



Western Australia

Fines, Penalties and Infringement Notices Enforcement Regulations 1994

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Western Australia

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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 operation¹.

2A. Terms used

In these regulations —

approved user, of the courts electronic system, has the meaning given in the *Magistrates Court (General) Rules 2005* rule 3;

courts electronic system has the meaning given in the *Magistrates Court (General) Rules 2005* rule 3.

[Regulation 2A inserted in Gazette 13 Nov 2015 p. 4656.]

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.

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

Under section 16(1) a prosecuting authority may, with the consent of the Registrar, give the Registry —

- (a) an enforcement certificate; and
- (b) a document setting out information required under section 16(1)(b),

by electronic means in accordance with regulation 11A.

[Regulation 3AAA inserted in Gazette 13 Nov 2015 p. 4656-7.]

3AAB. Notice of withdrawal under Act s. 22(2)

Under section 22(2)(b) a prosecuting authority may, with the consent of the Registrar, give the Registrar a copy of a notice of withdrawal by electronic means in accordance with regulation 11A.

[Regulation 3AAB inserted in Gazette 13 Nov 2015 p. 4657.]

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

- (1) In this regulation —
GST has the meaning given in the *A New Tax System (Goods and Services Tax) Act 1999* (Commonwealth) section 195-1.
- (2) For the purposes of section 22(5)(c), the alleged offender is to 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 (Vehicles) Regulations 2014* in connection with the issue of a new vehicle licence in respect of the vehicle, including the following —
 - (i) any examination fee under Part 2 Division 8 Subdivision 1 of those regulations;
 - (ii) any recording fee under regulation 99 of those regulations;
 - (iii) any fee for the issue of number plates under regulation 112 of those regulations;and
- (c) any amount paid or required to be paid by the alleged offender under the *Road Traffic (Vehicles) Regulations 2014* regulation 44(4) in connection with the grant of a permit under the *Road Traffic (Vehicles) Act 2012* section 13(1), if the permit is 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
- (e) 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.

r. 3AA

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

$$\frac{\text{licence cost}}{\text{total days}} \times \text{remaining days}$$

where —

licence cost is the total of —

- (a) the vehicle licence charge paid for the vehicle licence in accordance with the *Road Traffic (Vehicles) Regulations 2014* Part 2 Division 7 (taking into account any exemption, reduction, concession or refund applied under those regulations); and
- (b) 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);

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

remaining days is the number of days that were remaining in 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; amended in Gazette 10 Feb 2015 p. 609-10.]

3A. Form of request under Act s. 27A(1)

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 definition of *fine* in Act s. 28(1)

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 Account. |

[Regulation 4 amended in Gazette 4 Aug 2017 p. 4314.]

5. Enactment prescribed for Act s. 31(b)

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

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

6. Applications for time to pay orders (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 Registrar directs, and if in writing, is to be in such form as the chief executive officer approves.

r. 6A

- (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,
- 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. Calculation of required hours for WDO (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. Form of request under Act s. 55A(1)

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

| <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. |
| 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, 101AA or 101A

- (1) If on an application by a person under section 101 the Magistrates Court makes 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

r. 8B

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 makes 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 |
| 3. | Department of the Attorney General |
| 4. | Department of Commerce ⁴ |
| 5. | Department of Environment Regulation ⁵ |
| 6. | Department of Fisheries ⁶ |
| 7. | Department of Health |
| 8A. | Department of Mines and Petroleum ⁷ |
| 8. | Department of Parks and Wildlife ⁸ |
| 9. | Department of Racing, Gaming and Liquor ⁹ |
| 10. | Department of Transport |
| 11. | Department of Water ¹⁰ |
| 12. | Gaming and Wagering Commission of Western Australia |
| 13. | Perth Market Authority ¹¹ |
| 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;
amended in Gazette 13 Jan 2015 p. 250.]

11A. Giving documents to Registry by means of courts electronic system

- (1) Subject to and in accordance with regulations 3AAA and 3AAB, a prosecuting authority may give a document to the Registry or the Registrar by providing, through an officer of the authority who is an approved user, the information required for the completion of the document by means of the courts electronic system.
- (2) A document given electronically under this regulation that is required to be signed by an officer of the authority giving it is authenticated for the purposes of the *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* section 10 if —
 - (a) the courts electronic system records the identity of the person giving the document; and
 - (b) the name of the person giving the document is stated in the electronic version of the document at any place where the person's signature is required.
- (3) A document given under this regulation is to be taken to have been given at the time and on the day the document is received, regardless of whether the Registry is open for business at that time or on that day.
- (4) If a document sent electronically to the Registry by means of the courts electronic system is not sent in accordance with the requirements of the courts electronic system and this regulation the document is to be taken not to have been given.

