

Fines, Penalties and Infringement Notices Enforcement Regulations 1994

Compare between:

[21 Aug 2013, 05-i0-01] and [04 Dec 2013, 05-j0-00]

Western Australia

Fines, Penalties and Infringement Notices Enforcement Act 1994

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 operation ¹.

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.

3AA. Amount payable under Act s. 22(5)(c)

- In this regulation (1)
 - **GST** has the meaning given in the A New Tax System (Goods and Services Tax) Act 1999 (Commonwealth) section 195-1.
- For the purposes of section 22(5)(c), the alleged offender is to (2) be paid —
 - (a) an amount calculated in accordance with subregulation (3); and

- (b) any amount paid or required to be paid by the alleged offender under the *Road Traffic (Charges and Fees)* Regulations 2006 in connection with the issue of a new vehicle licence in respect of the vehicle, including the following —
 - (i) any examination fee under regulation 23 of those regulations;
 - any recording fee under regulation 25 of those (ii) regulations;
 - (iii) any fee for the issue of number plates under regulation 30 of those regulations;

and

- (c) any amount paid or required to be paid by the alleged offender in connection with the issue of an unlicensed vehicle permit for the vehicle under the *Road Traffic* (Licensing) Regulations 1975 regulation 11, where the permit is issued for the purpose of enabling the vehicle to be driven to a location for an examination under those regulations or for repairs; and
- (d) 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 issue of the vehicle licence cancellation order — an amount that the Registrar considers appropriate to compensate the alleged offender for those expenses; and
- if the alleged offender produces to the Registrar documentary evidence of any loss of earnings of the alleged offender that resulted from the issue of the vehicle licence cancellation 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.

For the purposes of subregulation (2)(a), the amount is to be calculated in accordance with the following formula —

 $\frac{1}{1}$ total days

where —

is the total of licence cost

- (a) the vehicle licence charge paid for the vehicle licence in accordance with the Road Traffic (Charges and Fees) Regulations 2006 (taking into account any exemption, reduction, concession or refund applied under those regulations); and
- the insurance premium for the contract of insurance with respect to the vehicle as required by the *Motor* Vehicle (Third Party Insurance) Act 1943 section 4 (including GST);

is the total number of days in the period for total days which the vehicle licence was issued;

is the number of days that were remaining in remaining days the period for which the vehicle licence was issued when the vehicle licence cancellation order was made (including the day on which the vehicle licence cancellation order was made).

[Regulation 3AA inserted in Gazette 20 Aug 2013 p. 3878-80.]

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

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

[Regulation 3A inserted in Gazette 30 Jan 2001 p. 617; amended in Gazette 20 Aug 2013 p. 3880.]

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

Column 1

Column 2

Workers' Compensation and Injury Management Act 1981², 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 <u>court officerRegistrar</u> 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 the Registrar may require the applicant to produce documentary evidence to verify the applicant's income or expenditure.
- (2) If under section 33(3), 34(3) 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; 20 Aug 2013 p. 3880; 3 Dec 2013 p. 5625.]

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.]

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

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

[Regulation 6BA inserted in Gazette 30 Jan 2001 p. 618; amended in Gazette 20 Aug 2013 p. 3881.]

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

Column 1	Column 2
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.
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 debtor to the value of \$1 250;
 - (b) wearing apparel of a dependant of the debtor 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 debtor to the value of \$500:
- (c) bedroom furniture and bedding of a dependant of the debtor 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 debtor 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 reference books to the value of \$2 500 used by the debtor to earn income by personal exertion are prescribed.

 [Regulation 8 inserted in Gazette 30 Dec 2005 p. 6876-7; amended in Gazette 20 Aug 2013 p. 3881.]

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 enforce under section 18.
- (2A) If on an application by a person under section 101AA the Magistrates Court makes an order cancelling the enforcement warrant concerned, the Registrar may again take proceedings under Part 3 of the Act to enforce the infringement notice that gave rise to that enforcement warrant, such proceedings to be

- commenced by issuing a notice of intention to enforce 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 enforce under section 42.

[Regulation 8A inserted in Gazette 5 Jul 1996 p. 3227; amended in Gazette 13 May 2005 p. 2079; 20 Aug 2013 p. 3881.]

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 enforce 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 enforce 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 enforce under section 42.

- (5) If when the person appealed, an enforcement warrant 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 enforce 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 enforce under section 42.

 [Regulation 8B inserted in Gazette 5 Jul 1996 p. 3227; amended in Gazette 20 Aug 2013 p. 3882.]

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)

The prosecuting authorities specified in the Table are exempted from payment of the fee for registering an infringement notice under Part 3 of the Act.

