

Fines, Penalties and Infringement Notices Enforcement Act 1994

Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2020

SL 2020/167

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2020*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) regulations 10 and 16 — on the day on which the *Fines, Penalties and Infringement Notices Enforcement Amendment Act 2020* section 95 comes into operation;
- (c) the rest of the regulations — on the day on which the *Fines, Penalties and Infringement Notices Enforcement Amendment Act 2020* sections 9 to 86, 88 and 89 and Part 3 come into operation.

3. Regulations amended

These regulations amend the *Fines, Penalties and Infringement Notices Enforcement Regulations 1994*.

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4. Regulation 2A amended

- (1) In regulation 2A insert in alphabetical order:

section means a section of the Act.

- (2) In regulation 2A in the definition of *ECMS* delete “tribunals.” and insert:

tribunals;

5. Regulations 2B and 2C inserted

After regulation 2A insert:

2B. Remote areas designated (Act s. 4B)

- (1) In this regulation —

ASGS means the Australian Statistical Geography Standard (ASGS): Volume 5 - Remoteness Structure, July 2016 (catalogue number 1270.0.55.005) published by the Australian Bureau of Statistics.

- (2) Except as provided in subregulation (3), for the purposes of the Act, an area of the State is designated as a remote area if —

- (a) the area is classified as “Very Remote Australia”, “Remote Australia”, “Outer Regional Australia” or “Inner Regional Australia” under the ASGS; or
- (b) the area shares the same postcode as an area referred to in paragraph (a).

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- (3) The following areas of the State are not remote areas —
- (a) an area of the State that is located within the metropolitan region (as defined in the *Planning and Development Act 2005* section 4(1));
 - (b) an area of the State that shares the same postcode as an area referred to in paragraph (a).

2C. Service by electronic means (Act s. 5A)

- (1) For the purposes of section 5A(1), information, a document or notice to which that section applies may be given to or served on a person by an electronic means approved by the CEO (fines enforcement) if the person has consented in the approved form to receiving information, documents or notices for the purposes of the Act by that electronic means.
- (2) Without limiting subregulation (1), the CEO (fines enforcement) may approve the ECMS as an electronic means under that subregulation.
- (3) This regulation does not apply to the giving to the Registry or the Registrar of a document to which regulation 11A applies.

6. Regulation 3AAA replaced

Delete regulation 3AAA and insert:

3AAA. Enforcement certificates and information under Act s. 16(1)

- (1) For the purposes of section 16(1)(b), the following information in relation to an infringement notice is prescribed —
 - (a) the name and address of the alleged offender;

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- (b) a description of the alleged offence;
 - (c) the date or dates on which the alleged offence occurred;
 - (d) the location or locations at which the alleged offence occurred;
 - (e) the written law, and the provision of that written law, that creates the alleged offence;
 - (f) the amount of the modified penalty;
 - (g) the infringement notice reference number.
- (2) Under section 16(1), a prosecuting authority may, with the consent of the Registrar, give the Registry the enforcement certificate and the information required under section 16(1)(b) by electronic means in accordance with regulation 11A.

3AAAA. Form of request for cancellation of licence suspension order (Act s. 20A)

A request under section 20A(1) must be —

- (a) made in a form approved by the Registrar; and
- (b) accompanied by any documentation or evidence required by that form.

7. Regulation 3AA amended

- (1) In regulation 3AA(2) after “22(5)(c),” insert:

if the vehicle was licensed under the *Road Traffic (Vehicles) Act 2012* when the vehicle licence cancellation and disqualification order was made,

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- (2) In regulation 3AA(2)(d) and (e) delete “issue of the vehicle licence cancellation” and insert:

making of the vehicle licence cancellation and disqualification

- (3) After regulation 3AA(2) insert:

- (2A) For the purposes of section 22(5)(c), if the vehicle was not licensed under the *Road Traffic (Vehicles) Act 2012* when the vehicle licence cancellation and disqualification order was made, the alleged offender is to be paid —

- (a) if the alleged offender produces to the Registrar documentary evidence of any expenses of the alleged offender for travel, or vehicle towing or lifting, that resulted from the making of the vehicle licence cancellation and disqualification order — an amount that the Registrar considers appropriate to compensate the alleged offender for those expenses; and
- (b) if the alleged offender produces to the Registrar documentary evidence of any loss of earnings of the alleged offender that resulted from the making of the vehicle licence cancellation and disqualification order and that could not reasonably have been avoided by the alleged offender — an amount that the Registrar considers appropriate to compensate the alleged offender for the loss of earnings.

