



Western Australia

Fines, Penalties and Infringement Notices Enforcement Regulations 1994

Compare between:

[24 Nov 2012, 05-e0-01] and [05 Feb 2013, 05-f0-01]

Fines, Penalties and Infringement Notices Enforcement Regulations 1994

1. Citation

These regulations may be cited as the *Fines, Penalties and Infringement Notices Enforcement Regulations 1994*¹.

2. Commencement

These regulations come into operation on the day on which the *Fines, Penalties and Infringement Notices Enforcement Act 1994* comes into operation¹.

3. Enactments prescribed for Act Part 3 (Act s. 12)

Under section 12, the enactments in Schedule 1 are prescribed as enactments to which Part 3 of the Act applies.

3A. Request under Act s. 27A(1), form of

A request under section 27A(1) must be made in a form approved by the CEO.

[Regulation 3A inserted in Gazette 30 Jan 2001 p. 617.]

4. Orders and enactments prescribed for Act s. 28(1) *fine*

For the purposes of paragraph (b) of the definition of fine in section 28(1), an order of the kind described in column 2 of the

Table made under the enactment opposite it in column 1 of the Table is prescribed.

Table

| <i>Column 1</i> | <i>Column 2</i> |
|--|--|
| <i>Workers' Compensation and Injury Management Act 1981</i> ² , s. 170(2) | An order that an employer pay an amount to the General Fund ³ . |

5. Enactment prescribed for Act s. 31

For the purposes of section 31(b) this enactment is prescribed:

*Workers' Compensation and Injury Management Act 1981*².

6. Time to pay orders, applications for etc. (Act s. 33, 34 and 35)

- (1) An application —
- (a) under section 33 for a time to pay order; or
 - (b) under section 34 to have a time to pay order amended,

may be made orally or in writing, as the court officer directs, and if in writing, is to be in such form as the chief executive officer approves.

- (1a) On an application —
- (a) under section 33 for a time to pay order; or
 - (b) under section 34 to have a time to pay order amended,

a court officer may require the applicant to produce documentary evidence to verify the applicant's income or expenditure.

- (2) If under section 33(2), 34(2) or 35(1) an offender is required to undergo a means test, the offender must make a statutory declaration in such form as the chief executive officer approves as to the offender's financial capacity to pay the fine or fines concerned.

[Regulation 6 amended in Gazette 5 Jul 1996 p. 3226.]

6A. Required hours for WDO, calculation of (Act s. 50)

- (1) The required hours in a WDO are to be calculated as —
 - (a) for up to \$300 owed by the offender — 6 hours;
 - (b) for more than \$300 and up to \$600 owed by the offender — 12 hours,

and so on, increasing in units of up to \$300.

- (2) The number of hours to be performed each week is 12 hours, unless a lesser number of hours remains for that offender to perform, in which case all of the remaining hours are to be performed in the one week.

[Regulation 6A inserted in Gazette 30 Jun 1995 p. 2637; amended in Gazette 12 Mar 1999 p. 1163; 9 Sep 2005 p. 4156.]

6B. Reductions under Act s. 51, how calculated

- (1) Where an offender pays part of the amount owed, the remaining hours required to be performed under the WDO are to be calculated in accordance with regulation 6A(1).
- (2) The amount owed by an offender who is the subject of a WDO, is to be reduced by \$300 for every 6 hours worked, with the reductions to be in units of 6 hours, and where less than \$300 is owed, the offender must perform 6 hours to complete that WDO.

[Regulation 6B inserted in Gazette 30 Jun 1995 p. 2637; amended in Gazette 12 Mar 1999 p. 1163; 9 Sep 2005 p. 4156.]

6BAA. Amount prescribed for warrant of commitment (Act s. 53(3))

The amount prescribed for the purposes of section 53(3)(a) is \$250 per day.

[Regulation 6BAA inserted in Gazette 27 Mar 2008 p. 904.]

r. 6BA

6BA. Request under Act s. 55A(1), form of

A request under section 55A(1) must be made in a form approved by the CEO.

[Regulation 6BA inserted in Gazette 30 Jan 2001 p. 618.]

6C. Reduction of liability to pay fine where WDO taken to be cancelled (Sentencing Act 1995 s. 57B(5))

- (1) This regulation applies if a WDO has been wholly or partially completed at the time it is to be taken to be cancelled under section 57B(5) of the *Sentencing Act 1995*.
- (2) If the WDO has been wholly completed, the offender's liability to pay the fine is discharged.
- (3) If the WDO has been partially completed, the fine payable by the offender is to be reduced by \$300 for every 6 hours worked.

[Regulation 6C inserted in Gazette 25 Aug 2000 p. 4908; amended in Gazette 9 Sep 2005 p. 4156.]

7. States, Territories and courts prescribed (Act s. 59)

- (1) A State or a Territory in column 1 of the Table is prescribed as a reciprocating State or Territory (as the case may be) for the purposes of Part 6 of the Act.
- (2) A court of a reciprocating State or a Territory described opposite that State or Territory in column 2 of the Table is prescribed as a reciprocating court for the purposes of Part 6 of the Act.