Table

1.	Commissioner of Police
2.	Department of Agriculture and Food

3.	Department of the Attorney General
4.	Department of Commerce
5.	Department of Environment Regulation
6.	Department of Fisheries
7.	Department of Health
8.	Department of Parks and Wildlife
9.	Department of Racing, Gaming and Liquor
10.	Department of Transport
11.	Department of Water
12.	Gaming and Wagering Commission of Western Australia
13.	Perth Market Authority
14.	Public Transport Authority of Western Australia
15.	Rottnest Island Authority
16.	The Queen Elizabeth II Medical Centre Trust
17.	Water Corporation
18.	Western Australian Electoral Commission
19.	Zoological Parks Authority

[Regulation 10 inserted in Gazette 20 Aug 2013 p. 3883-4.]

11. Methods of payment

Under the Act, modified penalties, fines and enforcement fees may be paid by cash, cheque, money order or credit card, by direct debit from a bank account or credit card, or by using a bill payment system approved by the Registrar.

[Regulation 11 amended in Gazette 20 Aug 2013 p. 3884.]

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)
Animal Welfare Act 2002	
Associations Incorporation Act 1987	
Biosecurity and Agriculture Management Act 2007	
Botanic Gardens and Parks Authority Act 1998	
Building Act 2011	
Building Services (Complaint Resolution and Administration) Act 2011	
Building Services (Registration) Act 2011	
Bush Fires Act 1954	59A
Business Names Act 1962	
Caravan Parks and Camping Grounds Act 1995	23
Casino (Burswood Island) Agreement Act 1985	
Casino Control Act 1984	
Cat Act 2011	
Cemeteries Act 1986	63
Charitable Collections Act 1946	
Chattel Securities Act 1987	
Classification (Publications, Films and Computer Games) Enforcement Act 1996 ¹¹	
Companies (Co-operative) Act 1943	
Conservation and Land Management Act 1984	
Control of Vehicles (Off-road Areas) Act 1978	37
Credit Act 1984	

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

Act	section(s)
Credit (Administration) Act 1984	
Curtin University of Technology Act 1966	20A
Debt Collectors Licensing Act 1964	
Dog Act 1976	45A
Edith Cowan University Act 1984	29
Electoral Act 1907	156
Electricity Act 1945	
Employment Agents Act 1976	
Energy Coordination Act 1994	
Energy Safety Act 2006	
Environmental Protection Act 1986	
Fair Trading Act 2010	
Fish Resources Management Act 1994	
Food Act 2008	
Gaming and Wagering Commission Act 1987	
Gas Standards Act 1972	
Government Railways Act 1904	53A
Health Act 1911	
Hire-Purchase Act 1959	
Home Building Contracts Act 1991	
Hospitals and Health Services Act 1927	
Juries Act 1957	
Land Administration Act 1997	
Land Valuers Licensing Act 1978	
Liquor Control Act 1988	167
Litter Act 1979	30

Fines, Penalties and Infringement Notices Enforcement Regulations 1994

Enactments to which Part 3 of the Act applies Schedule 1

Act	section(s)
Local Government Act 1995	
Local Government (Miscellaneous Provisions) Act 1960	
Mining Rehabilitation Fund Act 2012	
Motor Vehicle Dealers Act 1973	
Motor Vehicle Repairers Act 2003	
Murdoch University Act 1973	24
Pawnbrokers and Second-hand Dealers Act 1994	
Perth Market Act 1926	13B
Perth Parking Management Act 1999	
Petroleum Products Pricing Act 1983	
Planning and Development Act 2005	
Port Authorities Act 1999	
Public Transport Authority Act 2003	
Queen Elizabeth II Medical Centre Act 1966	20
Real Estate and Business Agents Act 1978	
Residential Tenancies Act 1987	
Retail Trading Hours Act 1987	
Rights in Water and Irrigation Act 1914	
Road Traffic Act 1974	102
Rottnest Island Authority Act 1987	
Settlement Agents Act 1981	
Street Collections (Regulation) Act 1940	
Sunday Entertainments Act 1979	
Swan and Canning Rivers Management Act 2006	
Taxi Act 1994	39
Tobacco Products Control Act 2006	
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Act	section(s)
Transport Co-ordination Act 1966	58A
Travel Agents Act 1985	
University of Western Australia Act 1911	16A
Water Agencies (Powers) Act 1984	103
Water Services Act 2012	
Waterways Conservation Act 1976	
Western Australian Marine Act 1982	132
Western Australian Meat Industry Authority Act 1976	

Zoological Parks Authority Act 2001

[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; 5 Feb 2013 p. 836; 10 May 2013 p. 1937; 20 Aug 2013 p. 3884.]

