



## DEPARTMENT OF IMMIGRATION AND BORDER PROTECTION NOTICE

**No.2015/28**

### Increase to Commonwealth penalty unit value from \$170 to \$180

On 31 July 2015, the value of a Commonwealth penalty unit increased from \$170 to \$180. This means that the maximum financial penalties for committing various Commonwealth offences also rose from this date. Under most Commonwealth laws, financial penalties are generally expressed in terms of ‘penalty units’ instead of dollar figures. As an example, a maximum fine would generally be expressed as ‘10 penalty units’ as opposed to a dollar value of \$1,800.

The increase to the Commonwealth penalty unit value is necessary to accommodate inflation since the value was last adjusted in 2012, to ensure that the real value of the penalty unit is maintained. Maintaining the value of the penalty unit in real terms ensures that financial penalties remain effective deterrents to the committing of Commonwealth offences.

The new penalty unit value will only apply to offences committed on or after 31 July 2015. This means that the changes will not impact on current proceedings or offences that were committed before this date. Any fines imposed for offences committed before 31 July 2015 will be based on the value of the penalty unit at the time the offence was committed. The table below illustrates the change with examples that indicate the maximum penalty a court may impose and what will be imposed under the current Infringement Notice Scheme (INS) that came into effect on 1 February 2014.

Customs Act 1901 Offence	Penalty amount for conduct that occurred between 28 December 2012 and 30 July 2015		Penalty amount for conduct that occurs on or after 31 July 2015	
	Natural Person	Body Corporate	Natural Person	Body Corporate
Sections 33(2), (3) and (6) interfering with goods subject to Customs control	Court Up to 60 penalty units (\$10,200)  INS (post 1 Feb 2014) 15 penalty units (\$2,550)	Court Up to 300 penalty units (\$51,000)  INS (post 1 Feb 2014) 45 penalty units (\$7,650)	Court Up to 60 penalty units (\$10,800)  INS (post 1 Feb 2014) 15 penalty units (\$2,700)	Court Up to 300 penalty units (\$54,000)  INS (post 1 Feb 2014) 45 penalty units (\$8,100)
Section 77R(1) Breach of conditions of a Depot Licence	Court Up to 60 penalty units (\$10,200)  INS (post 1 Feb 2014) 15 penalty units (\$2,550)	Court Up to 250 penalty units (\$42,500)  INS (post 1 Feb 2014) 45 penalty units (\$7,650)	Court Up to 60 penalty units (\$10,800)  INS (post 1 Feb 2014) 15 penalty units (\$2,700)	Court Up to 250 penalty units (\$45,000)  INS (post 1 Feb 2014) 45 penalty units (\$8,100)

Note: All monetary figures are expressed in Australian dollars.

The Department of Immigration and Border Protection recognises that behaviour falls on a spectrum ranging from positive compliance behaviours through to intentional or criminal non-compliance. We employ a suite of treatments that are proportionate to the compliance behaviours identified and the level of risk they pose. These range from, but are not limited to, education and awareness initiatives through to the issuing of administrative penalties or prosecution for systemic or serious breaches.

(signed)

Erin Dale

Commander Customs Compliance

Border Management Division

23 October 2015