Table

| <i>Column 1</i> | <i>Column 2</i> |
|------------------------------|---|
| Australian Capital Territory | Any court of the Magistrates Court of that Territory. |
| New South Wales | Local Courts in that State. |
| Northern Territory | Any court of summary jurisdiction of that Territory. |

| <i>Column 1</i> | <i>Column 2</i> |
|-----------------|-------------------------|
| Queensland | All Magistrates Courts. |
| South Australia | All Magistrates Courts. |
| Tasmania | All Magistrates Courts. |
| Victoria | All Magistrates Courts. |

[Regulation 7 amended in Gazette 11 Mar 2008 p. 818.]

8. Property prescribed that cannot be seized etc. (Act s. 75)

- (1) For the purposes of the Act section 75(b), the following wearing apparel and personal items are prescribed —
 - (a) wearing apparel of the offender to the value of \$1 250;
 - (b) wearing apparel of a dependant of the offender to the value of \$1 250;
 - (c) family diaries, photographs and portraits;
 - (d) medical and dental aids and equipment.
- (2) For the purposes of the Act section 75(c), the following household property items are prescribed —
 - (a) kitchen and dining furniture and implements to the value of \$1 250;
 - (b) bedroom furniture and bedding of the offender to the value of \$500;
 - (c) bedroom furniture and bedding of a dependant of the offender to the value of \$200;
 - (d) laundry equipment to the value of \$200;
 - (e) electrical goods used for family entertainment to the value of \$300;
 - (f) books, software, computers and other equipment, used by a dependant of the offender for educational purposes to the value of \$3 000.
- (3) For the purposes of the Act section 75(d), ordinary tools of trade, plant and equipment, professional instruments and

r. 8A

reference books to the value of \$2 500 used by the offender to earn income by personal exertion are prescribed.

[Regulation 8 inserted in Gazette 30 Dec 2005 p. 6876-7.]

8A. Enforcement proceedings after successful application under Act s. 101 or 101A

- (1) If on an application by a person under section 101 the Magistrates Court make an order cancelling the licence suspension order concerned, the Registrar may again take proceedings under Part 3 of the Act to enforce the infringement notice that gave rise to that licence suspension order, such proceedings to be commenced by issuing a notice of intention to suspend licences under section 18.
- (2) If on an application by a person under section 101A the Magistrates Court make an order cancelling the licence suspension order concerned, the Registrar may again take proceedings under Part 4 of the Act to enforce the fine that gave rise to that licence suspension order, such proceedings to be commenced by issuing a notice of intention to suspend licences under section 42.

[Regulation 8A inserted in Gazette 5 Jul 1996 p. 3227; amended in Gazette 13 May 2005 p. 2079.]

8B. Enforcement proceedings after an appeal (Act s. 101B)

- (1) This regulation applies if —
 - (a) a person appeals against a fine, or a decision giving rise to a fine (as defined in section 101B(1)); and
 - (b) the fine is still payable after the appeal is disposed of (as defined in section 101B(6)).
- (2) If when the person appealed, a time to pay order was in force and ceased to have effect by reason of section 101B(3)(a), then when the appeal is disposed of the time to pay order has effect again; but for the purposes of the time to pay order the period beginning on the date when the person appealed and ending on

the date when the appeal was disposed of is to be disregarded when calculating any time elapsed under the order.

- (3) If when the person appealed, a notice of intention to suspend licences was cancelled by reason of section 101B(3)(b), then when the appeal is disposed of the Registrar may issue another notice of intention to suspend licences under section 42.
- (4) If when the person appealed, a licence suspension order was cancelled by reason of section 101B(3)(c), then when the appeal is disposed of the Registrar may issue another notice of intention to suspend licences under section 42.
- (5) If when the person appealed, a warrant of execution was cancelled by reason of section 101B(3)(d), then when the appeal is disposed of the Registrar may issue another notice of intention to suspend licences under section 42.
- (6) If when the person appealed, an order to attend for work and development was cancelled by reason of section 101B(3)(e), then when the appeal is disposed of the Registrar may issue another notice of intention to suspend licences under section 42.

[Regulation 8B inserted in Gazette 5 Jul 1996 p. 3227.]

9. Enforcement fees prescribed (Act Parts 3, 4 and 7)

- (1) The fees in Schedule 2 Division 1 are prescribed as enforcement fees for the purposes of Part 3 of the Act and are to be imposed on an alleged offender at the time indicated.
- (2) The fees in Schedule 2 Division 2 are prescribed as enforcement fees for the purposes of Part 4 of the Act and are to be imposed on an offender at the time indicated.
- (3) The fees in Schedule 2 Division 3 are prescribed as enforcement fees for the purposes of Part 7 of the Act and are calculated in accordance with that Division.

[Regulation 9 inserted in Gazette 13 May 2005 p. 2079-80.]

10. Exemptions from fees (Act Part 3)

These prosecuting authorities are exempted from payment of the fee for registering an infringement notice under Part 3 of the Act:

Commissioner of Police
Department of Agriculture ⁴
Department of the Attorney General
Department of Conservation and Land Management ⁵
Department of Consumer and Employment Protection
Department of Environmental Protection ⁶
Department of Health
Department for Planning and Infrastructure
Fisheries Department of WA ⁷
Gaming and Wagering Commission of Western Australia
Office of Racing, Gaming and Liquor ⁸
Perth Market Authority
Public Transport Authority of Western Australia
Rottnest Island Authority
The Queen Elizabeth Medical Centre Trust
Water Authority of WA ⁹
Western Australian Electoral Commission
Zoological Parks Authority

[Regulation 10 amended in Gazette 30 Jun 1995 p. 2637 and 2643; 19 Jul 1996 p. 3457-8; 23 Jan 1998 p. 408; 31 Dec 1999 p. 7075 and 7076; 27 Aug 2002 p. 4353; 12 Dec 2003 p. 5036-7; 4 Jun 2004 p. 1933; 13 Dec 2011 p. 5281; 23 Nov 2012 p. 5721.]

