



Queensland

Penalties and Sentences and Other Legislation Amendment Act 2012

Act No. 17 of 2012



Queensland

Penalties and Sentences and Other Legislation Amendment Act 2012

Contents

		Page
Part 1	Preliminary	
1	Short title	6
2	Commencement	6
Part 2	Amendment of Childrens Court Act 1992	
3	Act amended	6
4	Insertion of new s 30A	6
	30A Approved forms	6
5	Amendment of pt 7, hdg (Transitional provisions)	6
6	Insertion of new pt 7, div 1, hdg	7
7	Insertion of new pt 7, div 2, hdg	7
8	Insertion of new pt 7, div 3	7
	Division 3 Transitional and validation provisions for Penalties and Sentences and Other Legislation Amendment Act 2012	
	34 Definition for div 3.	7
	35 Validation provision for Childrens Court Rules	8
	36 Transitional provision for approved forms	8
Part 3	Amendment of Civil Proceedings Act 2011	
9	Act amended	9
10	Amendment of s 67 (Damages for spouse's benefit)	9
11	Amendment of sch 1A (Minor and consequential amendments)	9
Part 4	Amendment of Commissions of Inquiry Act 1950	
12	Act amended	10
13	Amendment of s 5 (Power to summon witness and require production of books etc.)	10
14	Insertion of new ss 32A and 32B	11
	32A Disclosure of particular information only if reasonable	11

Contents

	32B	Confidentiality of information	11
15		Insertion of new s 35	12
	35	Transitional provision for Penalties and Sentences and Other Legislation Amendment Act 2012.	12
Part 5		Amendment of Criminal Code	
16		Code amended.	12
17		Amendment of s 704 (No court fees in criminal cases)	13
Part 6		Amendment of Industrial Relations Act 1999	
18		Act amended	13
19		Insertion of new ss 396A and 396B	13
	396A	Recovery of health employment overpayments	13
	396B	Recovery of health employment transition loans	15
20		Insertion of new ch 20, pt 14	15
	Part 14	Transitional provision for Penalties and Sentences and Other Legislation Amendment Act 2012	
	786	Amendment of regulation	16
Part 7		Amendment of Industrial Relations Regulation 2011	
21		Regulation amended	16
22		Insertion of new s 12A	16
	12A	Recovering health employment overpayments—Act, s 396A	16
Part 8		Amendment of Justices Act 1886	
23		Act amended	17
24		Amendment of s 175A (Allocation of part payments).	17
Part 9		Amendment of Land Court Act 2000	
25		Act amended	17
26		Insertion of new s 77B	17
	77B	Approved forms	18
27		Amendment of pt 6, hdg (Savings and transitional)	18
28		Insertion of new pt 6, div 3	18
	Division 3	Transitional and validation provisions for Penalties and Sentences and Other Legislation Amendment Act 2012	
	92	Definition for div 3.	18
	93	Validation provision for Land Court Rules 2000.	18
	94	Transitional provision for approved forms.	19

Part 10	Amendment of Penalties and Sentences Act 1992	
29	Act amended	20
30	Amendment of long title	20
31	Amendment of preamble	20
32	Amendment of s 3 (Purposes)	20
33	Amendment of s 4 (Definitions)	20
34	Amendment of s 5 (Meaning of penalty unit)	21
35	Amendment of s 9 (Sentencing guidelines)	21
36	Amendment of s 48 (Exercise of power to fine)	21
37	Insertion of new pt 10A.	21
	Part 10A Offender levy	
	179A Purpose of pt 10A.	22
	179B Definitions.	22
	179C Imposition of offender levy	22
	179D Subsequent sentences.	23
	179E Payment of offender levy	24
	179F Enforcement of offender levy by registration	24
	179G Amounts to be satisfied before satisfying offender levy	25
	179H Effect of appeal against relevant convictions	26
38	Amendment of s 191 (Effect of order under s 190)	26
39	Insertion of new pt 14, div 4	26
	Division 4 Transitional provisions for Penalties and Sentences and Other Legislation Amendment Act 2012	
	224 Retrospective application of s 179C in particular circumstances	26
	225 Amendment of regulation by Penalties and Sentences and Other Legislation Amendment Act 2012 does not affect powers of Governor in Council	27
Part 11	Amendment of Penalties and Sentences Regulation 2005	
40	Regulation amended	27
41	Insertion of new s 8A	27
	8A Offender levy—Act, s 179C(5)	27
Part 12	Amendment of State Penalties Enforcement Act 1999	
42	Act amended	28
43	Amendment of s 34 (Default in paying fine, penalty or other amount under court order)	28
44	Insertion of new s 54A	28

