



## Regulatory offences in Queensland

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In Queensland, there are two types of offences: [criminal offences](#) and regulatory offences. Criminal offences are by far the most common. This article examines the lesser-known topic of regulatory offences.

### What are regulatory offences?

Regulatory offences are a special type of offence under the *Regulatory Offences Act 1985* (**the RO Act**). Unlike most criminal offences, there are no jail terms available in respect of regulatory offences.

There are only three regulatory offences under this Act, which are all dealt with by a magistrate in the Magistrate's Court:

1. Unauthorised dealing with shop goods (this offence is more commonly known as “shoplifting”);
2. Leaving a hotel without payment; and
3. Unauthorised damage to property.

### What are criminal offences?

The vast majority of offences in Queensland are regarded as criminal offences. Criminal offences are made up of crimes, misdemeanours, and simple offences.

Crimes and misdemeanours are indictable offences which are more serious and are generally dealt with by a [judge \(and sometimes a jury\)](#) in the District Court or Supreme Court.

Simple offences are less serious criminal offences and are generally dealt with by a magistrate in the Magistrate's Court.

## The three types of regulatory offences in Queensland

### Unauthorised dealing with shop goods (shoplifting)

It is a regulatory offence, in respect of goods from a shop, to:

- eat or drink them without the consent of the lawful owner; or
- deliberately alter, remove, swap, or deface a price tag, without the consent of the owner; or
- Take them away without attempting to make proper payment arrangements.

The penalty is a fine of six penalty units - a penalty of about \$1000\*.

This offence only applies to shop goods that are worth \$150 or less. If the goods are worth more than \$150, a person may be charged with a more serious offence, such as stealing.

The definition of "shop" also extends to a petrol station, and "goods" includes any substance in liquid or gaseous form, meaning the law classifies taking petrol as an offence under this section.

Under the RO Act, there is one defence available for wrongfully taking shop goods. That is, to prove on the balance of probabilities that you did not take the goods dishonestly.

### Leaving a hotel without payment

It is a regulatory offence to:

- leave without paying; or
- try to pay using a cheque that bounces or a credit card that you are not authorised to use at any restaurant, hotel, motel, boarding house or like premises.

The penalty is a \$300\* fine.

This offence only applies to goods and services (such as food, drinks, and accommodation) worth \$150 or less. If the goods and services are worth more than \$150, a person may be charged with a more serious offence, such as fraud.

### Unauthorised damage to property

It is a regulatory offence to wilfully destroy or damage another person's property without their consent.

The penalty is a \$500\* fine.

This offence only applies to property that is worth \$250 or less. If the property is worth more than \$250, you may be charged with a more serious offence, such as wilful damage.

*\* All penalties referenced are current as at July 2024 and are subject to change.*

## When are regulatory offences charged?

Regulatory offences only carry a sentence of a fine. Consequently, they are used as a means of dealing with low-level property offences in circumstances where the police do not consider that a criminal charge is necessary.

In more serious cases, offenders may be charged with a criminal offence, like stealing, fraud, or wilful damage.

When deciding whether to charge a person under the RO Act (as opposed to a criminal offence), police will take into account factors such as:

- whether this is the alleged offender's first offence;
- their age;
- their personal circumstances, and
- the seriousness of the act, including the value of the goods involved.

## Will a regulatory offence appear on my police history check?

A conviction under the RO Act will appear on your police history check and form part of [your criminal record](#). Accordingly, if you are charged with a regulatory offence, it is critical that you seek advice from an experienced criminal lawyer as soon as possible.

## Contacting Gilshenan &Luton Criminal Defence Lawyers

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