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- (4) In regulation 3AA(3) after “cancellation” (each occurrence) insert:

and disqualification

8. Regulation 3A deleted

Delete regulation 3A.

9. Regulation 6 replaced

Delete regulation 6 and insert:

**6. Applications relating to time to pay orders
(Act s. 21B, 21D, 32C and 34)**

- (1) This regulation applies to an application —
- (a) under section 21B(1) for a time to pay order in respect of an infringement notice; or
 - (b) under section 21D(1) to have a time to pay order in respect of an infringement notice amended; or
 - (c) under section 32C(1) for a time to pay order in respect of a fine; or
 - (d) under section 34(1) to have a time to pay order in respect of a fine amended.
- (2) The application may be made orally or in writing.
- (3) If the application is made in writing, it must be in a form approved by the Registrar.

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**6AA. Information to be provided for means test
(Act s. 21C, 21D, 21E, 33, 34, 35, 47 and 52F)**

- (1) This regulation applies to —
 - (a) a person who is undergoing a means test under any of the following sections —
 - (i) section 21C(1);
 - (ii) section 21D(2);
 - (iii) section 21E(1);
 - (iv) section 33(1);
 - (v) section 34(3);
 - (vi) section 35(1);
 - (vii) section 47(3);
 - (viii) section 52F(2);and
 - (b) a person or body who makes an application under section 52E(1) on behalf of an offender who is required to undertake a means test under section 52F(2).
- (2) For the purposes of the means test, the Registrar may require the person or body to provide information, in the form approved by the Registrar, in relation to the following —
 - (a) in the case of a person referred to in subregulation (1)(a) — the person's financial circumstances and capacity to pay the relevant amount, including information in relation to the person's income, assets, liabilities and personal circumstances;

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- (b) in the case of a person or body referred to in subregulation (1)(b) — the offender's financial circumstances and capacity to pay the relevant amount, including information in relation to the offender's income, assets, liabilities and personal circumstances.
- (3) The Registrar may require the person or body to verify information provided in compliance with a requirement under subregulation (2) by a statutory declaration or by any other means.
- (4) The person or body commits an offence if, in compliance or purported compliance with a requirement under subregulation (2), the person or body —
 - (a) provides any statement, information, document or other evidence that the person or body knows is false or misleading in a material particular; or
 - (b) omits anything without which a statement, information, document or other evidence provided is, to the person's or body's knowledge, misleading in a material particular.

Penalty for this subregulation: a fine of \$2 000.

6AB. Form of request for cancellation of licence suspension order (Act s. 44A)

A request under section 44A(1) must be —

- (a) made in a form approved by the Registrar; and
- (b) accompanied by any documentation or evidence required by that form.

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10. Regulations 6AC to 6AF inserted

After regulation 6AB insert:

6AC. Maximum number of work and development instruments (Act s. 46D)

For the purposes of section 46D(2), the maximum number of work and development instruments is 20.

6AD. Publishing of guidelines in relation to WDPs (Act s. 46L)

For the purposes of section 46L(4), guidelines issued under section 46L, and any amendment or revocation of those guidelines, must be published on the Registrar's website.

6AE. Rates to be used to assign value to activities (Act s. 46N)

- (1) The rate to be used to assign a value to each part of an activity undertaken under a WDP of a kind described in Column 1 of the Table is the rate set out opposite the activity in Column 2.

Table

Column 1 Activity	Column 2 Rate per hour of activity undertaken
Unpaid work	\$50
Medical or mental health treatment	\$70
Educational, vocational or personal development course	\$70

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Column 1 Activity	Column 2 Rate per hour of activity undertaken
Treatment for an alcohol or drug use problem	\$70
Mentoring programme	\$70

- (2) If an offender undertakes activity under a WDP for a period that is not a whole number of hours, any part-hour undertaken is to be counted as an hour for the purposes of the rates in subregulation (1).

6AF. False or misleading information

An approved sponsor commits an offence if, in compliance or purported compliance with a requirement under the Act, or otherwise in connection with a work and development permit or their approval as an approved sponsor, the approved sponsor —

- (a) provides to the Registrar or the CEO (fines enforcement) any statement, information, document or other evidence that the approved sponsor knows is false or misleading in a material particular; or
- (b) omits anything without which a statement, information, document or other evidence provided to the Registrar or the CEO (fines enforcement) is, to the approved sponsor's knowledge, misleading in a material particular.

Penalty: a fine of \$2 000.

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11. Regulation 6A amended

Delete regulation 6A(2).

12. Regulations 6BAAA to 6BAAD inserted

After regulation 6B insert:

6BAAA. Daily expiation amount (Act s. 52B)

For the purposes of the definition of *daily expiation amount* in section 52B, the prescribed amount is \$250.