Contents

	54A	Effect of appeal on enforcement order for offender levy	28
45		Amendment of s 112 (Order of satisfaction of other amounts) . . .	29
46		Amendment of s 165 (Regulation-making power)	29
47		Amendment of sch 2 (Dictionary)	29
Part 13		Amendment of Statutory Instruments Act 1992	
48		Act amended	30
49		Amendment of s 46 (When is preparation of a regulatory impact statement unnecessary?)	30
50		Amendment of sch 2A (Subordinate legislation to which part 7 does not apply)	30
Part 14		Minor amendments	
51		Acts amended	31
Schedule		Acts amended	32
		Industrial Relations Act 1999	32
		Surrogacy Act 2010	32
		Workers' Compensation and Rehabilitation Act 2003	32
		Youth Justice Act 1992	33



Queensland

Penalties and Sentences and Other Legislation Amendment Act 2012

Act No. 17 of 2012

An Act to amend the Childrens Court Act 1992, the Civil Proceedings Act 2011, the Commissions of Inquiry Act 1950, the Criminal Code, the Industrial Relations Act 1999, the Industrial Relations Regulation 2011, the Justices Act 1886, the Land Court Act 2000, the Penalties and Sentences Act 1992, the Penalties and Sentences Regulation 2005, the State Penalties Enforcement Act 1999 and the Statutory Instruments Act 1992 for particular purposes, and to make minor amendments of Acts as stated in the schedule for purposes related to those particular purposes

[Assented to 14 August 2012]

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Penalties and Sentences and Other Legislation Amendment Act 2012*.

2 Commencement

Parts 5, 8, 10, 11 and 12 commence 7 days after assent.

Part 2 Amendment of Childrens Court Act 1992

3 Act amended

This part amends the *Childrens Court Act 1992*.

4 Insertion of new s 30A

After section 30—

insert—

‘30A Approved forms

‘The president may approve forms for use under this Act.’.

5 Amendment of pt 7, hdg (Transitional provisions)

Part 7, heading, after ‘Transitional’—

insert—

‘and validation’.

6 Insertion of new pt 7, div 1, hdg

Part 7, before section 32—

insert—

‘Division 1 Transitional provision for Child Protection Act 1999’.

7 Insertion of new pt 7, div 2, hdg

Part 7, before section 33—

insert—

‘Division 2 Transitional provision for Justice and Other Legislation Amendment Act 2008’.

8 Insertion of new pt 7, div 3

Part 7, after section 33—

insert—

‘Division 3 Transitional and validation provisions for Penalties and Sentences and Other Legislation Amendment Act 2012

‘34 Definition for div 3

‘In this division—

commencement means the commencement of this section.

[s 8]

‘35 Validation provision for Childrens Court Rules

- ‘(1) Despite the *Statutory Instruments Act 1992*, section 54, the *Childrens Court Rules 1997*—
- (a) are taken not to have expired on 1 September 2008; and
 - (b) continue in force until they are repealed under this Act.
- ‘(2) Anything done, purported to have been done or omitted to be done under the *Childrens Court Rules 1997* before the commencement has the same effect as it would have had if the *Childrens Court Rules 1997* had not expired.
- ‘(3) Without limiting subsection (2)—
- (a) an order, direction or decision made under the *Childrens Court Rules 1997* before the commencement is taken to be, and to have always been, made under the *Childrens Court Rules 1997* as if those rules had not expired; and
 - (b) a right, privilege or liability purportedly acquired, accrued or incurred under the *Childrens Court Rules 1997* before the commencement is taken to be, and to have always been, a right, privilege or liability acquired, accrued or incurred under the *Childrens Court Rules 1997* as if those rules had not expired; and
 - (c) a form approved or purported to have been approved under the *Childrens Court Rules 1997* before the commencement is taken to be, and to have always been, approved under the *Childrens Court Rules 1997* as if those rules had not expired.
- ‘(4) The amendment of the *Childrens Court Rules 1997* by the *Childrens Court Amendment Rule (No. 1) 2010* has the same effect as it would have had if the *Childrens Court Rules 1997* had not expired.

