

Western Australia

Fines, Penalties and Infringement Notices Enforcement Act 1994

**Fines, Penalties and Infringement Notices  
Enforcement Regulations 1994**

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## **Fines, Penalties and Infringement Notices Enforcement Regulations 1994**

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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*<sup>1</sup>.

### **2. Commencement**

These regulations come into operation on the day on which the *Fines, Penalties and Infringement Notices Enforcement Act 1994* comes into operation<sup>1</sup>.

### **3. Enactments to which Part 3 applies (s. 12)**

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

### **3A. Form of request (s. 27A)**

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

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

### **4. Matters included in the definition of “fine” for Part 4 (s. 28)**

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> <sup>2</sup> , s. 170(2) | An order that an employer pay an amount to the General Fund. |

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

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

*Workers' Compensation and Injury Management Act 1981*<sup>2</sup>.

**6. Applications for time to pay orders**

(1) An application —

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

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

(1a) On an application —

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

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

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

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

**6A. Calculation of required hours for WDO (s. 49)**

- (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. Reduction of WDO amount when work performed or hours when payment made (s. 51)**

- (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. Prescribed amount for a warrant of commitment (s. 53(3))**

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

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

**r. 6BA**

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**6BA. Form of request (s. 55A)**

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

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

**6C. Reduction of liability to pay fine where WDO taken to be cancelled (Sentencing Act 1995 s. 57B(7))**

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

- (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.                               |



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| <i>Column 1</i> | <i>Column 2</i>         |
|-----------------|-------------------------|
| 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 that cannot be seized and sold under a warrant**

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

**r. 8A**

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

**8A. Recommencing enforcement after successful application under section 101 or 101A**

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

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

**8B. Recommencing enforcement after an appeal (s. 101B)**

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

when the appeal is disposed of the Registrar may issue another notice of intention to suspend licences under section 42.

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

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

**9. Enforcement fees for 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. Exemption from fees**

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

Commissioner of Police

Department of Agriculture <sup>3</sup>  
Department of Conservation and Land Management <sup>4</sup>  
Department of Consumer and Employment Protection  
Department of Environmental Protection <sup>5</sup>  
Department for Planning and Infrastructure  
Fisheries Department of WA <sup>6</sup>  
Gaming and Wagering Commission of Western  
Australia  
Office of Racing, Gaming and Liquor <sup>7</sup>  
Perth Market Authority  
Public Transport Authority of Western Australia  
Rottnest Island Authority  
The Queen Elizabeth Medical Centre Trust  
Water Authority of WA <sup>8</sup>  
Western Australian Electoral Commission  
Zoological Parks Authority

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

**11. Methods of payment**

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

**12. Forms**

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.]

| <b>Act</b>  | <b>section(s)</b> |
|---|-------------------|
| <i>Builders' Registration Act 1939</i>  |                   |
| <i>Bush Fires Act 1954</i>  | 59A               |
| <i>Caravan Parks and Camping Grounds Act 1995</i>   | 23                |
| <i>Casino (Burswood Island) Agreement Act 1985</i>  |                   |
| <i>Casino Control Act 1984</i>  |                   |
| <i>Cemeteries Act 1986</i>  | 63                |
| <i>Classification (Publications, Films and Computer Games)<br/>Enforcement Act 1996<sup>9</sup></i> |                   |
| <i>Conservation and Land Management Act 1984</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>Electoral Act 1907</i>   | 156               |
| <i>Environmental Protection Act 1986</i>  |                   |
| <i>Fish Resources Management Act 1994</i>   |                   |
| <i>Gaming and Wagering Commission Act 1987</i>  |                   |
| <i>Government Railways Act 1904</i>   | 53A               |
| <i>Home Building Contracts Act 1991</i>   |                   |
| <i>Hospitals and Health Services Act 1927</i>   |                   |
| <i>Liquor Control Act 1988</i>  | 167               |
| <i>Litter Act 1979</i>  | 30                |
| <i>Local Government Act 1995</i>  |                   |
| <i>Local Government (Miscellaneous Provisions) Act 1960</i>   |                   |
| <i>Murdoch University Act 1973</i>  | 24                |
| <i>Pawnbrokers and Second-hand Dealers Act 1994</i>   |                   |
| <i>Perth Market Act 1926</i>  | 13B               |
| <i>Petroleum Products Pricing Act 1983</i>  |                   |

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

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| <b>Act</b>  | <b>section(s)</b> |
|---|-------------------|
| <i>Plant Diseases Act 1914</i>                    | 35                |
| <i>Port Authorities Act 1999</i>                  |                   |
| <i>Public Transport Authority Act 2003</i>        |                   |
| <i>Queen Elizabeth II Medical Centre Act 1966</i> | 20                |
| <i>Road Traffic Act 1974</i>                      | 102               |
| <i>Rottneest Island Authority Act 1987</i>        |                   |
| <i>Taxi Act 1994</i>                              | 39                |
| <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>Western Australian Marine Act 1982</i>         | 132               |
| <i>Zoological Parks Authority Act 2001</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.]*

## **Schedule 2 — Enforcement fees**

[r. 9]

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

### **Division 1 — Enforcement fees for Part 3 of the Act**

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

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

### **Division 2 — Enforcement fees for Part 4 of the Act**

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

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

**Division 3 — Enforcement fees for Part 7 of the Act**

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



may be) and that amount is prescribed as an enforcement fee.