**6BAAB. Form of application for fine expiation order
(Act s. 52E)**

An application under section 52E(1) must be —

- (a) made in a form approved by the Registrar; and
- (b) accompanied by any documentation or evidence required by that form.

6BAAC. Application for authorisation under Act s. 52E(4)

- (1) A person or body may apply to the Registrar to be authorised under section 52E(4) to make applications for fine expiation orders on behalf of offenders.
- (2) An application under subregulation (1) must be —
 - (a) made in a form approved by the Registrar; and
 - (b) accompanied by any documentation or evidence required by that form.

6BAAD. Copies of conditional release undertaking to be given

The person before whom a conditional release undertaking is entered into by an offender under

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section 52ZD must give a copy of the completed undertaking, or cause a copy to be given, to —

- (a) the Magistrates Court; and
- (b) the responsible officer (as defined in section 52ZC(2)) in relation to the offender.

13. Regulation 6BA deleted

Delete regulation 6BA.

14. Regulation 8 amended

In regulation 8(1), (2) and (3) delete “the Act”.

15. Regulations 8AA to 8AE inserted

After regulation 8 insert:

8AA. Protected earnings amount (Act s. 95U)

- (1) The protected earnings amount for a pay period for the purposes of section 95P is the amount determined by multiplying the weekly protected earnings amount (as determined under this regulation) by the number of weeks in the pay period.
- (2) If the pay period is not a number of whole weeks, the number of weeks in the pay period for the purposes of subregulation (1) is to be determined by dividing the number of days in the pay period by 7 (rounded to 2 decimal places).
- (3) For the purposes of subregulation (1), the weekly protected earnings amount is —
 - (a) for the financial year ending on 30 June 2021 — \$509; or

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- (b) for any subsequent financial year — an amount in dollars calculated as follows —

$$509 \times \frac{W}{X}$$

where —

W is the number published by the Australian Bureau of Statistics as the Wage Price Index, ordinary time hourly rates of pay excluding bonuses for Western Australia (original) (***WPI***) for the last December quarter before the financial year commenced;

X is 132.4, being the WPI for the December 2019 quarter.

- (4) An amount calculated under subregulation (3)(b) is to be rounded to the nearest whole number of dollars, with an amount that is 50 cents more than a whole number of dollars being rounded up.
- (5) If the calculation under subregulation (3)(b) cannot be performed in relation to a financial year because the WPI for the relevant quarter was not published, the weekly protected earnings amount for that financial year is the same as for the previous financial year.

8AB. Maximum administration fee for bank account garnishee order (Act s. 95Z)

For the purposes of section 95Z, the amount prescribed is \$5.

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8AC. Protected bank account amount (Act s. 95ZB)

- (1) The protected bank account amount for the purposes of section 95W is —
- (a) for the financial year ending on 30 June 2021 — \$509; or
 - (b) for any subsequent financial year — an amount in dollars calculated as follows —
$$509 \times \frac{W}{X}$$
where —
 - W is the number published by the Australian Bureau of Statistics as the Wage Price Index, ordinary time hourly rates of pay excluding bonuses for Western Australia (original) (*WPI*) for the last December quarter before the financial year commenced;
 - X is 132.4, being the WPI for the December 2019 quarter.
- (2) An amount calculated under subregulation (1)(b) is to be rounded to the nearest whole number of dollars, with an amount that is 50 cents more than a whole number of dollars being rounded up.
- (3) If the calculation under subregulation (1)(b) cannot be performed in relation to a financial year because the WPI for the relevant quarter was not published, the protected bank account amount for that financial year is the same as for the previous financial year.

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**8AD. Form of application for refund of money
(Act s. 95ZC)**

An application under section 95ZC(1) must be —

- (a) made in a form approved by the Sheriff; and
- (b) accompanied by any documentation or evidence required by that form.

**8AE. Restrictions on publication of information disclosed
under Act s. 100B(3)(a) (Act s. 100F(2)(g))**

- (1) For the purposes of section 100F(2)(g), a person may publish information disclosed to the person under section 100B(3)(a) if the CEO (fines enforcement) has approved of the publication in writing.
- (2) The CEO (fines enforcement) must not give approval under subregulation (1) unless the CEO (fines enforcement) is satisfied that —
 - (a) the research for which the information was disclosed was conducted in a methodologically sound manner; and
 - (b) the information to be published is factually correct; and
 - (c) the information to be published does not identify individuals, reveal confidential information of the department of the Public Service principally assisting the Minister in the administration of the Act, or otherwise pose a security risk to the operations of the department or to any court, corrective facility or person.