11. Methods of payment

Under the Act, modified penalties, fines and enforcement fees may be paid by cash, cheque, money order or credit card.

12. Forms (Sch. 3)

The forms in Schedule 3 are prescribed in relation to the matters specified in the forms.

**Schedule 1 — Enactments to which Part 3 of the Act
applies**

[r. 3]

[Heading inserted in Gazette 13 May 2005 p. 2080.]

| Act | section(s) |
|---|-------------------|
| <i>Animal Welfare Act 2002</i> | |
| <i>Associations Incorporation Act 1987</i> | |
| <i>Botanic Gardens and Parks Authority Act 1998</i> | |
| <i>Building Act 2011</i> | |
| <i>Building Services (Complaint Resolution and Administration) Act 2011</i> | |
| <i>Building Services (Registration) Act 2011</i> | |
| <i>Bush Fires Act 1954</i> | 59A |
| <i>Business Names Act 1962</i> | |
| <i>Caravan Parks and Camping Grounds Act 1995</i> | 23 |
| <i>Casino (Burswood Island) Agreement Act 1985</i> | |
| <i>Casino Control Act 1984</i> | |
| <i>Cemeteries Act 1986</i> | 63 |
| <i>Charitable Collections Act 1946</i> | |
| <i>Chattel Securities Act 1987</i> | |
| <i>Classification (Publications, Films and Computer Games) Enforcement Act 1996</i> ¹¹ | |
| <i>Companies (Co-operative) Act 1943</i> | |
| <i>Conservation and Land Management Act 1984</i> | |
| <i>Control of Vehicles (Off-road Areas) Act 1978</i> | 37 |
| <i>Credit Act 1984</i> | |
| <i>Credit (Administration) Act 1984</i> | |
| <i>Curtin University of Technology Act 1966</i> | 20A |

| Act | section(s) |
|---|-------------------|
| <i>Debt Collectors Licensing Act 1964</i> | |
| <i>Dog Act 1976</i> | 45A |
| <i>Edith Cowan University Act 1984</i> | 29 |
| <i>Electoral Act 1907</i> | 156 |
| <i>Electricity Act 1945</i> | |
| <i>Employment Agents Act 1976</i> | |
| <i>Energy Coordination Act 1994</i> | |
| <i>Energy Safety Act 2006</i> | |
| <i>Environmental Protection Act 1986</i> | |
| <i>Fair Trading Act 2010</i> | |
| <i>Fish Resources Management Act 1994</i> | |
| <i>Food Act 2008</i> | |
| <i>Gaming and Wagering Commission Act 1987</i> | |
| <i>Gas Standards Act 1972</i> | |
| <i>Government Railways Act 1904</i> | 53A |
| <i>Health Act 1911</i> | |
| <i>Hire-Purchase Act 1959</i> | |
| <i>Home Building Contracts Act 1991</i> | |
| <i>Hospitals and Health Services Act 1927</i> | |
| <i>Juries Act 1957</i> | |
| <i>Land Administration Act 1997</i> | |
| <i>Land Valuers Licensing Act 1978</i> | |
| <i>Liquor Control Act 1988</i> | 167 |
| <i>Litter Act 1979</i> | 30 |
| <i>Local Government Act 1995</i> | |
| <i>Local Government (Miscellaneous Provisions) Act 1960</i> | |

Fines, Penalties and Infringement Notices Enforcement Regulations 1994
Schedule 1 Enactments to which Part 3 of the Act applies

| Act | section(s) |
|---|-------------------|
| <i>Motor Vehicle Dealers Act 1973</i> | |
| <i>Motor Vehicle Repairers Act 2003</i> | |
| <i>Murdoch University Act 1973</i> | 24 |
| <i>Pawnbrokers and Second-hand Dealers Act 1994</i> | |
| <i>Perth Market Act 1926</i> | 13B |
| <i>Perth Parking Management Act 1999</i> | |
| <i>Petroleum Products Pricing Act 1983</i> | |
| <i>Planning and Development Act 2005</i> | |
| <i>Plant Diseases Act 1914</i> | 35 |
| <i>Port Authorities Act 1999</i> | |
| <i>Public Transport Authority Act 2003</i> | |
| <i>Queen Elizabeth II Medical Centre Act 1966</i> | 20 |
| <i>Real Estate and Business Agents Act 1978</i> | |
| <i>Residential Tenancies Act 1987</i> | |
| <i>Retail Trading Hours Act 1987</i> | |
| <i>Rights in Water and Irrigation Act 1914</i> | |
| <i>Road Traffic Act 1974</i> | 102 |
| <i>Rottnest Island Authority Act 1987</i> | |
| <i>Settlement Agents Act 1981</i> | |
| <i>Street Collections (Regulation) Act 1940</i> | |
| <i>Sunday Entertainments Act 1979</i> | |
| <i>Swan and Canning Rivers Management Act 2006</i> | |
| <i>Taxi Act 1994</i> | 39 |
| <i>Tobacco Products Control Act 2006</i> | |
| <i>Transport Co-ordination Act 1966</i> | 58A |
| <i>Travel Agents Act 1985</i> | |

