

NORTHERN TERRITORY OF AUSTRALIA

PENALTY UNITS ACT 2009

Act No. 16 of 2009

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 16 of 2009

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

[Assented to 18 June 2009]
[Second reading 6 May 2009]

The Legislative Assembly of the Northern Territory enacts as follows:

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 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 financial year for which the review is made, rounded to one decimal place.

D is 161.5, being the average of the CPI figures for Darwin for each of the 4 quarters of the calendar year 2008.

- (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* as in force immediately before the commencement.