[Regulation 11A inserted in Gazette 13 Nov 2015 p. 4657.]

11B. Issuing warrants

- (1) In this regulation —
warrant means —
 - (a) an enforcement warrant issued under Part 3, 4 or 6 of the Act; or
 - (b) a warrant of commitment issued under Part 4 of the Act.
- (2) The Registrar may issue an enforcement warrant to the Sheriff by issuing an electronic version of the warrant to the Sheriff by means of the courts electronic system.
- (3) The Registrar may issue a warrant of commitment —
 - (a) to all members of the Police Force of Western Australia by issuing an electronic version of the warrant by means of the courts electronic system to an electronic system maintained by the Commissioner of Police for the management of the functions of the Police Force of Western Australia; and
 - (b) to the chief executive officer as defined in the *Prisons Act 1981* by issuing an electronic version of the warrant by means of the courts electronic system to an electronic system maintained by that chief executive officer for the management of the functions of the department of the Government principally assisting the Minister with the administration of that Act.
- (4) For the purposes of the *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* section 10, a warrant that must be signed by the Registrar is authenticated if —
 - (a) the Registrar issues the warrant in an electronic form by means of the courts electronic system; and
 - (b) the electronic document identifies the Registrar as the person who issued it.

- (5) A warrant issued under this regulation is to be taken to have been issued at the time and on the day when the whole warrant is available to a user of the system to which it is issued.

[Regulation 11B inserted in Gazette 13 Nov 2015 p. 4658.]

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

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 2015</i> | |
| <i>Biosecurity and Agriculture Management Act 2007</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>Cat Act 2011</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> ¹² | |
| <i>Companies (Co-operative) Act 1943</i> ¹³ | |
| <i>Conservation and Land Management Act 1984</i> | |
| <i>Control of Vehicles (Off-road Areas) Act 1978</i> | 37 |
| <i>Credit Act 1984</i> | |

| Act | section(s) |
|---|-------------------|
| <i>Credit (Administration) Act 1984</i> | |
| <i>Curtin University Act 1966</i> ¹⁴ | 20A |
| <i>Dangerous Goods Safety Act 2004</i> | |
| <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 (Miscellaneous Provisions) Act 1911</i> | |
| <i>Health Services Act 2016</i> | |
| <i>Hire-Purchase Act 1959</i> | |
| <i>Home Building Contracts Act 1991</i> | |
| <i>Juries Act 1957</i> | |
| <i>Land Administration Act 1997</i> | |
| <i>Land Valuers Licensing Act 1978</i> | |
| <i>Limited Partnerships Act 2016</i> | |

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

| Act | section(s) |
|---|-------------------|
| <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> | |
| <i>Mining Rehabilitation Fund Act 2012</i> | |
| <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> ¹⁵ | 13B |
| <i>Perth Parking Management Act 1999</i> | |
| <i>Petroleum Products Pricing Act 1983</i> | |
| <i>Planning and Development Act 2005</i> | |
| <i>Plumbers Licensing Act 1995</i> | |
| <i>Port Authorities Act 1999</i> | |
| <i>Public Health Act 2016</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 (Administration) Act 2008</i> | 79 |
| <i>Rottnest Island Authority Act 1987</i> | |
| <i>Security and Related Activities (Control) Act 1996</i> | |
| <i>Settlement Agents Act 1981</i> | |

| Act | section(s) |
|---|-------------------|
| <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>The Criminal Code</i> | |
| <i>Tobacco Products Control Act 2006</i> | |
| <i>Transport Co-ordination Act 1966</i> | 58A |
| <i>University of Western Australia Act 1911</i> | 16A |
| <i>Water Agencies (Powers) Act 1984</i> | 103 |
| <i>Water Services Act 2012</i> | |
| <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; 5 Feb 2013 p. 836; 10 May 2013 p. 1937; 20 Aug 2013 p. 3884; 20 Jun 2014 p. 2026; 10 Feb 2015 p. 611; 3 Mar 2015 p. 784; 12 Jun 2015 p. 2027; 28 Jun 2016 p. 2643; 9 Aug 2016 p. 3428; 30 Dec 2016 p. 5966; 10 Jan 2017 p. 175; 24 Jan 2017 p. 745; 4 Aug 2017 p. 4314.]</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 | \$18.50 |
| | (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 | \$15.75 |
| | (To be imposed when the infringement notice is registered.) | |
| 3. | Fee for registering an infringement notice with the Registry | \$59.00 |
| | (To be imposed when the notice is registered.) | |
| 4. | Fee for issuing a notice of intention to enforce | \$39.10 |
| | (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 | \$184.00 |
| | (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; 4 Jul 2014 p. 2364; 19 Jun 2015 p. 2123-4; 14 Jun 2016 p. 1907; 7 Jul 2017 p. 3752.]

