

JM301**FINES, PENALTIES AND INFRINGEMENT NOTICES ENFORCEMENT
ACT 1994****FINES, PENALTIES AND INFRINGEMENT NOTICES
ENFORCEMENT REGULATIONS 1994**

Made by His Excellency the Governor in Executive Council.

Citation

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

Commencement

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

Enactments to which Part 3 applies (s. 12)

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

Matters included in the definition of "fine" for Part 4 (s. 28)

4. 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 Rehabilitation Act 1981, s. 170 (2)</i>	An order that an employer pay an amount to the General Fund.

Fines to which sections 31 to 37 apply (s. 31)

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

Workers' Compensation and Rehabilitation Act 1981.

Applications for time to pay orders

6. (1) An application —

(a) under section 33 for a time to pay; or

(b) under section 34 to have a time to pay order amended,

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

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

Reciprocating States and courts for Part 6 (s. 60)

7. (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	Any court of summary jurisdiction of that State.
Tasmania	Courts of Petty Sessions in that State.
Victoria	All Magistrates Courts.

Value of property that cannot be seized (s. 75)

8. For the purposes of section 75 (1) (c), \$1 000 is the prescribed amount.

Enforcement fees for Parts 3, 4 and 7

9. (1) The fees in Part A of Schedule 2 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 Part B of Schedule 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 and amounts in Part C of Schedule 2 are prescribed as enforcement fees for the purposes of Part 7 of the Act.

Exemption from fees

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

Commissioner of Police
Department of Transport
Perth Market Authority.

Methods of payment

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

Forms

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

SCHEDULE 1

[Reg. 3]

ENACTMENTS TO WHICH PART 3 OF THE ACT APPLIES

Act	section(s)
<i>Bush Fires Act 1954</i>	59A
<i>City of Perth Parking Facilities Act 1956</i>	
<i>Control of Vehicles (Off-Road Areas) Act 1978</i>	37
<i>Curtin University of Technology Act 1966</i>	20A
<i>Dog Act 1976</i>	45A
<i>Edith Cowan University Act 1984</i>	29
<i>Litter Act 1979</i>	30
<i>Local Government Act 1960</i>	669D, 669F
<i>Murdoch University Act 1973</i>	24
<i>Perth Market Act 1926</i>	13B
<i>Road Traffic Act 1974</i>	102
<i>University of Western Australia Act 1911</i>	16A
<i>Western Australian Marine Act 1982</i>	132

SCHEDULE 2

[Reg. 9]

PART A — ENFORCEMENT FEES FOR PART 3 OF THE ACT

1. Fee for issuing a final demand \$9.00
(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) \$8.00
(To be imposed when the infringement notice is registered)

3. Fee for registering an infringement notice with the Registry \$30.00
(To be imposed when the notice is registered)
4. Fee for issuing a notice of intention to suspend licences \$20.00
(To be imposed when a licence suspension order is made)

PART B — ENFORCEMENT FEES FOR PART 4 OF THE ACT

1. Fee for issuing a notice of intention to suspend licences \$20.00
(To be imposed when a licence suspension order is made or when a warrant of execution is issued, but not twice)
2. Fee for issuing a warrant of execution \$30.00
(To be imposed when the warrant is issued)

PART C — ENFORCEMENT FEES FOR PART 7 OF THE ACT

1. Fee for attending a Local Court in connection with proceedings to examine a person under section 69, for each hour or part of an hour \$27.00
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 \$13.50
4. Fee for lodging a memorial under section 89 \$30.00
5. Fee for lodging a withdrawal of memorial under section 90 \$20.00
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 \$100.00
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 \$30.00
11. Fee for preparing and executing a transfer of land sold \$100.00
12. Fee for attending a court in connection with interpleader proceedings, for each hour or part of an hour \$27.00
13. If the Sheriff or a delegate of the Sheriff is necessarily put to extra trouble and expense in connection with executing a warrant of execution or is required to do anything not provided for in this Part, 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 \$0.70 per kilometre.