| Act | section(s) |
|---|-------------------|
| <i>University of Western Australia Act 1911</i> | 16A |
| <i>Water Agencies (Powers) Act 1984</i> | 103 |
| <i>Waterways Conservation Act 1976</i> | |
| <i>Western Australian Marine Act 1982</i> | 132 |
| <i>Western Australian Meat Industry Authority Act 1976</i> | |
| <i>Zoological Parks Authority Act 2001</i> | |
| <i>[Schedule 1 amended in Gazette 30 Jun 1995 p. 2637 and 2643; 19 Jul 1996 p. 3458; 1 Aug 1997 p. 4394; 23 Jan 1998 p. 408; 8 Dec 1998 p. 6574; 2 Jul 1999 p. 2919; 31 Dec 1999 p. 7076; 27 Aug 2002 p. 4354; 12 Dec 2003 p. 5037; 4 Jun 2004 p. 1933; 13 May 2005 p. 2080; 14 Jul 2006 p. 2564; 18 May 2007 p. 2257; 11 Mar 2008 p. 818-19; 23 Jun 2009 p. 2466; 29 Jan 2010 p. 200; 25 Jun 2010 p. 2869; 17 Sep 2010 p. 4759; 17 Jun 2011 p. 2169; 13 Dec 2011 p. 5282; 16 Mar 2012 p. 1256; 23 Mar 2012 p. 1370; 8 Jun 2012 p. 2386.]</i> | |

Schedule 2 — Enforcement fees

[r. 9]

[Heading inserted in Gazette 13 May 2005 p. 2080.]

Division 1 — Enforcement fees for Part 3 of the Act

1. Fee for issuing a final demand..... \$13.50
(To be imposed when the final demand is issued.)
2. Fee for preparing an enforcement certificate in relation to
an infringement notice, for each infringement notice \$11.50
(To be imposed when the infringement notice is
registered.)
3. Fee for registering an infringement notice with the
Registry \$43.00
(To be imposed when the notice is registered.)
4. Fee for issuing a notice of intention to suspend licences... \$28.50
(To be imposed when a licence suspension order is
made.)

*[Division 1 inserted in Gazette 13 May 2005 p. 2080; amended in
Gazette 23 Jun 2006 p. 2191; 26 Jun 2007 p. 3032.]*

Division 2 — Enforcement fees for Part 4 of the Act

1. Fee for issuing a notice of intention to suspend licences... \$28.50
(To be imposed when a licence suspension order is made
or when a warrant of execution is issued, but not twice.)
2. Fee for issuing a warrant of execution..... \$134.00
(To be imposed when the warrant is issued.)

*[Division 2 inserted in Gazette 13 May 2005 p. 2080; amended in
Gazette 23 Jun 2006 p. 2191; 26 Jun 2007 p. 3032.]*

Division 3 — Enforcement fees for Part 7 of the Act

1. Fee for attending the Magistrates Court in connection with proceedings to examine a person under section 69, for each hour or part of an hour \$59.50
2. The actual amounts disbursed in connection with seizing, moving, storing, securing, protecting and insuring property (including amounts disbursed for the keeping of animals) are prescribed as enforcement fees.
3. Fee for inspecting personal property under seizure \$40.00
4. Fee for lodging a memorial under section 89 \$43.00
5. Fee for lodging a withdrawal of memorial under section 90 \$28.50
6. The actual amounts disbursed for the purpose of valuing any personal property or land, or for searches of titles and other records, are prescribed as enforcement fees.
7. The actual amounts disbursed for advertising, and otherwise in connection with the arranging of, any intended sale of personal property or land are prescribed as enforcement fees.
8. Fee for arranging a sale of personal property or land, including preparing advertisements and conditions of sale, but excluding disbursements, not exceeding \$141.00
9. The actual amounts disbursed in connection with a sale of personal property or land (including settlement costs) are prescribed as enforcement fees.
10. Fee for attending a sale of personal property or land \$63.50
11. Fee for preparing and executing a transfer of land sold \$141.00
12. Fee for attending a court in connection with interpleader proceedings, for each half hour or part of a half hour \$20.00

13. If the Sheriff or a delegate of the Sheriff is necessarily put to extra trouble and expense in connection with executing a warrant of execution or is required to do anything not provided for in this Division, the Sheriff may set an amount or an additional amount (as the case may be) and that amount is prescribed as an enforcement fee.

If under this item the Sheriff sets an amount for travelling expenses, the amount is not to exceed the rate per kilometre, one way, that is prescribed as a travelling fee for the service of documents in the *Magistrates Court (Fees) Regulations 2005*.

[Division 3 inserted in Gazette 13 May 2005 p. 2080-1; amended in Gazette 23 Jun 2006 p. 2192; 26 Jun 2007 p. 3032.]

Schedule 3 — Forms

[r. 12]

[Heading inserted in Gazette 13 May 2005 p. 2081.]

1. Notice of withdrawal for the purposes of Act s. 22

Fines, Penalties and Infringement Notices Enforcement Act 1994
[Section 22]

NOTICE OF WITHDRAWAL OF PROCEEDINGS UNDER PART 3

To:

ALLEGED OFFENDER
Address

Details of infringement notice and alleged offence

Prosecuting authority
Number of notice:
Date of issue: Time of issue
Alleged offence:

Fines Enforcement Registry details

FER case no.

