under an Act for an offence;
- (b) an amount that may be paid under an infringement notice issued in relation to an offence instead of the penalty that may otherwise be imposed for the offence;
- (c) a civil penalty (however described).

prescribed value means \$130 or, if a regulation prescribes a higher amount, the higher amount.

4 Monetary amount of penalty

- (1) If a penalty is expressed as a number of penalty units, the monetary amount of the penalty is obtained by multiplying the number of penalty units by the prescribed value.

Note for subsection (1)

The number of penalty units may be a whole number or a decimal or fractional number.

- (2) In its application to an Act, subsection (1) is subject to a contrary intention in the Act.

5 Indexation of monetary value of penalty unit

- (1) The monetary value of a penalty unit is:
- (a) \$162 for the financial year ending on 30 June 2023; and
 - (b) the amount calculated in accordance with subsections (2) and (3) for the financial years following 30 June 2023.

- (2) The formula is:

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

where:

A is the monetary value of a penalty unit for the financial year for which the calculation is made (the **relevant financial year**) (subject to rounding, if necessary, in accordance with subsection (3)).

B is \$130.

C is the average of the CPI figures for Darwin for each of the 4 quarters of the calendar year immediately preceding the relevant financial year, as published most recently before 1 April immediately preceding the beginning of the relevant financial year, rounded to one decimal place.

D is the average of the CPI figures for Darwin for each of the 4 quarters of the calendar year 2008, as most recently published before 1 April immediately preceding the beginning of the relevant financial year.

- (3) If the monetary value of a penalty unit, calculated in accordance with subsection (2), increases but is not a multiple of \$1, the amount must be rounded down to the nearest multiple of \$1.

Example for subsection (3)

By calculating in accordance with the formula in subsection (2), A is equal to \$132.20, which is not a multiple of \$1. Therefore, A is rounded down to the nearest multiple of \$1 which gives a value of \$132.

- (5) In this section:

CPI figure for Darwin means the Consumer Price Index: All Groups Index Number for Darwin published by the Australian Statistician under the authority of the *Census and Statistics Act 1905* (Cth).

quarter, of a calendar year, means the period of 3 months ending at the end of March, June, September or December in that year.

6 Prescribing new monetary value of penalty unit

- (1) If the monetary value of a penalty unit determined under section 5 is an amount of \$131 or any higher multiple of \$1, the higher amount must be prescribed by regulation as the monetary value of a penalty unit.
- (2) A change in the prescribed value has no effect until the regulation takes effect.
- (3) An increase in the prescribed value of a penalty unit does not apply in relation to any offence committed before the increase takes effect.

7 Regulations

The Administrator may make regulations under this Act.

8 Repeal

The following Acts are repealed:

- (a) *Penalties Act 1999* (Act No. 2 of 1999);
- (b) *Penalties Amendment Act 2002* (Act No. 15 of 2002).

9 Transitional matters

- (1) Despite section 8, the repealed Act continues to apply to an act committed or an omission made before the commencement that results in a liability for a penalty.
- (2) In this section:

commencement means the commencement of this section.

repealed Act means the *Penalty Units Act 1999* as in force immediately before the commencement.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION

Penalty Units Act 2009 (Act No. 16, 2009)

Assent date	18 June 2009
Commenced	1 July 2009 (<i>Gaz S30</i> , 26 June 2009)

Penalty Units Amendment Act 2013 (Act No. 12, 2013)

Assent date	29 May 2013
Commenced	29 May 2013

Revenue Legislation Amendment and Repeal Act 2022 (Act No. 15, 2022)

Assent date	30 June 2022
Commenced	1 July 2022 (s 2)

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: ss 1 and 9.

4 LIST OF AMENDMENTS

lt	amd No. 15, 2022, s 7
s 5	amd No. 12, 2013, s 3; No. 15, 2022, s 8
s 6	amd No. 15, 2022, s 9