SCHEDULE 3
FORMS

[Reg. 12]

1. Notice of withdrawal for the purposes of section 22.

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

NOTICE OF WITHDRAWAL OF PROCEEDINGS UNDER PART 3

To:

ALLEGED OFFENDER
Address

Details of infringement notice and alleged offence

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

Fines Enforcement Registry details

FER case no.

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

Authorized person Date

2. Warrant of execution for the purposes of section 45.

Fines, Penalties and Infringement Notices Enforcement Act 1994
[Section 45]

WARRANT OF EXECUTION

Court of Petty Sessions at Perth
Fines Enforcement Registry Case No.

TO: The Sheriff of Western Australia.

OFFENDER
Address
Postcode
Date of birth MDL No./A.C.N.

CASE DETAILS
On [date] the [name of court], in respect of the offence described below, fined the offender and ordered the offender to pay costs, as set out below.
The fine was subsequently registered with this registry for enforcement.
To date the enforcement fees set out below have been imposed on the offender.
To date the amount outstanding below is unpaid.

COMMAND YOU are authorized and commanded by this warrant to seize and sell so much of the offender's personal property and land as is necessary to recover the amount outstanding and the enforcement fees in connection with the execution of this warrant.
 This warrant must be executed in accordance with the *Fines, Penalties and Infringement Notices Enforcement Act 1994*.

Signature of Registrar Date:

Offence details:

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

3. Warrant of commitment for the purposes of section 53.

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

WARRANT OF COMMITMENT

Court of Petty Sessions at Perth
 Fines Enforcement Registry Case No.

TO: All members of the Police Force of Western Australia.
 The Chief Executive Officer under the *Prisons Act 1981*.

OFFENDER
 Address Postcode
 Date of birth MDL No.

CASE DETAILS On [date] the [name of court], in respect of the offence described below, fined the offender and ordered the offender to pay costs, as set out below.
 The fine was subsequently registered with this registry for enforcement.
 To date the enforcement fees set out below have been imposed on the offender.
 To date the amount outstanding set out below is unpaid.
 Under section 53 of the *Fines, Penalties and Infringement Notices Enforcement Act 1994* the offender is to be imprisoned for [period in days] in respect of the amount outstanding, subject to that section.

COMMAND YOU are authorized and commanded by this warrant to arrest the offender and to imprison him or her in a prison for the period specified above, subject to section 53 of the *Fines, Penalties and Infringement Notices Enforcement Act 1994*.

Signature of Registrar Date:

Offence details:

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

4. Warrant of execution for the purposes of Part 5 and section 45.

Fines, Penalties and Infringement Notices Enforcement Act 1994
[Part 5 and section 45]

WARRANT OF EXECUTION

Court of Petty Sessions at Perth
Fines Enforcement Registry

Case No.

TO: The Sheriff of Western Australia.

LIABLE PERSON
Address Postcode
Date of birth MDL No.

CASE DETAILS On [date] the [name of court], in respect of the matter described below, ordered the liable person to pay the amount and the costs, as set out below.
The matter was subsequently registered with this registry for enforcement.
To date the enforcement fees set out below have been imposed on the liable person.
To date the amount outstanding set out below is unpaid.

COMMAND YOU are authorized and commanded by this warrant to seize and sell so much of the liable person's personal property and land as is necessary to recover the amount outstanding and the enforcement fees in connection with the execution of this warrant.
This warrant must be executed in accordance with the *Fines, Penalties and Infringement Notices Enforcement Act 1994*.

Signature of Registrar Date:

Matter¹:
Amount ordered to be paid \$
Costs +\$
Enforcement fees +\$
Sub-total =\$
Less any amount paid -\$
Amount outstanding =\$

1 Here briefly describe the forfeited undertaking under the *Bail Act 1982* or the forfeited recognizance (as the case may be).