Take notice that I, being authorised to do so, hereby withdraw proceedings under section 22 of the Fines, Penalties and Infringement Notices Enforcement Act 1994 in relation to the infringement notice issued for the above offence.

Date
Authorised person

Form 2

2. Warrant of execution for the purposes of Act s. 45 (and Part 5)

Fines, Penalties and Infringement Notices Enforcement Act 1994
 [Section 45 (& Part 5)]

The Magistrates Court

| |
|-------------|
| Warrant No. |
| ACN No. |
| Case No. |

Fines Enforcement
 Registry

WARRANT OF EXECUTION

To: The Sheriff of Western Australia

| | | |
|---------------------------------------|------------------------|----------|
| Offender's or liable person's details | Name: | |
| | Address: | |
| | Date of Birth: | |
| | MDL No.: | MVL No.: |
| Case details | Court: | |
| | Charge No: | |
| | Date of Order: | |
| | Nature of Court Order: | |
| | Date of Offence: | |
| | Offence: | |
| Amount owed | Fine/forfeited amount: | |
| | Costs: | + |
| | Enforcement fee: | + |
| | Sub-total: | = |
| | Less amount paid: | - |
| | AMOUNT OWED: | = |

The above court made the above order and the matter has been registered with this 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.

YOU ARE AUTHORISED AND COMMANDED BY THIS WARRANT to seize and sell so much of the offender's/liable person's personal property and land as is necessary to recover the amount owed and the enforcement fees in connection with the execution of this warrant.

This warrant must be executed in accordance with the *Fines, Penalties and Infringement Notices Enforcement Act 1994*.

REGISTRAR

DATE

[Form 2 inserted in Gazette 30 Jun 1995 p. 2638; amended in Gazette 13 May 2005 p. 2082.]

3. Warrant of commitment for the purposes of Act s. 53 (and Part 5)

Fines, Penalties and Infringement Notices Enforcement Act 1994
 [Section 53 (& Part 5)]

The Magistrates Court

WARRANT OF COMMITMENT

| |
|------------------------|
| Warrant No. |
| Period of Imprisonment |
| Days Conc. |

Fines Enforcement
Registry

To: All members of the Police Force of Western Australia
 The chief executive officer appointed under the *Prisons Act 1981*

| | |
|-------------------------------------|---|
| | CASE NO. |
| Offender or liable person's details | Name: Address: Date of Birth: MDL No.: MVL No.: |
| Case details | Court: Date: Charge No: Prosecuting Authority: Offence date/time: Description: |
| Amount owed | Fine/Amount forfeited: Costs: Enforcement fee: Sub-total: Less amount paid: TOTAL AMOUNT OWED: |

The above court made the above order and the matter has been registered with this 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.

Under section 53 of the *Fines, Penalties and Infringement Notices Enforcement Act 1994* the offender/liable person is to be imprisoned for the above period, subject to that section.

Form 3

YOU ARE AUTHORISED AND COMMANDED BY THIS WARRANT to arrest the offender and to imprison him or her for the period specified above, subject to section 53 of the *Fines, Penalties and Infringement Notices Enforcement Act 1994*. The period of imprisonment is CONCURRENT with any term or period of imprisonment that the offender has to serve.

| REGISTRAR | DATE | |
|---|--|---------------------------------------|
| PAYMENT DETAILS | DETAILS OF EXECUTION OR SATISFACTION | OFFICER'S DETAILS |
| Payment Type: Reference No: Gen. Receipt No: Payment Amount: | Amount Paid on Demand: Arrested at: CWB Advised: HRS / / | Name: No: Station: Date: |

[Form 3 inserted in Gazette 30 Jun 1995 p. 2639; amended in Gazette 13 May 2005 p. 2082; 4 Jul 2008 p. 3171.]

4. Warrant of execution for the purposes of Act s. 61

Fines, Penalties and Infringement Notices Enforcement Act 1994
[Section 61]

The Magistrates Court

Warrant No.

ACN No.

Case No.

WARRANT OF EXECUTION

Fines Enforcement
Registry

To: The Sheriff of Western Australia

| | | |
|--------------------|--|-----------------------|
| Offender's details | Name: Address: A.C.N.: | |
| Case details | Reciprocating Court: Location of Reciprocating Court: Date of Order: Nature of Court Order: Date of Offence: Offence: | |
| Amount outstanding | Fine/forfeited amount: Costs: Enforcement fee: Sub-total: Less amount paid: AMOUNT OUTSTANDING: | + + = - = |

The above reciprocating court made the above order and the matter has been registered with this Registry for enforcement. To date, the above enforcement fees have been imposed. As a result the offender is required to pay the AMOUNT OUTSTANDING which to date is unpaid.

YOU ARE AUTHORISED AND COMMANDED BY THIS WARRANT to seize and sell so much of the offender's property and land as is necessary to recover the amount outstanding and the enforcement fees in connection with the execution of this warrant.

This warrant must be executed in accordance with the *Fines, Penalties and Infringement Notices Enforcement Act 1994*.

REGISTRAR

DATE

[Form 4 inserted in Gazette 30 Jun 1995 p. 2640; amended in Gazette 13 May 2005 p. 2082.]

[Form 5 deleted in Gazette 30 Jun 1995 p. 2638.]

Form 6

6. Warrant of execution for the purposes of Act s. 61

Fines, Penalties and Infringement Notices Enforcement Act 1994
[Section 61]

WARRANT OF EXECUTION

The Magistrates Court
Fines Enforcement Registry

Case No.