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

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

**Schedule 3 — Forms**

[r. 12]

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

**1.      Notice of withdrawal for the purposes of 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 authorised to do so, hereby withdraw proceedings under section 22 of the *Fines, Penalties and Infringement Notices Enforcement Act 1994* in relation to the infringement notice issued for the above offence.

.....      Date .....

Authorised person

**2. Warrant of execution for the purposes of section 45 (and Part 5)**

*Fines, Penalties and Infringement Notices Enforcement Act 1994*

[Section 45 (& Part 5)]

The Magistrates Court

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

Fines Enforcement  
Registry

**WARRANT OF EXECUTION**

To: The Sheriff of Western Australia

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

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

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

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

**REGISTRAR**

**DATE**

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

**3. Warrant of commitment for the purposes of section 53 (and Part 5)**

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

The Magistrates  
Court

**WARRANT OF COMMITMENT**

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

Fines Enforcement  
Registry

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

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

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.

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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:<br>Reference No:<br>Gen. Receipt No:<br>Payment Amount: |
|---|

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

|                                   |
|-----------------------------------|
| Name:<br>No:<br>Station:<br>Date: |
|-----------------------------------|

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

**4. Warrant of execution for the purposes of section 61**

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

The Magistrates Court

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

**WARRANT OF EXECUTION**

Fines Enforcement  
 Registry

To: The Sheriff of Western Australia

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

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

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

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

**REGISTRAR**

**DATE**

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

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

**6. Warrant of execution for the purposes of section 61**  
*Fines, Penalties and Infringement Notices Enforcement Act 1994*  
 [Section 61]

**WARRANT OF EXECUTION**

The Magistrates Court  
 Fines Enforcement Registry Case No. ....

TO: **The Sheriff of Western Australia.**  
 OFFENDER .....  
 Address .....  
 ..... Postcode .....  
 A.C.N. ....

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

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

To date the amount outstanding below is unpaid.

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

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

Signature of Registrar ..... Date: .....

Reciprocating court order<sup>1</sup>: .....

|                           |                   |
|---------------------------|-------------------|
| Fine                      | \$ .....          |
| Costs                     | +\$ .....         |
| Enforcement fees          | +\$ .....         |
| Sub-total                 | = \$ .....        |
| Less any amount paid      | -\$ .....         |
| <b>Amount outstanding</b> | <b>= \$ .....</b> |

<sup>1</sup> Here briefly describe the order of the reciprocating court that imposed the fine.

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

**6A.      Memorial of land for the purposes of section 89(2)**

*Fines, Penalties and Infringement Notices Enforcement Act 1994*  
[Section 89]

To:      Registrar of Titles/  
         Registrar of Deeds and Transfers

|                                 |
|---------------------------------|
| Sheriff's Office<br>Warrant No. |
|---------------------------------|

The Magistrates Court  
Fines Enforcement  
Registry

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

|             |
|-------------|
| Amount owed |
| \$          |

|                  |
|------------------|
| Enforcement fees |
| \$               |

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

|            |        |    |
|------------|--------|----|
| Dated this | day of | 20 |
|------------|--------|----|

|                  |
|------------------|
| .....<br>Sheriff |
|------------------|

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





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

**8.            Certificate under section 101C (Part 3 order)**

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

**CERTIFICATE AS TO LICENCE SUSPENSION ORDER**

Alleged  
offender:  
Address:

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

1.    On [date] an infringement notice was issued by [prosecuting authority] to the alleged offender for the alleged offence of [description of alleged offence].  
The modified penalty on the infringement notice is [\\$].
2.    On [date] the infringement notice was registered under Part 3 of the Act with the Fines Enforcement Registry for enforcement on [date] and was allocated case number [no.].
3.    An order to pay or elect was issued under section 17 of the Act and was served on the alleged offender under section 5 of the Act by posting it on [date] to the alleged offender at [address].  
An unsigned copy of the order is attached as annexure "A".
4.    A notice of intention to suspend licences was issued under section 18 of the Act and was served on the alleged offender under section 5 of the Act by posting it on [date] to the alleged offender at [address].  
An unsigned copy of the notice is attached as annexure "B".
5.    A licence suspension order suspending the alleged offender's:  
 driver's licence number [no.]  
 vehicle licence for the vehicle registered number [no.]  
was made at [time] on [date] under section 19 of the Act.  
A certified copy of the order is attached as annexure "C".

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

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

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

OR

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

Date of this certificate:

Time:

*[Signature]*

REGISTRAR.

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

**9. Certificate under section 101C (Part 4 order)**

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

**CERTIFICATE AS TO LICENCE SUSPENSION ORDER**

Offender:

Address:

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

1. On [date] the [court] at [place] fined the offender for the offence of [description of offence].

The amount of the fine (as defined in section 28(1) of the Act) is [\$].

