

NORTHERN TERRITORY OF AUSTRALIA

PENALTY UNITS ACT 2009

As in force at 29 May 2013

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 29 May 2013

PENALTY UNITS ACT 2009

An Act to provide for calculating the monetary amount of penalties expressed as penalty units and reviewing the monetary value of 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 Minister must review the monetary value of a penalty unit for the financial year commencing on 1 July 2010, and for each subsequent financial year, by calculating in accordance with the formula in subsection (2) and rounding down in accordance with subsection (3).

(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 review 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.

(4) The Minister must conduct the review for a financial year before the start of that financial year.

(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) The new prescribed value applies in calculating the monetary amount of a penalty only in respect of an offence committed, or a liability for a penalty arising, after the change 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

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KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

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LIST OF LEGISLATION

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

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

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

Assent date	29 May 2013
Commenced	29 May 2013

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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.

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LIST OF AMENDMENTS

s 5 amd No. 12, 2013, s 3