TO: **The Sheriff of Western Australia.**

OFFENDER

Address

Postcode

A.C.N.

CASE On [date] the [name of reciprocating court] at [place in a
DETAILS reciprocating State or Territory] fined the offender (a body
corporate) the amount set out below.

That court has requested the Registrar to enforce the fine and
the order imposing the fine has been registered with this
Registry for enforcement.

To date the amount outstanding below is unpaid.

COMMAND **YOU are authorised and commanded by this warrant to
seize and sell so much of the offender's personal property
and land as is necessary to recover the amount outstanding
and the enforcement fees in connection with the execution of
this warrant.**

**This warrant must be executed in accordance with the *Fines,
Penalties and Infringement Notices Enforcement Act 1994.***

Signature of Registrar Date:

Reciprocating court order¹:

| | |
|---------------------------|------------------|
| Fine | \$ |
| Costs | +\$ |
| Enforcement fees | +\$ |
| Sub-total | =\$ |
| Less any amount paid | -\$ |
| Amount outstanding | =\$ |

¹ Here briefly describe the order of the reciprocating court that imposed the fine.

[Form 6 amended in Gazette 13 May 2005 p. 2082.]

6A. Memorial of land for the purposes of Act s. 89(2)

Fines, Penalties and Infringement Notices Enforcement Act 1994

[Section 89]

To: Registrar of Titles/
Registrar of Deeds and Transfers

Sheriff's Office
Warrant No.

The Magistrates Court
Fines Enforcement
Registry

MEMORIAL

| Description of land | Extent | Volume | Folio |
|---------------------|--------|--------|-------|
| | | | |

Registered proprietor of land

Amount owed

\$

Enforcement fees

\$

This Memorial is lodged in respect of the land described above, together with a copy of the Warrant, in accordance with section 89 of the *Fines, Penalties and Infringement Notices Enforcement Act 1994*.

Dated this day of 20

.....
Sheriff

[Form 6A inserted in Gazette 30 Jun 1995 p. 2641; amended in Gazette 13 May 2005 p. 2082.]

Form 6B

6B. Withdrawal of memorial of land for the purposes of Act s. 90

Fines, Penalties and Infringement Notices Enforcement Act 1994
[Section 90]

To: Registrar of Titles/
 Registrar of Deeds and Transfers

| |
|---------------------------------|
| Sheriff's Office Warrant No. |
|---------------------------------|

The Magistrates Court
Fines Enforcement
Registry

WITHDRAWAL OF MEMORIAL

| Description of land | Extent | Volume | Folio |
|----------------------|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |

Registered proprietor of land

| |
|----------------------|
| <input type="text"/> |
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The following Memorial(s) in relation to the land described above are cancelled,
in accordance with section 90 of the *Fines, Penalties and Infringement Notices
Enforcement Act 1994*.

Memorial Number

| |
|----------------------|
| <input type="text"/> |
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|--------------------------------|
| Dated this day of 20 |
|--------------------------------|

| |
|------------------|
| Sheriff |
|------------------|

*[Form 6B inserted in Gazette 30 Jun 1995 p. 2642; amended in
Gazette 13 May 2005 p. 2082.]*

[Form 7 deleted in Gazette 4 Oct 1996 p. 5233.]

8. Certificate under Act s. 101C (Part 3 order)

Fines, Penalties and Infringement Notices Enforcement Act 1994
[Section 101C]

CERTIFICATE AS TO LICENCE SUSPENSION ORDER

Alleged
offender:
Address:

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

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 on *[date]* and was allocated case number *[no.]*.
3. An order to pay or elect was issued under section 17 of the Act and was served on the alleged offender under section 5 of the Act by posting it on *[date]* to the alleged offender at *[address]*.
An unsigned copy of the order is attached as annexure "A".
4. A notice of intention to suspend licences was issued under section 18 of the Act and was served on the alleged offender under section 5 of the Act by posting it on *[date]* to the alleged offender at *[address]*.
An unsigned copy of the notice is attached as annexure "B".
5. A licence suspension order suspending the alleged offender's:
 driver's licence number *[no.]*
 vehicle licence for the vehicle registered number *[no.]*
was made at *[time]* on *[date]* under section 19 of the Act.
A certified copy of the order is attached as annexure "C".

Form 8

6. A notice confirming licence suspension was issued under section 19 of the Act and was served on the alleged offender under section 5 of the Act by posting it on *[date]* to the alleged offender at *[address]*.

An unsigned copy of the notice is attached as annexure "D".

7. As at the time of issuing this certificate the licence suspension order has not been cancelled.

OR

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

Date of this certificate:

Time:

[Signature]

REGISTRAR.

[Form 8 inserted in Gazette 5 Jul 1996 p. 3228.]

9. Certificate under Act s. 101C (Part 4 order)

Fines, Penalties and Infringement Notices Enforcement Act 1994
[Section 101C]

CERTIFICATE AS TO LICENCE SUSPENSION ORDER

Offender:

Address:

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

1. On *[date]* the *[court]* at *[place]* fined 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 on *[date]* and was allocated case number *[no.]*.
3. A notice of intention to suspend licences was issued under section 42 of the Act and was served on the offender under section 5 of the Act by posting it on *[date]* to the offender at *[address]*.

An unsigned copy of the notice is attached as annexure "A".