Division 2 — Enforcement fees for Part 4 of the Act

1. Fee for issuing a notice of intention to enforce \$39.10
(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 \$184.00
(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; 20 Aug 2013 p. 3885; 4 Jul 2014 p. 2364; 19 Jun 2015 p. 2124; 14 Jun 2016 p. 1907; 7 Jul 2017 p. 3752.]

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 \$81.50
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 \$55.00
4. Fee for lodging a memorial under section 89 \$59.00
5. Fee for lodging a withdrawal of memorial under section 90 \$39.10
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 \$194.00

Fines, Penalties and Infringement Notices Enforcement Regulations 1994

Schedule 2 Enforcement fees

Division 3 Enforcement fees for Part 7 of the Act

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 \$87.50
11. Fee for preparing and executing a transfer of land sold . \$194.00
12. Fee for attending a court in connection with interpleader proceedings, for each half hour or part of a half hour ... \$27.80
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; 4 Jul 2014 p. 2364; 19 Jun 2015 p. 2124; 14 Jun 2016 p. 1907-8; 7 Jul 2017 p. 3752-3.]

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 Fines, Penalties and Infringement Notices Enforcement Act 1994 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.]

Form 2

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

| | | |
|---|--|---|
| Debtor | Name: | |
| | Address: | |
| | Date of Birth: | |
| | MDL no.: | MVL no.: |
| Case details [Complete relevant details only] | For enforcement warrant issued under s. 21A | For enforcement warrant issued under s. 45 |
| | Prosecuting authority: | Court: |
| | Infringement notice no.: | Nature of court order: |
| | Alleged offence: | Date of court order: |
| | Place of alleged offence: | Charge no.: |
| | 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.

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.]

Form 3

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

Fines, Penalties and Infringement Notices Enforcement Act 1994
[Section 53 and 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.

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

| |
|------------------|
| Payment Type: |
| Reference No: |
| Gen. Receipt No: |
| Payment Amount: |

DETAILS OF EXECUTION OR SATISFACTION

| |
|---------------------------|
| Amount Paid on Demand: |
| Arrested at: |
| CWB Advised: |
| HRS / / |

OFFICER'S DETAILS

| |
|----------|
| 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.]

Form 4

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.

ACN No.

Case No.

ENFORCEMENT WARRANT

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.]

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"/> |
|----------------------|

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"/> |
|----------------------|

| |
|--|
| 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(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:
 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]*.

Form 8

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.]

Form 10

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.*]

Form 11

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

- ¹ This ~~reprint~~ is a compilation ~~as at 29 March 2018~~ 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~~^{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> ¹⁶ | 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 |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 3) 1998</i> | 8 Dec 1998 p. 6573-4 | 8 Dec 1998 |

Fines, Penalties and Infringement Notices Enforcement Regulations 1994

| Citation | Gazettal | Commencement |
|--|---|--|
| <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 Enforcement 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) | | |
| <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 |

| Citation | Gazettal | Commencement |
|---|--------------------------|---|
| <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)) |
| 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)) |

| Citation | Gazettal | Commencement |
|--|---------------------------|--|
| <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)) |
| <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)) |