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 enforce \$28.50 (To be imposed when a licence suspension order is made or when an enforcement warrant is issued, but not twice.) 5. Fee for issuing an enforcement warrant \$134.00 (To be imposed when the warrant is issued.) [Division 1 inserted in Gazette 13 May 2005 p. 2080; amended in Gazette 23 Jun 2006 p. 2191; 26 Jun 2007 p. 3032; 20 Aug 2013 p. 3885.1

Division 2 — Enforcement fees for Part 4 of the Act

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

[Division 2 inserted in Gazette 13 May 2005 p. 2080; amended in Gazette 23 Jun 2006 p. 2191; 26 Jun 2007 p. 3032; 20 Aug 2013 p. 3885.]

Compare 21 Aug 2013 [05-i0-01] / 04 Dec 2013 [05-j0-00]

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

Enforcement fees for Part 7 of the Act

Division 3

13. If the Sheriff or a delegate of the Sheriff is necessarily put to extra trouble and expense in connection with executing an enforcement warrant 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; 20 Aug 2013 p. 3885.1

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
Copy to: Registrar of Fines Enforcement Registry
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 the above prosecuting authority hereby withdraws proceedings under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i> section 22 in relation to the infringement notice issued for the above offence.
Prosecuting officer Date

[Form 1 inserted in Gazette 20 Aug 2013 p. 3886.]

2. Enforcement warrant for the purposes of Act s. 21A and 45 (and Part 5)

Fines, Penalties and Infringement Notices Enforcement Act 1994 [Sections 21A and 45 and Part 5]

Magistrates Court Fines Enforcement Registry

Warrant no.	
ACN.	
Case no.	

ENFORCEMENT WARRANT

To: The Sheriff of Western Australia

	10: The Sheriff of Western A	lusur	ana
Debtor	Name: Address: Date of Birth:		
	MDL no.: MVL no.:		
Case	For enforcement warrant issued under s. 21A	For enforcement warrant issued under s. 45	
details	Prosecuting authority:	Court:	
[Complete	Infringement notice no.:	Nature of court order:	
relevant	Alleged offence:	Date of court order:	
details	Place of alleged offence:	Charge no.:	
only]	Date of alleged offence:	Offence:	
		Date of offence:	
Amount owed	Modified penalty OR fine/forfeited amount:		
	Costs:		+
	Enforcement fees under Part 3 or 4:		+
	Sub-total:		=
	Less amount paid:		_
	AMOUNT OWED:		=

The above infringement notice or court order has been registered with the Fines Enforcement Registry for enforcement. As a result, the debtor is required to pay the AMOUNT OWED, which to date is unpaid.

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Fines, Penalties and Infringement Notices Enforcement Regulations 1994 Schedule 3 Forms

F	O	rı	m	١.3

You are authorised by this warrant to do the following: affix a warning notice to any vehicle licensed in the name of the debtor, immobilise any vehicle licensed in the name of the debtor, remove number plates from the any vehicle licensed in the name 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 enforcement fees in connection with the execution of this warrant, enter places for the purposes of exercising those powers.

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

REGISTRAR DATE

[Form 2 inserted in Gazette 20 Aug 2013 p. 3887-8.]

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.	
	Name:	
Offender or liable person's details	Address:	
	Date of Birth:	
	MDL No.:	MVL No.:
	Court:	
	Date:	Charge No:
Case details	Prosecuting Authority:	
	Offence date/time:	
	Description:	
	Fine/Amount forfeited:	
	Costs:	
	Enforcement fee:	
Amount owed	Emotoement ice.	

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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.

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:	Amount Paid on Demand: Arrested at: CWB Advised:	Name: No: Station:
Payment Amount:	HRS / /	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. Enforcement warrant for the purposes of Act s. 61

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

The Magistrates Court		Warrant No.
	ENFORCEMENT WARRANT	ACN No. Case No.

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; 20 Aug 2013 p. 3888.]

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

[Form 6 deleted in Gazette 20 Aug 2013 p. 3888.] 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 **MEMORIAL** Fines Enforcement Registry Description of land 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 20 day of Sheriff

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

В.	Withdr	awal of memorial	of land for th	e purpos	es of Act s. 90
	Fines, Per	nalties and Infringer [Se	ment Notices I ection 90]	Enforcem	ent Act 1994
o:	Registra	or of Titles/			
	Registra	ar of Deeds and Trai	nsfers		
					Sheriff's Offic Warrant No.
The Magis	strates Court	WITHDR	AWAL OF N	MEMOR	IAL
Fines Enfo Registry	orcement				
Description	on of land		Extent	Volum	e Folio
Registered	d proprietor of la	and			
The foll	lowing Me	emorial(s) in relation	n to the land d	lescribed a	above are cancel
n accor	rdance wit	h section 90 of the I			
	ement Act				
Memorial	Numb	er			
Dated	this	day of		2	20
	Sheriff				

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

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8. Certificate under Act s. 101C(1) (Part 3 proceedings)

Fines, Penalties and Infringement Notices Enforcement Act 1994
[Section 101C(1)]

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:

[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. An order to pay or elect was issued under section 17 of the Act and was served on the alleged offender by [details of service].
- 4. A notice of intention to enforce was issued under section 18 of the Act and was served on the alleged offender by [details of service].
- 5. A licence suspension order suspending the alleged offender's:
 - \square 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.
- 6. A notice confirming licence suspension was issued under section 19 of the Act and was served on the alleged offender by [details of service].