‘36 Transitional provision for approved forms

- ‘(1) This section applies if, immediately before the commencement, a form was approved for a purpose under the *Childrens Court Rules 1997*.

14 Insertion of new ss 32A and 32B

After section 32—

insert—

‘32A Disclosure of particular information only if reasonable

- ‘(1) This section applies to information obtained as a result of the chairperson’s writing that, apart from section 5(2A) to (2C), would not have been able to be disclosed to the chairperson (the *protected information*).
- ‘(2) Protected information must not be disclosed by the chairperson, or anyone else who gains access to the information, for a purpose under this Act, unless the chairperson considers it is reasonable in the circumstances to disclose the information, having regard to—
- (a) the nature of the information; and
 - (b) the purposes of an inquiry under a commission.
- ‘(3) In this section—
- information* includes—
- (a) a statement or disclosure made by a witness in answer to a question put to the witness by a commission or a commissioner or before a commission; and
 - (b) a book, document, writing, record, property or anything produced by the witness to a commission, a commissioner or before a commission.

‘32B Confidentiality of information

- ‘(1) This section applies to a chairperson, commissioner, deputy to a commission or anyone else who, for the purposes of an inquiry under a commission, has gained, gains, or has access to, confidential information.
- ‘(2) The person must not disclose the information to anyone or give access to the information to anyone other than—
- (a) for a purpose under this Act; or

[s 15]

- (b) with the consent of the person to whom the information relates; or
- (c) in compliance with lawful process requiring production of documents or giving of evidence before a court or tribunal; or
- (d) as permitted or required by another Act.

Maximum penalty—200 penalty units or 1 year’s imprisonment.

‘(3) In this section—

confidential information includes information about a person’s affairs, but does not include—

- (a) information already publicly disclosed unless further disclosure of the information is prohibited by law; or
- (b) statistical or other information that could not reasonably be expected to result in the identification of the person to whom the information relates.’

15 Insertion of new s 35

After section 34—

insert—

‘35 Transitional provision for Penalties and Sentences and Other Legislation Amendment Act 2012

‘Section 5(2A) and (2C) applies to an oath taken, affirmation made, or provision of an Act, whether taken, made or enacted before or after the commencement of this section.’

Part 5 Amendment of Criminal Code

16 Code amended

This part amends the Criminal Code.

17 Amendment of s 704 (No court fees in criminal cases)

Section 704—

insert—

- ‘(2) To remove any doubt, it is declared that the offender levy imposed under the *Penalties and Sentences Act 1992*, section 179C is not a fee mentioned in subsection (1).’

Part 6 Amendment of Industrial Relations Act 1999

18 Act amended

This part amends the *Industrial Relations Act 1999*.

Note—

See also the amendment in the schedule.

19 Insertion of new ss 396A and 396B

After section 396—

insert—

‘396A Recovery of health employment overpayments

- ‘(1) This section applies if a health employer pays a health employee an amount in relation to employment, or purportedly in relation to employment, to which the employee is not entitled (the *overpayment*).
- ‘(2) A health employer may subsequently recover the overpayment by deducting an amount, or amounts in instalments, from an amount or amounts payable to the health employee by the employer in relation to employment.
- ‘(3) A health employer may recover an overpayment by making a deduction under subsection (2) even if the overpayment was

[s 19]

made by another health employer during the employee's employment with the other employer.

