



Commonwealth Penalty Units: Value

Last Update: 29 September 2020

Legislative Framework

1. The [Crimes Act 1914](#) adopts a penalty unit system of describing the maximum permissible fine.
2. The value of a penalty unit is governed by section 4AA of the [Crimes Act 1914](#).

Values

3. Please refer to the table below for changes to the penalty unit value, for offences committed as follows:

Period	Penalty Unit Value	Amendments made by
On or after 1 July 2020	\$222	Notice of Indexation of the Penalty Unit Amount [F2020N00061] ¹
1 July 2017 – 30 June 2020	\$210	Schedule 1 item 1 of the <i>Crimes Amendment (Penalty Unit) Act 2017</i> ²
31 July 2015 - 30 June 2017 (inclusive)	\$180	Schedule 1 Item 5 of the <i>Crimes Legislation Amendment (Penalty Unit) Act 2015</i>
28 Dec 2012 - 30 July 2015 (inclusive)	\$170	Schedule 3 Item 7 of the <i>Crimes Legislation Amendment (Serious Drugs, Identity Crime and Other Measures) Act 2012</i>
7 April 1997 - 27 Dec 2012 (inclusive)	\$110	Schedule 1 Item 9 of the <i>Crimes and Other Legislation Amendment Act 1997</i>
8 Jan 1993 - 6 April 1997 (inclusive)	\$100	Section 19 of the <i>Crimes Legislation Amendment Act 1992</i> ³

Effect of Alteration in Penalties

4. Section 4F of the [Crimes Act 1914](#) provides that any increase in penalty applies only to an offence committed after the date of the increase, whereas a decrease in penalty will apply to conduct committed prior to the date of the decrease (except where a penalty has already been imposed in respect of that conduct at the time of the change).

¹ Commencing on 1 July 2020, the value of a penalty unit is subject to indexation every three years under s 4AA(3) of the *Crimes Act 1914*, in line with changes to the Consumer Price Index (CPI). For offences committed on or after 1 July 2020, the value of the penalty unit is \$222 as set out in the “Notice of indexation of the penalty unit amount” dated 14 May 2020, issued by the Attorney-General under s4AA(1A) of the *Crimes Act 1914*.

² Schedule 1 item 2 of the *Crimes Amendment (Penalty Unit) Act 2017* (Act No. 35, 2017) delays the first automatic indexation of the penalty unit to CPI from 1 July 2018 until 1 July 2020 (the automatic indexation will occur in accordance to the formula set out in s4AA(3) and s4AA(4) of the *Crimes Act 1914*).

³ The *Crimes Legislation Amendment Act 1992* introduced the penalty unit scheme in the *Crimes Act 1914* “ .. as recommended by the Review of Commonwealth Criminal Law (the Gibbs Committee) to allow penalties to reflect variations in current money values, by a single legislative amendment to the Crimes Act rather than by an individual amendment of each offence provision, as is currently required.” (see [EM](#) for further details)

Application in matters where single charge covers offending pre and post penalty change

5. In cases where two different penalties straddle a single charge, the CDPP policy is to invite the court to sentence according to the lower maximum, in accordance with the reasoning in [R v Carroll, Vic CCA 15 10 1990](#).⁴

⁴ In *R v Carroll*, the Victorian Court of Appeal considered the approach to be taken where several s29D offences were charged between dates, and the offences straddled the date of the increase to the maximum penalty for a s29D offence from 5 years to 10 years imprisonment. The Court considered s4F of the *Crimes Act 1914* (and its predecessor, s45A(1) of the *Acts Interpretation Act 1901*) and held that the sentence for a count straddling the change should reflect the lower maximum penalty.