

18 June 2015

Your ref: Ms Yolande Yorke 565591/2, 2867381

Our ref: Criminal Law Committee - 102

The Hon Yvette D'Ath MP
Attorney-General and Minister for Justice and Minister for Training and Skills
GPO Box 149
BRISBANE QLD 4001

By post and email: [REDACTED]

Dear Attorney

Penalties and Sentences Regulation 2005

Thank you for your letter dated 10 May 2005 (received 16 June 2015), inviting the Society to make submissions on the *Penalties and Sentences Regulation 2005* which is due to expire on 1 September 2005.

Please note that in the time available to the Society and the commitments of our committee members, this submission is not intended to be an exhaustive review. The matter has been considered by the Society's Criminal Law Committee who have a thorough understanding of this area of law.

1. Section 2B Value of penalty unit for particular purposes—Act, s5A(1)

The Society respectfully submits that the value of a penalty unit be reduced. Furthermore, we consider that the value of a penalty unit be fixed, at least until the regulations are reviewed again. This will allow meaningful comparisons when longitudinal analysis is undertaken of offences and the corresponding penalties imposed.

2. Section 3 - Principle prescribed—Act, s 9(2)(p)

We seek clarification of the policy rationale behind section 3 of the regulations.

3. Section 8A Offender levy—Act, s 179C(5)

The Society submits that the offender levy be abolished. A significant portion of persons do not have the means to pay the offender levy which results in the debt being referred to the State Penalties Enforcement Registry. The debt owed to the State Penalties Enforcement

Registry is substantial. However, the administrative burden and the associated expense used to pursue these unpaid debts far exceeds the money collected from this exercise. Therefore, we consider that it would be appropriate to abolish the offender levy.

Thank you again for consulting with us on these matters. The Society values the opportunity to be involved in the legislative and policy process.

Should you wish to discuss these matters further, please do not hesitate to contact me. If you require clarification of any of the issues raised in our letter, please contact our Senior Policy Solicitor, Ms Binari De Saram on ([REDACTED])

Yours faithfully

[REDACTED]

Michael Fitzgerald

President