| Citation | Gazettal | Commencement |
|--|---------------------------|--|
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2013</i> | 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 <i>Gazette</i> 5 Feb 2013 p. 823) |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 2013</i> | 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)) |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 3) 2013</i> | 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) |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 4) 2013</i> | 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)) |
| Reprint 6: The Fines, Penalties and Infringement Notices Enforcement Regulations 1994 as at 6 Dec 2013 (includes amendments listed above) | | |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 3) 2014</i> | 20 Jun 2014 p. 2026 | r. 1 and 2: 20 Jun 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 21 Jun 2014 (see r. 2(b)) |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 4) 2014</i> | 4 Jul 2014 p. 2363-4 | r. 1 and 2: 4 Jul 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 5 Jul 2014 (see r. 2(b)(ii)) |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 6) 2014</i> | 13 Jan 2015 p. 249-50 | r. 1 and 2: 13 Jan 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 14 Jan 2015 (see r. 2(b)) |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 2015</i> | 10 Feb 2015 p. 609-11 | r. 1 and 2: 10 Feb 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 27 Apr 2015 (see r. 2(b) and <i>Gazette</i> 17 Apr 2015 p. 1371) |

| Citation | Gazettal | Commencement |
|--|----------------------------|---|
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2015</i> | 3 Mar 2015 p. 784 | r. 1 and 2: 3 Mar 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 4 Mar 2015 (see r. 2(b) and <i>Gazette</i> 3 Mar 2015 p. 783) |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 3) 2015</i> | 12 Jun 2015 p. 2027 | r. 1 and 2: 12 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 13 Jun 2015 (see r. 2(b)) |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 4) 2015</i> | 19 Jun 2015 p. 2123-4 | r. 1 and 2: 19 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b)(i)) |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 5) 2015</i> | 13 Nov 2015 p. 4656-8 | 14 Nov 2015 (see r. 2 and <i>Gazette</i> 13 Nov 2015 p. 4631) |
| Reprint 7: The Fines, Penalties and Infringement Notices Enforcement Regulations 1994 as at 8 Jan 2016 (includes amendments listed above) | | |
| <i>Attorney General Regulations Amendment (Fees) Regulations 2016 Pt. 7</i> | 14 Jun 2016 p. 1849-986 | 4 Jul 2016 (see r. 2(b)) |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2016</i> | 28 Jun 2016 p. 2642-3 | r. 1 and 2: 28 Jun 2016 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2016 (see r. 2(b) and <i>Gazette</i> 24 Jun 2016 p. 2291) |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 2016</i> | 9 Aug 2016 p. 3427-8 | r. 1 and 2: 9 Aug 2016 (see r. 2(a)); Regulations other than r. 1 and 2: 10 Aug 2016 (see r. 2(b)) |
| <i>Attorney General Regulations Amendment (Associations Incorporation) Regulations 2016 Pt. 3</i> | 30 Dec 2016 p. 5965-6 | 31 Dec 2016 (see r. 2(b)) |
| <i>Attorney General Regulations Amendment (Public Health) Regulations 2016 Pt. 3</i> | 10 Jan 2017 p. 173-6 | 24 Jan 2017 (see r. 2(b) and <i>Gazette</i> 10 Jan 2017 p. 165) |
| <i>Attorney General Regulations Amendment (Travel Agents) Regulations 2016 Pt. 3</i> | 24 Jan 2017 p. 744-5 | 25 Jan 2017 (see r. 2(b) and <i>Gazette</i> 24 Jan 2017 p. 741) |

| Citation | Gazettal | Commencement |
|---|--------------------------|------------------------------|
| <i>Attorney General Regulations Amendment (Fees and Charges) Regulations 2017 Pt. 7</i> | 7 Jul 2017 p. 3721-98 | 8 Jul 2017 (see r. 2(b)(ii)) |
| <i>Attorney General Regulations Amendment Regulations 2017 Pt. 3</i> | 4 Aug 2017 p. 4313-14 | 5 Aug 2017 (see r. 2(b)) |

Reprint 8: The Fines, Penalties and Infringement Notices Enforcement Regulations 1994 as at 29 Mar 2018 (includes amendments listed above)

^{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> |
|--|---|---|
| <u><i>Attorney General Regulations Amendment (Fees and Charges) Regulations 2018 Pt. 7</i></u> ¹⁷ | <u>15 Jun 2018</u> <u>p. 1963-2049</u> | <u>1 Jul 2018 (see r. 2(b))</u> |

- 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 Under the *Alteration of Statutory Designations Order 2017* a reference in any law to the Department of Agriculture and Food is read and construed as a reference to the Department of Primary Industries and Regional Development unless the contrary intention appears.
- ⁴ Under the *Alteration of Statutory Designations Order 2017* a reference in any law to the Department of Commerce is read and construed as a reference to the relevant successor. The "relevant successor" means:
- (a) the Department of Jobs, Tourism, Science and Innovation if the reference to be read and construed relates to a function, office or other matter that on 1 Jul 2017 became a function of, office in or other matter relating to that department; or
 - (b) the Department of Mines, Industry Regulation and Safety if the reference to be read and construed relates to a function, office or other matter that on 1 Jul 2017 became a function of, office in or other matter relating to that department.
- ⁵ Under the *Alteration of Statutory Designations Order 2017* a reference in any law to the Department of Environment Regulation is read and construed as a reference

to the Department of Water and Environmental Regulation unless the contrary intention appears.