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16. Regulation 8B amended

After regulation 8B(5) insert:

- (5A) If when the person appealed, a work and development permit was cancelled by reason of section 101B(3)(da), then when the appeal is disposed of the Registrar may issue another notice of intention to enforce under section 42.

17. Regulation 10 amended

In regulation 10 delete the Table and insert:

Table

1.	Commissioner of Police
2.	Department of Biodiversity, Conservation and Attractions
3.	Department of Fire and Emergency Services
4.	Department of Health
5.	Department of Justice
6.	Department of Local Government, Sport and Cultural Industries
7.	Department of Mines, Industry Regulation and Safety
8.	Department of Primary Industries and Regional Development

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9.	Department of Transport
10.	Department of Water and Environmental Regulation
11.	Gaming and Wagering Commission of Western Australia
12.	Public Transport Authority of Western Australia
13.	Rottnest Island Authority
14.	The Queen Elizabeth II Medical Centre Trust
15.	Water Corporation
16.	Western Australian Electoral Commission
17.	Zoological Parks Authority

18. Regulation 11A amended

In regulation 11A(1) delete “3AAA” and insert:

3AAA(2)

19. Regulation 11B amended

(1) In regulation 11B(1) in the definition of **warrant**:

(a) in paragraph (b) delete “Act.” and insert:

Act; or

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(b) after paragraph (b) insert:

(c) an arrest warrant issued under
section 52Q(1)(b).

(2) After regulation 11B(2) insert:

(2A) The Magistrates Court may issue an arrest warrant under section 52Q(1)(b) to all members of the Police Force of Western Australia by issuing an electronic version of the warrant by means of the ECMS to an electronic system maintained by the Commissioner of Police for the management of the functions of the Police Force of Western Australia.

(3) In regulation 11B(3) delete “The Registrar” and insert:

The Magistrates Court

(4) In regulation 11B(4):

(a) after “by the Registrar” insert:

or a magistrate

(b) in paragraphs (a) and (b) after “the Registrar” insert:

or magistrate

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20. Regulations 11C and 11D inserted

After regulation 11B insert:

11C. Issuing summons under Act s. 52Q

- (1) The Magistrates Court may issue a summons under section 52Q(1)(a) or (2) in an electronic form by recording the information required to be included in the summons electronically by means of the ECMS.
- (2) For the purposes of the *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* section 10, a summons issued under section 52Q(1)(a) or (2) is authenticated if —
 - (a) the magistrate issues the summons in an electronic form by means of the ECMS; and
 - (b) the electronic document identifies the magistrate as the person who issued it.
- (3) For the purposes of the *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* section 13, a copy of a summons issued in accordance with subregulation (1) may be produced from the electronic version of the summons by printing out a copy of the electronic version.

11D. Issuing orders, permits and notices

- (1) An order, permit or notice that may be issued or made under the Act by the Registrar, the CEO (corrections) or the Sheriff may be issued or made in an electronic form by recording the information required to be included in the order, permit or notice electronically by means of the ECMS.
- (2) For the purposes of the *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* section 13, a copy of an order, permit or notice issued

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in accordance with subregulation (1) may be produced from the electronic version of the order, permit or notice by printing out a copy of the electronic version.

21. Schedule 1 amended

In Schedule 1 delete the items for:

Companies (Co-operative) Act 1943

Perth Market Act 1926

22. Schedule 2 amended

(1) In Schedule 2 Division 2 after item 2 insert:

- | | | |
|----|---|---------|
| 3. | Fee for the service of a summons under Part 4
Division 3E Subdivision 3 of the Act | \$93.00 |
| | (To be imposed on an attempt at service, whether or not the service is successful. The fee covers up to 3 attempts at service at the same address.) | |
| 4. | If it is necessary to travel to serve a summons referred to in item 3, from the office of the person serving the summons or the nearest police station, in addition to the fee in item 3 — | |
| | (a) fee for each kilometre travelled (1 way) in the metropolitan region (as defined in the <i>Planning and Development Act 2005</i> section 4(1)) | \$2.40 |
| | (b) fee for each kilometre travelled (1 way) outside the metropolitan region (as defined in the <i>Planning and Development Act 2005</i> section 4(1)) | \$2.65 |
| | (To be imposed on service of the summons and on each attempt at service. If more than 1 document is served or attempted to be served at the same time on the same person, only 1 fee for kilometres travelled is chargeable.) | |

(2) In Schedule 2 Division 3 delete items 4 and 5.