'(4) Deductions under this section—

- (a) must be commenced within 1 year after the overpayment; and
- (b) may extend over a period of 6 years after the overpayment.

'(5) A deduction can not be made in an amount that would reduce the amount that would otherwise be paid to a health employee on any single occasion to less than the amount prescribed under a regulation.

'(6) This section—

- (a) is of general application to health employers and health employees and is not limited by any other provision of this division; and
- (b) does not affect the operation of section 396 in relation to payments made to health employees before the commencement of this section; and
- (c) does not limit a health employer's right to recover an overpayment or other amount from a health employee.

'(7) In this section—

amount in relation to employment means wages or any other amount relating to employment.

health employee means—

- (a) a public service employee whose employment is with Queensland Health; or
- (b) a person who is a health service employee under the *Hospital and Health Boards Act 2011*, section 67.

health employer means—

- (a) Queensland Health; or
- (b) a Hospital and Health Service established under the *Hospital and Health Boards Act 2011*.

Queensland Health means the department, however named, in which the *Hospital and Health Boards Act 2011* is administered.

‘396B Recovery of health employment transition loans

- ‘(1) This section applies if a health employer makes a loan (the ***transition loan***) to a health employee as the result of the employer altering its existing pay date arrangements.
- ‘(2) When the health employee ceases to be a health employee, a health employer may deduct from the employee’s final payment an amount equal to the amount of the transition loan that has not been repaid.
- ‘(3) A health employer may make a deduction under subsection (2) even if the transition loan was made by another health employer during the employee’s employment with the other employer.
- ‘(4) This section—
- (a) is of general application to health employers and health employees and is not limited by any other provision of this division; and
 - (b) does not limit a health employer’s right to recover any amount of a transition loan that has not been repaid.
- ‘(5) In this section—

final payment, for a health employee, means the total amount owing to the employee by the health employer on the day the employee ceases to be a health employee, including unpaid wages, or any other amount payable in relation to employment, to which the employee is entitled.

health employee see section 396A(7).

health employer see section 396A(7)?.

20 Insertion of new ch 20, pt 14

Chapter 20—

[s 21]

insert—

**‘Part 14 Transitional provision for
Penalties and Sentences and
Other Legislation Amendment
Act 2012**

‘786 Amendment of regulation

‘The amendment of the *Industrial Relations Regulation 2011* by the *Penalties and Sentences and Other Legislation Amendment Act 2012* does not affect the power of the Governor in Council to further amend the regulation or to repeal it.’.

**Part 7 Amendment of Industrial
Relations Regulation 2011**

21 Regulation amended

This part amends the *Industrial Relations Regulation 2011*.

22 Insertion of new s 12A

Part 6—

insert—

**‘12A Recovering health employment overpayments—Act,
s 396A**

‘The amount prescribed for section 396A(5) of the Act is 3/4 of the amount that would otherwise be paid to the health employee on a single occasion.’.

[s 27]

‘77B Approved forms

‘The president may approve forms for use under this Act.’.

27 Amendment of pt 6, hdg (Savings and transitional)

Part 6, heading, ‘and transitional’—

omit, insert—

‘, transitional and validation provisions’.

28 Insertion of new pt 6, div 3

Part 6, after section 91—

insert—

‘Division 3 Transitional and validation provisions for Penalties and Sentences and Other Legislation Amendment Act 2012

‘92 Definition for div 3

‘In this division—

commencement means the commencement of this section.

‘93 Validation provision for Land Court Rules 2000

‘(1) Despite the *Statutory Instruments Act 1992*, section 54, the *Land Court Rules 2000*—

(a) are taken not to have expired on 1 September 2010; and

(b) continue in force until they are repealed under this Act.

‘(2) Anything done, purported to have been done or omitted to be done under the *Land Court Rules 2000* before the commencement has the same effect as it would have had if the *Land Court Rules 2000* had not expired.