- ⁶ Under the *Alteration of Statutory Designations Order 2017* a reference in any law to the Department of Fisheries is read and construed as a reference to the Department of Primary Industries and Regional Development unless the contrary intention appears.
- ⁷ Under the *Alteration of Statutory Designations Order 2017* a reference in any law to the Department of Mines and Petroleum is read and construed as a reference to the Department of Mines, Industry Regulation and Safety unless the contrary intention appears.
- ⁸ Under the *Alteration of Statutory Designations Order 2017* a reference in any law to the Department of Parks and Wildlife is read and construed as a reference to the Department of Biodiversity, Conservation and Attractions unless the contrary intention appears.
- ⁹ Under the *Alteration of Statutory Designations Order 2017* a reference in any law to the Department of Racing, Gaming and Liquor is read and construed as a reference to the Department of Local Government, Sport and Cultural Industries unless the contrary intention appears.
- ¹⁰ Under the *Alteration of Statutory Designations Order 2017* a reference in any law to the Department of Water is read and construed as a reference to the Department of Water and Environmental Regulation unless the contrary intention appears.
- ¹¹ No longer exists. See endnote 15.
- ¹² 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).
- ¹³ The *Companies (Co-operative) Act 1943* was repealed by the *Co-operatives Act 2009* s. 490.
- ¹⁴ Formerly referred to the *Curtin University of Technology Act 1966*, the short title of which was changed to the *Curtin University Act 1966* by the *Universities Legislation Amendment Act 2016* s. 16. The reference was changed under the *Reprints Act 1984* s. 7(3)(gb).
- ¹⁵ Repealed by the *Perth Market Disposal Act 2015*.

¹⁶ 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.

¹⁷ On the date as at which this compilation was prepared, the *Attorney General Regulations Amendment (Fees and Charges) Regulations 2018 Pt. 7* had not come into operation. It reads as follows:

**Part 7 — Fines, Penalties and Infringement Notices
Enforcement Regulations 1994 amended**

16. Regulations amended

This Part amends the *Fines, Penalties and Infringement Notices Enforcement Regulations 1994*.

17. Schedule 2 replaced

Delete Schedule 2 and insert:

Schedule 2 — Enforcement fees

[r. 9]

Division 1 — Enforcement fees for Part 3 of the Act

| | | |
|----|---|-----------------|
| 1. | <u>Fee for issuing a final demand</u> <u>(To be imposed when the final demand is issued.)</u> | <u>\$19.90</u> |
| 2. | <u>Fee for preparing an enforcement certificate in relation to an infringement notice, for each infringement notice</u> <u>(To be imposed when the infringement notice is registered.)</u> | <u>\$16.95</u> |
| 3. | <u>Fee for registering an infringement notice with the Registry</u> <u>(To be imposed when the notice is registered.)</u> | <u>\$63.50</u> |
| 4. | <u>Fee for issuing a notice of intention to enforce</u> <u>(To be imposed when a licence suspension order is made or when an enforcement warrant is issued, but not twice.)</u> | <u>\$42.00</u> |
| 5. | <u>Fee for issuing an enforcement warrant</u> <u>(To be imposed when the warrant is issued.)</u> | <u>\$198.00</u> |

Division 2 — Enforcement fees for Part 4 of the Act

1. Fee for issuing a notice of intention to enforce \$42.00
(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 \$198.00
(To be imposed when the warrant is issued.)

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 \$87.50
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 \$59.00
4. Fee for lodging a memorial under section 89 \$63.50
5. Fee for lodging a withdrawal of memorial under section 90 \$42.00
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 \$209.00
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 \$94.00
11. Fee for preparing and executing a transfer of land sold \$209.00
12. Fee for attending a court in connection with interpleader proceedings, for each half hour or part of a half hour \$29.90

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, 1 way, that is prescribed as a travelling fee for the service of documents in the *Magistrates Court (Fees) Regulations 2005*.