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23. Schedule 3 Form 2 amended

In Schedule 3 Form 2 delete the passage that begins with “You are authorised” and ends with “exercising those powers.” and insert:

You are authorised by this warrant to exercise the powers conferred by the *Fines, Penalties and Infringement Notices Enforcement Act 1994* Part 7, which include powers to do the following: affix a warning notice to any vehicle of the debtor, immobilise any vehicle of the debtor, remove number plates from any vehicle of the debtor, seize and sell so much of the debtor’s personal property and land as is necessary to recover the amount owed and any enforcement fees, enter places for the purposes of exercising those powers, and issue a garnishee order on earnings or a bank account garnishee order in respect of the debtor and the amount owed and any enforcement fees.

24. Schedule 3 Forms 2A to 2E inserted

In Schedule 3 after Form 2 insert:

**2A. Summons to offender/liable person to appear at warrant
of commitment inquiry for the purposes of
Act s. 52Q(1)(a) and 52U and Part 5**

Fines, Penalties and Infringement Notices Enforcement Act 1994
[Sections 52Q(1)(a) and 52U and Part 5]

Magistrates Court At:	Number:	Summons to give oral evidence and/or produce a record or thing
To:	[Full name and address]	
Offender’s /liable person’s date of birth		

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Warrant of commitment inquiry details	Fine/s or other amount/s to which inquiry relates	
Time and place of warrant of commitment inquiry	Date: Court: Place:	Time:
Command <i>(delete as appropriate)</i>	<p>[You are commanded to attend personally at the warrant of commitment inquiry at the time and place specified above to give oral evidence for the purpose of the inquiry.] / [You are commanded to attend personally at the warrant of commitment inquiry at the time and place specified above to produce the records or things described below.] / [You are commanded to attend personally at the warrant of commitment inquiry at the time and place specified above to give oral evidence for the purpose of the inquiry and to produce the records or things described below.]</p> <p>You must attend at the Court until you are released by the Court, not only on the above date but also on subsequent days.</p>	
Records or things to be produced <i>(delete if not required)</i>	<p>You must produce to the Court the following: <i>[Describe in reasonable detail each record or thing to be produced, on an attachment if necessary.]</i></p>	
Warning	If you do not obey this summons you may be arrested.	
Date summons issued	This summons is issued by the Court on <i>[date]</i> .	
Signature of issuing magistrate		

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Service details <i>[delete as appropriate]</i>	I served a copy of this summons [personally] / [orally] / <i>[insert substituted service method]</i> on <i>[insert person's name]</i> at <i>[place]</i> on <i>[date]</i> .
[*Police only]	<div> Name of server: *Registered No: </div> <div> Signature: *Station: </div>
Notice	<p>A warrant of commitment inquiry is an inquiry conducted before the Magistrates Court to determine if you have the means to pay the fine/s or other amount/s referred to above, your suitability for a work and development order, whether you have contravened previous orders and the appropriate enforcement action that should be taken.</p> <p>At a warrant of commitment inquiry the Magistrates Court may issue a warrant of commitment committing you to be imprisoned. The Court may also make other orders, including that a time to pay order or work and development order should be issued or an order writing off all or part of the fine/s or other amount/s.</p> <p>You may apply to the Registrar for a time to pay order in respect of the fine/s or other amount/s referred to above. If the Registrar makes a time to pay order, the Registrar must, as soon as practicable, withdraw their application for a warrant of commitment inquiry in relation to the fine or other amount. The Registrar may also withdraw their application for other reasons under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i> section 52ZI. You will be notified if the Registrar withdraws the application, in which case this summons ceases to have effect.</p> <p>If you wish to apply for a time to pay order contact the Fines Enforcement Registry via: <i>[insert contact details]</i></p> <p>More information on making an application for a time to pay order can be found on the Fines Enforcement Registry website: <i>[insert website details]</i></p>

Magistrates Court At: _____ Number: _____		Summons to give oral evidence and/or produce a record or thing
To:	[Full name and address]	
Warrant of commitment inquiry details	Offender's/liable person's full name	
	Offender's/liable person's address	
	Offender's/liable person's date of birth	
	Fine/s or other amount/s to which inquiry relates	
Time and place of warrant of commitment inquiry	Date: Court: Place:	Time:

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Command <i>(delete as appropriate)</i>	<p>[You are commanded to attend personally at the warrant of commitment inquiry at the time and place specified above to give oral evidence for the purpose of the inquiry.] / [You are commanded to attend personally at the warrant of commitment inquiry at the time and place specified above to produce the records or things described below.] / [You are commanded to attend personally at the warrant of commitment inquiry at the time and place specified above to give oral evidence for the purpose of the inquiry and to produce the records or things described below.]</p> <p>You must attend at the Court until you are released by the Court, not only on the above date but also on subsequent days.</p>
Records or things to be produced <i>(delete if not required)</i>	<p>You must produce to the Court the following: <i>[Describe in reasonable detail each record or thing to be produced, on an attachment if necessary.]</i></p>
Date summons issued	This summons is issued by the Court on <i>[date]</i> .
Signature of issuing magistrate	
Service details <i>[delete as appropriate]</i>	<p>I served a copy of this summons <i>[personally]</i> / <i>[orally]</i> / <i>[insert substituted service method]</i> on <i>[insert person's name]</i> at <i>[place]</i> on <i>[date]</i>.</p>
<i>[*Police only]</i>	<div style="display: flex; justify-content: space-between;"> <div> <p>Name of server:</p> <p>Signature:</p> </div> <div> <p>*Registered No:</p> <p>*Station:</p> </div> </div>

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Notice	<p>A warrant of commitment inquiry is an inquiry conducted before the Magistrates Court to determine if the offender/liable person has the means to pay the fine/s or other amount/s referred to above, the offender's/liable person's suitability for a work and development order, whether the offender/liable person has contravened previous orders and the appropriate enforcement action that should be taken.</p> <p>At a warrant of commitment inquiry the Magistrates Court may issue a warrant of commitment committing the offender/liable person to be imprisoned. The Court may also make other orders, including that a time to pay order or work and development order should be issued or an order writing off all or part of the fine/s or other amount/s.</p> <p>The Registrar may withdraw their application for a warrant of commitment inquiry in relation to the fine or other amount. You will be notified if the Registrar withdraws the application, in which case this summons ceases to have effect.</p>
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2C. Arrest warrant for the purposes of Act s. 52Q(1)(b) and 52Y and Part 5

Fines, Penalties and Infringement Notices Enforcement Act 1994
[Sections 52Q(1)(b) and 52Y and Part 5]

Western Australia		Arrest warrant for appearance at warrant of commitment inquiry	
Magistrates Court at:		Warrant No.	
No:			
To	All members of the Police Force		
Person to be arrested	Full name		
	Date of birth		Male/Female
	Address		
Fine/s or other amount/s to which warrant of commitment inquiry relates			

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Command	<p>This warrant authorises and commands you to arrest the above person and bring the person before the Magistrates Court.</p> <p>When arrested the person must be brought before the Magistrates Court for the warrant of commitment inquiry immediately after the arrest if it is practicable to do so and in any case, subject to the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i> section 52ZB, as soon as practicable after the arrest.</p> <p>The person may be brought before the Magistrates Court at any place where it is sitting and either in person or, subject to the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i> section 52ZJ, by means of a video link or audio link.</p>		
Signature of issuing magistrate		Date	
Execution details	<p>Person arrested on <i>[date]</i> at <i>[time]</i> at <i>[location]</i></p> <p>by: _____ Registered No: _____</p> <p>of: _____ Station: _____</p> <p>Signature: _____ Date: _____</p>		
Notice to arresting officer	<p>If it is not practicable to bring an arrested person before the Magistrates Court immediately after the arrest, you must as soon as practicable, consider whether the person should be released, and you may release the person (subject to the person entering into a conditional release undertaking for the person's appearance at the warrant of commitment inquiry).</p> <p>In addition, you must release an arrested person if the person has been in custody under the warrant for 24 hours or if it becomes apparent that it is not practicable to bring the person before the Court within 24 hours after the arrest (subject to the person entering into a conditional release undertaking for the person's appearance at the warrant of commitment inquiry).</p> <p>It is an offence to fail, wilfully and without reasonable excuse, to perform any of the above duties. The maximum penalty for the offence is imprisonment for 12 months or a fine of \$1 000, or both.</p> <p>If it is not practicable for you to perform any of the above duties, you must request an authorised police officer to</p>		

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	perform them. Additionally, if you are not an authorised police officer, you may request an authorised police officer to perform the above duties.
Notice to arrested person	<p>A warrant of commitment inquiry is an inquiry conducted before the Magistrates Court to determine if you have the means to pay the fine/s or other amount/s referred to above, your suitability for a work and development order, whether you have contravened previous orders and the appropriate enforcement action that should be taken.</p> <p>At a warrant of commitment inquiry the Magistrates Court may issue a warrant of commitment committing you to be imprisoned. The Court may also make other orders, including that a time to pay order or work and development order should be issued or an order writing off all or part of the fine/s or other amount/s.</p>

2D. Conditional release undertaking for the purposes of Act s. 52ZD and Part 5

Fines, Penalties and Infringement Notices Enforcement Act 1994
[Section 52ZD and Part 5]

CONDITIONAL RELEASE UNDERTAKING

Details of offender/liable person:

Surname: Other names:

Date of birth:

Address:

Telephone No: Fax No:

Mobile No:

Email address:

You may be sent electronic notifications in relation to court appearances mentioned in this form. If you do not wish to receive electronic notifications, please tick the box below.