‘(3) Without limiting subsection (2)—

- (a) a judgment, order, direction or decision made under the *Land Court Rules 2000* before the commencement is taken to be, and to have always been, made under the *Land Court Rules 2000* as if those rules had not expired; and
- (b) a right, privilege or liability purportedly acquired, accrued or incurred under the *Land Court Rules 2000* before the commencement is taken to be, and to have always been, a right, privilege or liability acquired, accrued or incurred under the *Land Court Rules 2000* as if those rules had not expired; and
- (c) a form approved or purported to have been approved under the *Land Court Rules 2000* before the commencement is taken to be, and to have always been, approved under the *Land Court Rules 2000* as if those rules had not expired; and
- (d) a matter, prescribed under the *Land Court Rules 2000* before the commencement, that a judicial registrar may hear and decide is taken to be, and to have always been, a matter prescribed under the *Land Court Rules 2000* as if those rules had not expired.

‘94 Transitional provision for approved forms

- ‘(1) This section applies if, immediately before the commencement, a form was approved for a purpose under the *Land Court Rules 2000*.
- ‘(2) The form is taken to have been approved under section 77B for the purpose.’

‘but does not include an offender levy’.

34 Amendment of s 5 (Meaning of penalty unit)

(1) Section 5(1)(a), ‘\$100’—

omit, insert—

‘\$110’.

(2) Section 5(1)(b), ‘\$100’—

omit, insert—

‘\$110’.

(3) Section 5(1)(d), ‘\$100’—

omit, insert—

‘\$110’.

35 Amendment of s 9 (Sentencing guidelines)

Section 9—

insert—

‘(7A) In sentencing an offender, a court must not have regard to the offender levy imposed under section 179C.’.

36 Amendment of s 48 (Exercise of power to fine)

Section 48—

insert—

‘(3A) In considering the financial circumstances of the offender, the court must not take into account the offender levy imposed under section 179C.’.

37 Insertion of new pt 10A

After part 10—

insert—

[s 37]

‘Part 10A Offender levy

‘179A Purpose of pt 10A

‘The purpose of this part is to provide for a levy imposed on an offender on sentence to help pay generally for the cost of law enforcement and administration.

‘179B Definitions

‘In this part—

proper officer of the court, for an offender levy, means the proper officer of the court that imposed the sentence for which the offender is liable to pay the levy.

sentence includes any order made by a court to deal with the offender for an offence instead of passing sentence.

SPE Act means the *State Penalties Enforcement Act 1999*.

‘179C Imposition of offender levy

- ‘(1) On being sentenced for an offence, an offender becomes liable to pay the State a levy (the *offender levy*).
- ‘(2) Subsection (1) applies whether or not a conviction is recorded.
- ‘(3) If in the same sentencing proceeding the court sentences the offender for more than 1 offence, only one levy is payable for all the offences.

Examples—

- 1 An offender is sentenced in the same proceeding for more than 1 offence charged in a single indictment, complaint or other form of charge.
 - 2 An offender is sentenced in the same proceeding on more than 1 indictment, complaint or other form of charge.
- ‘(4) The imposition of the levy is not a sentence (including punishment) and is in addition to any sentence imposed by the court for the offence.

‘(5) The levy is the amount prescribed under a regulation.

Note—

This Act does not prescribe a limit to the amount that may be prescribed under a regulation.

‘(6) This section does not apply to an offence under the *Bail Act 1980*, section 29.

‘(7) This section is subject to section 179D.

‘179D Subsequent sentences

‘(1) This section applies if—

- (a) the sentencing court sentences the offender for an offence (the *original sentence*); and
- (b) subsequently, a court, whether or not differently constituted, resentsences the offender.

‘(2) The liability of the offender to pay the levy for the original sentence is unaffected but the offender is not liable to pay an offender levy for the resentence.

‘(3) In this section—

resentence includes, on appeal or otherwise, in relation to the sentencing of the offender, any of the following—

- (a) substitute another sentence;
- (b) further deal with the offender including make a further order;
- (c) confirm, vary or amend the sentence or order made on the original sentence.