5. Warrant of commitment for the purposes of Part 5 and section 53.

Fines, Penalties and Infringement Notices Enforcement Act 1994 [Part 5 and section 53]

WARRANT OF COMMITMENT

Court of Petty Sessions at Perth Fines Enforcement Registry

Case No.

TO: All members of the Police Force of Western Australia. The Chief Executive Officer under the Prisons Act 1981.

LIABLE PERSON Address Postcode Date of birth MDL No.

CASE DETAILS On [date] the [name of court], in respect of the matter described below, ordered the liable person to pay the amount and the costs, as set out below. The matter was subsequently registered with this registry for enforcement. To date the enforcement fees set out below have been imposed on the liable person. To date the amount outstanding set out below is unpaid. Under section 53 of the Fines, Penalties and Infringement Notices Enforcement Act 1994 the liable person is to be imprisoned for [period in days] in respect of the amount outstanding, subject to that section.

COMMAND YOU are authorized and commanded by this warrant to arrest the liable person and to imprison him or her in a prison for the period specified above, subject to section 53 of the Fines, Penalties and Infringement Notices Enforcement Act 1994.

Signature of Registrar Date:

Table with financial details: Matter¹, Amount ordered to be paid, Costs, Enforcement fees, Sub-total, Less any amount paid, Amount outstanding.

1 Here briefly describe the forfeited bail undertaking under the Bail Act 1982 or the forfeited recognizance (as the case may be).

6. Warrant of execution for the purposes of section 61.

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

WARRANT OF EXECUTION

Court of Petty Sessions at Perth
Fines Enforcement Registry

Case No.

TO: The Sheriff of Western Australia.

OFFENDER
Address
Postcode
A.C.N.

CASE DETAILS On [date] the [name of reciprocating court] at [place in a reciprocating State or Territory] fined the offender (a body corporate) the amount set out below.
That court has requested the Registrar to enforce the fine and the order imposing the fine has been registered with this Registry for enforcement.
To date the amount outstanding below is unpaid.

COMMAND YOU are authorized and commanded by this warrant to seize and sell so much of the offender's personal property and land as is necessary to recover the amount outstanding and the enforcement fees in connection with the execution of this warrant.
This warrant must be executed in accordance with the *Fines, Penalties and Infringement Notices Enforcement Act 1994*.

Signature of Registrar Date:

Reciprocating court order¹:
Fine
Costs +\$
Enforcement fees +\$
Sub-total =\$
Less any amount paid -\$
Amount outstanding =\$

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

7. Warrant of commitment for the purposes of section 100.

Fines, Penalties and Infringement Notices Enforcement Act 1994
[Section 100]

WARRANT OF COMMITMENT

In the *Supreme/District Court
of Western Australia

No.

The QUEEN against
(the liable person)

TO: All members of the Police Force of Western Australia.
The Chief Executive Officer under the *Prisons Act 1981*.

1. On [date] the liable person appeared in this Court before *the Hon Mr Justice/Judge [name] /and a jury and, in respect of the offence/matter below, was ordered to pay the amount below.

- 2. In addition, the Court made an order under section 100 of the *Fines, Penalties and Infringement Notices Enforcement Act 1994*.
- 3. The liable person has not obeyed the Court's order and the amount outstanding below is unpaid. Accordingly, the liable person is to be imprisoned for [period in days] in respect of the amount outstanding below, subject to that section.

YOU are authorized and commanded by this warrant to arrest the liable person and to imprison him or her in a prison for the period specified above, subject to section 100 of the *Fines, Penalties and Infringement Notices Enforcement Act 1994*.

..... Dated 19.....
 Clerk of Arraignment

Details of offence/matter¹:

 Amount ordered to be paid² \$
 Less any amount paid -\$
Amount outstanding = \$

- * Here delete any words not applicable.
- 1 As to any offence, briefly describe the offence.
 As to other matters, such as forfeited undertakings under the *Bail Act 1982* or forfeited recognizances, briefly describe the matter.
- 2 As to any offence, set out the fine imposed.
 As to other matters, set out the amount ordered to be paid.

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.