☐ I do not wish to receive electronic notifications.

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Fine/s or other amount/s to which warrant of commitment inquiry relates:

.....
.....

Time and place of appearance for warrant of commitment inquiry:

.....
(name and location of Court)

on day the day of 20..... at.....am/pm

UNDERTAKING

I, the person named above —

UNDERTAKE —

- (a) to appear in the Magistrates Court for a warrant of commitment inquiry at the time and place set out above; and
- (b) that if a different time and place has been substituted by notice served personally on me, I will appear at that substituted time and place; and
- (c) that if I fail to appear in the Court as required I will as soon as practicable appear in the Court at that place when the Court is sitting.

NOTICE

Under this undertaking, you must appear in the Magistrates Court for the warrant of commitment inquiry at the time and place specified in the undertaking or, if a different time and place has been substituted by notice served personally on you, at that substituted time and place.

If you, without reasonable excuse, fail to comply with that obligation, you commit an offence, the maximum penalty for which is a fine of \$2 000.

If you fail to appear in the Court at the time and place referred to above, you must, as soon as practicable, appear in the Court at that place when the Court is sitting.

If you fail to comply with that obligation, you commit an offence, the maximum penalty for which is a fine of \$2 000.

In addition, if you fail to comply with the requirements of your undertaking, a warrant for your arrest may be issued.

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CERTIFICATE AS TO UNDERTAKING

(1) Delete as appropriate

The above undertaking was entered into by the person named above before me, a person before whom a conditional release undertaking may be entered into under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 52ZD(3), after I had ⁽¹⁾ [read the undertaking to the person named above]/[been informed by the person named above that they had read the undertaking]/[had the undertaking translated to the person named above]/[provided the person named above with a written translation of the undertaking].

Signature:..... Date:

Official designation:

I acknowledge that I have been given a copy of the above conditional release undertaking.

.....
OFFENDER/LIABLE PERSON

2E. Certificate that offender/liable person has a right to be released for the purposes of Act s. 52ZF(c) and Part 5

Fines, Penalties and Infringement Notices Enforcement Act 1994
[Section 52ZF(c) and Part 5]

CERTIFICATE TO AUTHORISE RELEASE

Details of offender/liable person:

Surname:..... Other names:

Date of birth:.....

Address:

Telephone No: Fax No:

Mobile No:.....

Email address:.....

Date conditional release undertaking entered into:.....

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I, the person before whom the conditional release undertaking referred to above was entered into, certify for the purposes of the *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 52ZF(c) that the person named above has a right to be released.

Signature:..... Name:

Official designation:

25. Schedule 3 Form 3 amended

In Schedule 3 Form 3:

- (a) in the heading delete “s. 53” and insert:

s. 52S(4)

- (b) delete “[Section 53” and insert:

[Section 52S(4)

- (c) delete “Fines Enforcement Registry”;

- (d) delete “appointed under the” and insert:

as defined in the

- (e) delete the passage that begins with “The above court made” and ends with “is unpaid.” and insert:

The above court made the above order and the matter has been registered with the Fines Enforcement Registry for enforcement. To date, the above enforcement fees have been imposed. As a result the offender/liable person is required to pay the AMOUNT OWED which to date is unpaid.

The Magistrates Court has held a warrant of commitment inquiry and has made an order under the *Fines, Penalties and*

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Infringement Notices Enforcement Act 1994 section 52S(1)(e)
that this warrant of commitment should be issued.

(f) delete “the offender” (each occurrence) and insert:

the offender/liable person

(g) delete:

REGISTRAR

DATE

and insert:

Warrant issued by	Signature: Magistrate:	Date:
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26. Schedule 3 Form 4 amended

In Schedule 3 Form 4 delete the passage that begins with “YOU ARE AUTHORISED” and ends with “of this warrant.” and insert:

You are authorised by this warrant to exercise the powers conferred by the *Fines, Penalties and Infringement Notices Enforcement Act 1994* Part 7 (other than Divisions 6A and 6B), which include powers to seize and sell so much of the offender’s personal property and land as is necessary to recover the amount outstanding and any enforcement fees, and to enter places for the purposes of exercising those powers.