Examples of resentsences under this Act—

Orders made under section 20(1)(a), 20(2), 27(1)(c), 27(2), 33A(1), 33A(3), 33B(1)(a), 33B(2), 33C(7), 38(1), 39A, 43D(8), 43F(4), 43L(7), 43O(4), 60(1), 68(1), 74(7), 80(1), 120(1), 121(1), 125(4)(a), 126(4), 127(1), 147(1), 159A(5)(b), 173(1), 173(2), 182(5)(a), 182(7)(b), 185(1), 188(3), 188(4) or 195(5).

[s 37]

‘179E Payment of offender levy

- ‘(1) The offender must pay the offender levy under subsection (2) or (3).
- ‘(2) If the particulars of the levy have been registered with SPER under section 179F, the offender must pay the levy under the SPE Act.
- ‘(3) However, if the particulars of the levy have not been registered with SPER under section 179F, the offender must pay the levy to the proper officer of the court.

‘179F Enforcement of offender levy by registration

- ‘(1) When an offender becomes liable to pay the offender levy under section 179C, the proper officer of the court must give the same particulars in relation to the levy to the SPER registrar for registration that it would give if—
 - (a) the court made an order fining the offender the amount of the levy for the offence; and
 - (b) the proper officer were the registrar of the court; and

Note—

The SPE Act uses the term ‘registrar of the court’.

 - (c) the particulars were the prescribed particulars of the unpaid amount of the fine.
- ‘(2) The SPER registrar must register the particulars.
- ‘(3) For the purposes of registration, and on registration, the SPE Act, other than the excluded provisions, applies, with all necessary and convenient changes, to the levy and to the offender in the same way as it applies—
 - (a) to the unpaid amount of a fine, for an offence, imposed by a court on a person the particulars of which are registered; and
 - (b) to that person.

-
- ‘(4) The requirement under subsection (1)(c) to give prescribed particulars is subject to a regulation made under the SPE Act for offender levies.
- ‘(5) The proper officer may give amended particulars to SPER for registration if amendment of the particulars is necessary because of error.
- ‘(6) This section does not apply if all of the amount of the levy is paid under section 179E(3) before the particulars have been given under subsection (1).
- ‘(7) In this section—

excluded provisions means the following provisions of the SPE Act—

- (a) provisions of that Act relating to infringement notices;
- (b) section 41(c) and the other provisions of that Act relating to fine option orders;
- (c) section 52 to the extent it applies to an arrest and imprisonment warrant, and the other provisions of that Act relating to arrest and imprisonment warrants;
- (d) section 54;
- (e) part 6;
- (f) part 8.

prescribed particulars see the SPE Act, schedule 2.

registration means registration under the SPE Act, section 34.

SPER registrar means the registrar under the SPE Act.

‘179G Amounts to be satisfied before satisfying offender levy

‘An amount paid under section 179E(3) must first be applied by the proper officer towards satisfying an unpaid amount, known to the proper officer, ordered by a court for the following—

- (a) compensation;
- (b) restitution;

[s 38]

- (c) damages;
- (d) a fixed portion of a penalty.

Note—

See also the *Justices Act 1886*, section 175A.

‘179H Effect of appeal against relevant convictions

- ‘(1) This section applies if—
 - (a) the offender has paid all or part of the offender levy under section 179E(3); and
 - (b) on appeal all convictions that resulted in the imposition of the offender levy are quashed.
- ‘(2) The proper officer must refund to the offender any amount paid to the proper officer for the offender levy.’.

38 Amendment of s 191 (Effect of order under s 190)

Section 191(2)(a), after ‘7’—

insert—

‘or 179C’.

39 Insertion of new pt 14, div 4

Part 14, at the end—

insert—

‘Division 4 Transitional provisions for Penalties and Sentences and Other Legislation Amendment Act 2012

‘224 Retrospective application of s 179C in particular circumstances

- ‘(1) Section 179C applies in relation to an offence for which the offender is sentenced after the commencement, even if the

offence was committed, or the offender was charged with or convicted of the offence, before the commencement.

‘(2) In this section—

commencement means the commencement of section 179C.

sentenced does not include resentenced as defined under section 179D.’.