4. A licence suspension order suspending the offender's:

driver's licence number *[no.]*

vehicle licence for the vehicle registered number *[no.]*

was made at *[time]* on *[date]* under section 43 of the Act.

A certified copy of the order is attached as annexure "B".

5. A notice confirming licence suspension was issued under section 43 of the Act and was served on the offender under section 5 of the Act by posting it on *[date]* to the offender at *[address]*.

An unsigned copy of the notice is attached as annexure "C".

Form 9

6. As at the time of issuing this certificate the licence suspension order has not been cancelled.

OR

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

Date of this certificate:

Time:

[Signature]

REGISTRAR.

[Form 9 inserted in Gazette 5 Jul 1996 p. 3229.]

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Notes

- ¹ This is a compilation of the *Fines, Penalties and Infringement Notices Enforcement Regulations 1994* and includes the amendments made by the other written laws referred to in the following table [1a](#). The table also contains information about any reprint.

Compilation table

| Citation | Gazettal | Commencement |
|---|---------------------------|---|
| <i>Fines, Penalties and Infringement Notices Enforcement Regulations 1994</i> | 30 Dec 1994 p. 7232-41 | 1 Jan 1995 (see r. 2 and <i>Gazette</i> 30 Dec 1992 p. 7211) |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 1995</i> | 30 Jun 1995 p. 2636-42 | 30 Jun 1995 |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 1995</i> | 30 Jun 1995 p. 2643 | 1 Oct 1995 (see r. 2 and <i>Gazette</i> 29 Sep 1995 p. 4649) |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 3) 1996</i> | 25 Jun 1996 p. 2928 | 1 Jul 1996 (see r. 2) |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 1996</i> | 5 Jul 1996 p. 3226-9 | 5 Jul 1996 |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 1996</i> | 19 Jul 1996 p. 3457-8 | 19 Jul 1996 |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 4) 1996</i> | 4 Oct 1996 p. 5233 | 4 Nov 1996 (see r. 2 and <i>Gazette</i> 25 Oct 1996 p. 5632) |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 1997</i> ¹³ | 1 Aug 1997 p. 4394 | 1 Aug 1997 |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 1997</i> | 23 Jan 1998 p. 408 | 23 Jan 1998 |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 1998</i> | 28 Aug 1998 p. 4748-9 | 28 Aug 1998 |

Fines, Penalties and Infringement Notices Enforcement Regulations 1994

| Citation | Gazettal | Commencement |
|--|---------------------------|--|
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 3) 1998</i> | 8 Dec 1998 p. 6573-4 | 8 Dec 1998 |
| <i>Fines, Penalties and Infringement Notices Amendment Regulations 1999</i> | 12 Mar 1999 p. 1162-3 | 12 Mar 1999 (see r. 2 and <i>Gazette</i> 12 Mar 1999 p. 1162) |
| <i>Fines, Penalties and Infringement Notices Amendment Regulations (No. 2) 1999</i> | 2 Jul 1999 p. 2919 | 2 Jul 1999 |
| Reprint of the Fines, Penalties and Infringement Notices Enforcement Regulations 1994 as at 6 Aug 1999 (includes amendments listed above) | | |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 4) 1999</i> | 31 Dec 1999 p. 7075-6 | 31 Dec 1999 |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 5) 1999</i> | 31 Dec 1999 p. 7076 | 31 Dec 1999 |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2000</i> | 25 Aug 2000 p. 4907-8 | 25 Aug 2000 (see r. 2 and <i>Gazette</i> 25 Aug 2000 p. 4903) |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2001</i> | 30 Jan 2001 p. 617-18 | 5 Feb 2001 (see r. 2 and <i>Gazette</i> 30 Jan 2001 p. 615) |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2002</i> | 27 Aug 2002 p. 4353-4 | 27 Aug 2002 |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2003</i> | 12 Dec 2003 p. 5036-7 | 12 Dec 2003 |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 2003</i> | 30 Dec 2003 p. 5715-16 | 1 Jan 2004 (see r. 2) |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2004</i> | 4 Jun 2004 p. 1933 | 4 Jun 2004 |
| Reprint 2: The Fines, Penalties and Infringement Notices Enforcement Regulations 1994 as at 9 Jul 2004 (includes amendments listed above) | | |

Fines, Penalties and Infringement Notices Enforcement Regulations 1994

| Citation | Gazettal | Commencement |
|--|---|---|
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2005</i> | 13 May 2005 p. 2079-82 (as amended 30 Dec 2005 p. 6875-6) | 13 May 2005 |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 2005</i> | 9 Sep 2005 p. 4155-6 | 9 Sep 2005 |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 4) 2005</i> | 30 Dec 2005 p. 6876-7 | 30 Dec 2005 |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 2006</i> | 23 Jun 2006 p. 2191-2 | 1 Jul 2006 (see r. 2) |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2006</i> | 14 Jul 2006 p. 2563-4 | 14 Jul 2006 (see r. 2 and <i>Gazette</i> 14 Jul 2006 p. 2575) |
| Reprint 3: The Fines, Penalties and Infringement Notices Enforcement Regulations 1994 as at 8 Sep 2006 (includes amendments listed above) | | |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2007</i> | 18 May 2007 p. 2257 | r. 1 and 2: 18 May 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 19 May 2007 (see r. 2(b)) |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 2007</i> | 26 Jun 2007 p. 3031-2 | r. 1 and 2: 26 Jun 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2007 (see r. 2(b)) |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 2008</i> | 11 Mar 2008 p. 818-19 | r. 1 and 2: 11 Mar 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 12 Mar 2008 (see r. 2(b)) |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 3) 2008</i> | 27 Mar 2008 p. 903-4 | r. 1 and 2: 27 Mar 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 28 Mar 2008 (see r. 2(b) and <i>Gazette</i> 27 Mar 2008 p. 899) |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 5) 2008</i> | 4 Jul 2008 p. 3171 | r. 1 and 2: 4 Jul 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 5 Jul 2008 (see r. 2(b)) |