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27. Schedule 3 Forms 10 and 11 replaced

Delete Schedule 3 Forms 10 and 11 and insert:

10. Certificate under Act s. 101C(2A): Part 3 proceedings

Fines, Penalties and Infringement Notices Enforcement Act 1994
[Section 101C(2A)]

**CERTIFICATE AS TO VEHICLE LICENCE SUSPENSION
AND DISQUALIFICATION ORDER/ VEHICLE LICENCE
CANCELLATION AND DISQUALIFICATION ORDER**

Alleged offender:

Address:

In relation to this alleged offender the following matters are certified as being true and correct:

[Strike out any that do not apply.]

1. On *[date]* an infringement notice was issued by *[prosecuting authority]* to the alleged offender for the alleged offence of *[description of alleged offence]*.
The modified penalty on the infringement notice is *[\$]*.
2. On *[date]* the infringement notice was registered under Part 3 of the Act with the Fines Enforcement Registry for enforcement and was allocated case number *[no.]*.
3. A vehicle licence suspension and disqualification order disqualifying the alleged offender from holding or obtaining a vehicle licence for the vehicle that had number plates *[no.]* (and, if a vehicle licence was in force in relation to the vehicle when the order was made, suspending the licence) was made on *[date]* under section 95G of the Act and took effect at *[time]* on that day. A notice confirming that the alleged offender was disqualified from holding or obtaining a vehicle licence (and, if the vehicle was licensed, that the vehicle licence has been suspended) was affixed to the vehicle.
4. As at the time of issuing this certificate the vehicle licence suspension and disqualification order has not been cancelled.

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OR

The vehicle licence suspension and disqualification order was cancelled at *[time]* on *[date]*.

5. A vehicle licence cancellation and disqualification order disqualifying the alleged offender from holding or obtaining a vehicle licence for the vehicle that had number plates *[no.]* (and, if the vehicle was licensed when the order was made, cancelling the licence) was made under section 95J of the Act on *[date]* at *[time]*.
6. A copy of the vehicle licence cancellation and disqualification order was served on the alleged offender by *[details of service]*.
7. As at the time of issuing this certificate the vehicle licence cancellation and disqualification order has not been cancelled.

OR

The vehicle licence cancellation and disqualification order was cancelled to the extent that it disqualifies the alleged offender from holding or obtaining a vehicle licence at *[time]* on *[date]*.

Date of this certificate:

Time:

[Signature]

SHERIFF

11. Certificate under Act s. 101C(2A): Part 4 proceedings

Fines, Penalties and Infringement Notices Enforcement Act 1994
[Section 101C(2A)]

**CERTIFICATE AS TO VEHICLE LICENCE SUSPENSION
AND DISQUALIFICATION ORDER/ VEHICLE LICENCE
CANCELLATION AND DISQUALIFICATION ORDER**

Offender:

Address:

In relation to this offender the following matters are certified as being true and correct:

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[Strike out any that do not apply.]

1. On *[date]* the *[court]* at *[place]* imposed a fine on the offender for the offence of *[description of offence]*.

The amount of the fine (as defined in section 28(1) of the Act) is *[\$]*.
2. On *[date]* the fine was registered under Part 4 of the Act with the Fines Enforcement Registry for enforcement and was allocated case number *[no.]*.
3. A vehicle licence suspension and disqualification order disqualifying the offender from holding or obtaining a vehicle licence for the vehicle that had number plates *[no.]* (and, if a vehicle licence was in force in relation to the vehicle when the order was made, suspending the licence) was made on *[date]* under section 95G of the Act and took effect at *[time]* on that day. A notice confirming that the offender was disqualified from holding or obtaining a vehicle licence (and, if the vehicle was licensed, that the vehicle licence has been suspended) was affixed to the vehicle.
4. As at the time of issuing this certificate the vehicle licence suspension and disqualification order has not been cancelled.

OR

The vehicle licence suspension and disqualification order was cancelled at *[time]* on *[date]*.

5. A vehicle licence cancellation and disqualification order disqualifying the offender from holding or obtaining a vehicle licence for the vehicle that had number plates *[no.]* (and, if the vehicle was licensed when the order was made, cancelling the licence) was made under section 95J of the Act on *[date]* at *[time]*.
6. A copy of the vehicle licence cancellation and disqualification order was served on the offender by *[details of service]*.
7. As at the time of issuing this certificate the vehicle licence cancellation and disqualification order has not been cancelled.

OR

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The vehicle licence cancellation and disqualification order was cancelled to the extent that it disqualifies the offender from holding or obtaining a vehicle licence at [time] on [date].

Date of this certificate:

Time:

[Signature]

SHERIFF

V. MOLAN, Clerk of the Executive Council.