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 20 Aug 2013 p. 3889-90.]

9. Certificate under Act s. 101C(1) (Part 4 proceedings)

Fines, Penalties and Infringement Notices Enforcement Act 1994
[Section 101C(1)]

CERTIFICATE AS TO LICENCE SUSPENSION ORDER

Offender:

Address:

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

[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 notice of intention to enforce was issued under section 42 of the Act and was served on the offender by [details of service].
- 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.

- 5. A notice confirming licence suspension was issued under section 43 of the Act and was served on the offender by [details of service].
- 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 20 Aug 2013 p. 3890-1.]

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 ORDER/ VEHICLE LICENCE CANCELLATION 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 order suspending the alleged offender's vehicle licence for the vehicle registered number [no.] was made on [date] under section 95G of the Act and took effect at [time] on that day. A notice confirming that the vehicle licence was suspended and that the alleged offender was disqualified from holding or obtaining a vehicle licence was affixed to the vehicle.
- 4. As at the time of issuing this certificate the vehicle licence suspension order has not been cancelled.

OR

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

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

OR

The vehicle licence cancellation 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

[Form 10 inserted in Gazette 20 Aug 2013 p. 3891-2.]

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 ORDER/ VEHICLE LICENCE CANCELLATION ORDER

Offender:

Address:

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

[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 order suspending the offender's vehicle licence for the vehicle registered number [no.] was made on [date] under section 95G of the Act and took effect at [time] on that day. A notice confirming that the vehicle licence was suspended and that the offender was disqualified from holding or obtaining a vehicle licence was affixed to the vehicle.
- 4. As at the time of issuing this certificate the vehicle licence suspension order has not been cancelled.

OR

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

5. A vehicle licence cancellation order cancelling the alleged offender's vehicle licence for the vehicle registered number [*no*.], and disqualifying the offender from holding or obtaining a vehicle licence

for that vehicle, was made under section 95J of the Act on [date] at [time].

- 6. A copy of the vehicle licence cancellation order was served on the offender by [*details of service*].
- 7. As at the time of issuing this certificate the vehicle licence cancellation order has not been cancelled.

OR

The vehicle licence cancellation 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

[Form 11 inserted in Gazette 20 Aug 2013 p. 3893-4.]

Notes

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. The table also contains information about any reprint.

Compilation table

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

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

Citation	Gazettal	Commencement
Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2005	13 May 2005 p. 2079-82 (as amended 30 Dec 2005 p. 6875-6)	13 May 2005
Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 2005	9 Sep 2005 p. 4155-6	9 Sep 2005
Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 4) 2005	30 Dec 2005 p. 6876-7	30 Dec 2005
Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 2006	23 Jun 2006 p. 2191-2	1 Jul 2006 (see r. 2)
Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2006	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)

Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2007	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))
Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 2007	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))
Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 2008	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))
Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 3) 2008	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)
Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 5) 2008	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)				
Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2009	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))		
Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 2009	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))		
Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2010	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))		
Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 2010	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))		
Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2011	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))		
Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 4) 2011	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)				
Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2012	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))		
Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 2011	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))		

r. 1 and 2: 8 Jun 2012

9 Jun 2012 (see r. 2(b))

Regulations other than r. 1 and 2:

(see r. 2(a));

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Fines, Penalties and Infringement

Notices Enforcement Amendment

Regulations (No. 3) 2012

8 Jun 2012

p. 2385-6

Citation	Gazettal	Commencement
Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 4) 2012	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))
Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2013	5 Feb 2013 p. 835-6	r. 1 and 2: 5 Feb 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 1 May 2013 (see r. 2(b) and Gazette 5 Feb 2013 p. 823)
Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 2013	10 May 2013 p. 1936-7	r. 1 and 2: 10 May 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 11 May 2013 (see r. 2(b))
Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 3) 2013	20 Aug 2013 p. 3877-94	r. 1 and 2: 20 Aug 2013 (see r. 2(a)); r. 13: 21 Aug 2013 (see r. 2(b)); Regulations other than r. 1, 2 and 13: 21 Aug 2013 (see r. 2(c) and <i>Gazette</i> 20 Aug 2013 p. 3815)
Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 4) 2013	3 Dec 2013 p. 5624-5	r. 1 and 2: 3 Dec 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 4 Dec 2013 (see r. 2(b))

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).

- Now called the General Account.
- ⁴ Footnote no longer applicable.
- 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.
- 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.
- 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.

- 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.