2. On [date] the fine was registered under Part 4 of the Act with the Fines Enforcement Registry for enforcement on [date] and was allocated case number [no.].
3. A notice of intention to suspend licences was issued under section 42 of the Act and was served on the offender under section 5 of the Act by posting it on [date] to the offender at [address].

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

4. A licence suspension order suspending the offender's:
  - driver's licence number [no.]
  - vehicle licence for the vehicle registered number [no.]

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

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

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

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

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

OR

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

Date of this certificate:

Time:

*[Signature]*

REGISTRAR.

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

## Notes

- <sup>1</sup> 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  |
|---|---------------------------|---|
| <i>Fines, Penalties and Infringement Notices Enforcement Regulations 1994</i>                         | 30 Dec 1994<br>p. 7232-41 | 1 Jan 1995 (see r. 2 and <i>Gazette</i><br>30 Dec 1992 p. 7211) |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 1995</i>               | 30 Jun 1995<br>p. 2636-42 | 30 Jun 1995   |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 1995</i>       | 30 Jun 1995<br>p. 2643    | 1 Oct 1995 (see r. 2 and <i>Gazette</i><br>29 Sep 1995 p. 4649) |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 3) 1996</i>       | 25 Jun 1996<br>p. 2928    | 1 Jul 1996 (see r. 2)   |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 1996</i>       | 5 Jul 1996<br>p. 3226-9   | 5 Jul 1996  |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 1996</i>               | 19 Jul 1996<br>p. 3457-8  | 19 Jul 1996   |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 4) 1996</i>       | 4 Oct 1996<br>p. 5233     | 4 Nov 1996 (see r. 2 and <i>Gazette</i><br>25 Oct 1996 p. 5632) |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 1997</i> <sup>11</sup> | 1 Aug 1997<br>p. 4394     | 1 Aug 1997  |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 1997</i>       | 23 Jan 1998<br>p. 408     | 23 Jan 1998   |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 1998</i>       | 28 Aug 1998<br>p. 4748-9  | 28 Aug 1998   |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 3) 1998</i>       | 8 Dec 1998<br>p. 6573-4   | 8 Dec 1998  |

## **Fines, Penalties and Infringement Notices Enforcement Regulations 1994**

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| <b>Citation</b>  | <b>Gazettal</b>   | <b>Commencement</b>  |
|--|---|--|
| <i>Fines, Penalties and Infringement Notices Amendment Regulations 1999</i>  | 12 Mar 1999<br>p. 1162-3  | 12 Mar 1999 (see r. 2 and<br><i>Gazette</i> 12 Mar 1999 p. 1162) |
| <i>Fines, Penalties and Infringement Notices Amendment Regulations (No. 2) 1999</i>  | 2 Jul 1999<br>p. 2919   | 2 Jul 1999   |
| <b>Reprint of the Fines, Penalties and Infringement Notices Enforcement Regulations 1994 as at 6 Aug 1999</b> (includes amendments listed above) |   |  |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 4) 1999</i>  | 31 Dec 1999<br>p. 7075-6  | 31 Dec 1999  |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 5) 1999</i>  | 31 Dec 1999<br>p. 7076  | 31 Dec 1999  |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2000</i>  | 25 Aug 2000<br>p. 4907-8  | 25 Aug 2000 (see r. 2 and<br><i>Gazette</i> 25 Aug 2000 p. 4903) |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2001</i>  | 30 Jan 2001<br>p. 617-18  | 5 Feb 2001 (see r. 2 and <i>Gazette</i><br>30 Jan 2001 p. 615)   |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2002</i>  | 27 Aug 2002<br>p. 4353-4  | 27 Aug 2002  |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2003</i>  | 12 Dec 2003<br>p. 5036-7  | 12 Dec 2003  |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 2003</i>  | 30 Dec 2003<br>p. 5715-16   | 1 Jan 2004 (see r. 2)  |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2004</i>  | 4 Jun 2004<br>p. 1933   | 4 Jun 2004   |
| <b>Reprint 2: The Fines, Penalties and Infringement Notices Enforcement Regulations 1994 as at 9 Jul 2004</b> (includes amendments listed above) |   |  |
| <i>Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2005</i>  | 13 May 2005<br>p. 2079-82<br>(as amended<br>30 Dec 2005<br>p. 6875-6) | 13 May 2005  |

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

<sup>2</sup> 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).



<sup>3</sup> Under the *Alteration of Statutory Designations Order 2006* a reference in any law to the Department of Agriculture is read and construed as a reference to the Department of Agriculture and Food.

<sup>4</sup> Under the *Public Sector Management Act 1994* the names of departments may be changed. At the time of this reprint the former Department of Conservation and Land Management is called the Department of Environment and Conservation.

<sup>5</sup> Under the *Alteration of Statutory Designations Order 2004* 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.

Under the *Public Sector Management Act 1994* the names of departments may be changed. At the time of this reprint the former Department of Environment is called the Department of Environment and Conservation.

<sup>6</sup> 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.

<sup>7</sup> 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.

<sup>8</sup> Now superseded by the Water Corporation.

<sup>9</sup> 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).

<sup>10</sup> Footnote no longer applicable.

<sup>11</sup> 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.