‘225 Amendment of regulation by Penalties and Sentences and Other Legislation Amendment Act 2012 does not affect powers of Governor in Council

‘The amendment of the *Penalties and Sentences Regulation 2005* by the *Penalties and Sentences and Other Legislation Amendment Act 2012* does not affect the power of the Governor in Council to further amend the regulation or to repeal it.’.

Part 11 Amendment of Penalties and Sentences Regulation 2005

40 Regulation amended

This part amends the *Penalties and Sentences Regulation 2005*.

41 Insertion of new s 8A

After section 8—

insert—

‘8A Offender levy—Act, s 179C(5)

‘For section 179C(5) of the Act, the prescribed amount is—

- (a) if the sentence is imposed by the Supreme or District Court—\$300; or

[s 42]

- (b) if the sentence is imposed by a Magistrates Court—\$100.’.

Part 12 Amendment of State Penalties Enforcement Act 1999

42 Act amended

This part amends the *State Penalties Enforcement Act 1999*.

43 Amendment of s 34 (Default in paying fine, penalty or other amount under court order)

Section 34(2A)—

insert—

‘Note—

See also the Penalties and Sentences Act 1992, section 179F, the Police Powers and Responsibilities Act 2000, sections 115 and 781 and the Victims of Crime Assistance Act 2009, sections 120 and 193.’.

44 Insertion of new s 54A

After section 54—

insert—

‘54A Effect of appeal on enforcement order for offender levy

- ‘(1) This section applies if after an enforcement order is made for an offender levy, the enforcement debtor appeals against all of the convictions that resulted in the imposition of the offender levy.
- ‘(2) The appeals suspend the enforcement order made for the offender levy.
- ‘(3) If all convictions are quashed, the registrar must refund to the enforcement debtor any amount paid to SPER for the levy.

-
- ‘(4) Otherwise, the suspension of the enforcement order is lifted and the registrar may continue to enforce the order.
- ‘(5) As soon as the registrar becomes aware of the circumstances mentioned in subsection (1), the registrar must ensure that any steps taken under this Act to enforce the enforcement order are discontinued immediately and no further action is taken until all of the appeals are decided.’.

45 Amendment of s 112 (Order of satisfaction of other amounts)

- (1) Section 112(2)(e) to (k)—
renumber as section 112(2)(f) to (l).
- (2) Section 112(2)—
insert—
‘(e) an offender levy;’.
- (3) Section 112(3), ‘(2)(g)’—
omit, insert—
‘(2)(j)’.

46 Amendment of s 165 (Regulation-making power)

- Section 165—
insert—
- ‘(7) A regulation may be made about an offender levy including, for example, the prescribed particulars for an offender levy.’.

47 Amendment of sch 2 (Dictionary)

- Schedule 2—
insert—
‘*offender levy* see the *Penalties and Sentences Act 1992*, section 179C.’.

- the *Mental Health Act 2000*
- the *Sustainable Planning Act 2009*

Note—

See also the *Supreme Court of Queensland Act 1991* for rules of court made under that Act and the QCAT Act for rules of court made under that Act.’.

Part 14 **Minor amendments**

51 **Acts amended**

The schedule amends the Acts it mentions.

Schedule Acts amended

section 51

Industrial Relations Act 1999

- 1 Section 341(4)(b), from ‘Rules’—**
omit, insert—
‘Rules 2011, rule 145; and’.

Surrogacy Act 2010

- 1 Section 59(2), ‘the *Childrens Court Rules 1997*—**
omit, insert—
*‘rules of court made under the *Childrens Court Act 1992*’.*

Workers’ Compensation and Rehabilitation Act 2003

- 1 Section 553, heading, ‘2000’—**
omit, insert—
‘2011’.
- 2 Section 553(1), ‘2000’—**
omit, insert—
‘2011’.

3 Section 563(2), from '2000'—

omit, insert—
'2011, rule 70.'

Youth Justice Act 1992

1 Section 119(3)—

insert—
'Childrens Court Rules see the Childrens Court Act 1992,
section 7.'

© State of Queensland 2012