| Citation | Gazettal | Commencement |
|---|---------------------------|--|
| Reprint 4: The Fines, Penalties and Infringement Notices Enforcement Regulations 1994 as at 12 Dec 2008 (includes amendments listed above) | | |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2009</i> | 23 Jun 2009 p. 2466 | r. 1 and 2: 23 Jun 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 24 Jun 2009 (see r. 2(b)) |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 2009</i> | 29 Jan 2010 p. 199-200 | r. 1 and 2: 29 Jan 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 30 Jan 2010 (see r. 2(b)) |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2010</i> | 25 Jun 2010 p. 2869 | r. 1 and 2: 25 Jun 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 26 Jun 2010 (see r. 2(b)) |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 2010</i> | 17 Sep 2010 p. 4759 | r. 1 and 2: 17 Sep 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 18 Sep 2010 (see r. 2(b)) |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2011</i> | 17 Jun 2011 p. 2169 | r. 1 and 2: 17 Jun 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 18 Jun 2011 (see r. 2(b)) |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 4) 2011</i> | 13 Dec 2011 p. 5281-2 | r. 1 and 2: 13 Dec 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 14 Dec 2011 (see r. 2(b)) |
| Reprint 5: The Fines, Penalties and Infringement Notices Enforcement Regulations 1994 as at 2 Mar 2012 (includes amendments listed above) | | |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2012</i> | 16 Mar 2012 p. 1255-6 | r. 1 and 2: 16 Mar 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 17 Mar 2012 (see r. 2(b)) |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 2011</i> | 23 Mar 2012 p. 1369-70 | r. 1 and 2: 23 Mar 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 24 Mar 2012 (see r. 2(b)) |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 3) 2012</i> | 8 Jun 2012 p. 2385-6 | r. 1 and 2: 8 Jun 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 9 Jun 2012 (see r. 2(b)) |

| Citation | Gazettal | Commencement |
|---|------------------------|--|
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 4) 2012</i> | 23 Nov 2012 p. 5721 | r. 1 and 2: 23 Nov 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 24 Nov 2012 (see r. 2(b)) |

^{1a} [On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.](#)

Provisions that have not come into operation

| <u>Citation</u> | <u>Gazettal</u> | <u>Commencement</u> |
|---|--|--|
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2013</i> r. 3-5¹⁴ | 5 Feb 2013 p. 835-6 | 1 May 2013 (see r. 2(b) and Gazette 5 Feb 2013 p. 823) |

- ² Formerly referred to the *Workers' Compensation and Rehabilitation Act 1981* the short title of which was changed to the *Workers' Compensation and Injury Management Act 1981* by the *Workers' Compensation Reform Act 2004* s. 5. The reference was changed under the *Reprints Act 1984* s. 7(3)(gb).
- ³ Now called the General Account.
- ⁴ Under the *Alteration of Statutory Designations Order 2006* a reference in any law to the Department of Agriculture is read and construed as a reference to the Department of Agriculture and Food.
- ⁵ Under the *Public Sector Management Act 1994* the names of departments may be changed. At the time of this compilation the former Department of Conservation and Land Management is called the Department of Environment and Conservation.
- ⁶ Under the *Alteration of Statutory Designations Order (No. 2) 2006* a reference in a written law to the Department of Environmental Protection is, unless the contrary is intended, to be read and construed as a reference to the Department of Environment and Conservation.
- ⁷ Under the *Alteration of Statutory Designations Order (No. 3) 2001* a reference in any law to the Fisheries Department of Western Australia is read and construed as a reference to the Department of Fisheries.
- ⁸ Under the *Alteration of Statutory Designations Order (No. 3) 2001* a reference in any law to the Office of Racing, Gaming and Liquor is read and construed as a reference to the Department of Racing, Gaming and Liquor.

⁹ Now superseded by the Water Corporation.

¹⁰ Repealed by the *Building Services (Registration) Act 2011* s. 107.

¹¹ Formerly referred to the *Censorship Act 1996* the short title of which was changed to the *Classification (Publications, Films and Computer Games) Enforcement Act 1996* by the *Censorship Amendment Act 2006* s. 4(1). The reference was changed under the *Reprints Act 1984* s. 7(3)(gb).

¹² Footnote no longer applicable.

¹³ The *Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 1997* were published on 1 Aug 1997 p. 4394 and again on 4 Nov 1997 p. 6079-80. The publication of 4 Nov 1997 has no effect.

¹⁴ On the date as at which this compilation was prepared, the *Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2013* r. 3-5 had not come into operation. They read as follows:

3. Regulations amended

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

4. Regulation 10 amended

In regulation 10 delete “Department of Agriculture” and insert:

Department of Agriculture and Food

5. Schedule 1 amended

In Schedule 1 delete the item relating to the *Plant Diseases Act 1914*.