

JU302*

Fines, Penalties and Infringement Notices Enforcement Act 1994

Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 5) 2015

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 5) 2015*.

2. Commencement

These regulations come into operation on the day on which the *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* section 75 comes into operation.

3. Regulations amended

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

4. Regulation 2A inserted

After regulation 2 insert:

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.

5. Regulations 3AAA and 3AAB inserted

After regulation 3 insert:

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.

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.

6. Regulations 11A and 11B inserted

After regulation 10 insert:

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.

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.

N. HAGLEY, Clerk of the Executive Council.