

HEALTH — ABELLIO PTY LTD — FINES

861. Dr D.J. Honey to the Minister for Health:

I refer to the case of Abellio Pty Ltd which was fined \$100,000 by the Magistrates Court, in April 2014, case numbers 1305706, 1305684, 1305695 and 1305663, and ask:

- (a) Why did the Health Department wait more than four years, until June 2018, to refer the matter to the Fines Enforcement Registry;
- (b) What caused the Department to refer the matter to the Fines Enforcement Registry in 2018;
- (c) Was the Health Department aware, in 2018, that the company, Abellio Pty Ltd, had been deregistered, and if not, when did the Department become aware of this; and
- (d) Did the Department consider pursuing the directors and / or owners of Abellio for the fines, and if not, why not?

**Ms A. Sanderson replied:**

- (a) The Department of Health (DOH) was not required to register the fines with the Fines Enforcement Registry. I note that the Member has referred to case number 1305663. This case number is incorrect and not applicable to this matter.
- (b) The DOH received a Freedom of Information (FOI) request on 15 June 2018 regarding the collection of the fine imposed on Abellio Pty Ltd. While reviewing the FOI request, the DOH identified that the fine had not been registered with the Fines Enforcement Registry. This is because the fine was imposed by the Magistrates Court for the Commonwealth Department of Health and Ageing. The fines imposed on Abellio Pty Ltd were for offences under the *Food Act 2008*. Such fines are to be credited to the Consolidated Account. Under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* fines that are credited to the Consolidated Account are taken to be registered with the Registry for enforcement at the time the fine is imposed. The Magistrates Court mistakenly listed the Commonwealth Department of Health and Ageing as the Prosecuting Authority for the fines rather than the WA Department of Health. A fine imposed for a Commonwealth offence is not taken to be registered when imposed.
- (c) No. The Fines Enforcement Registry advised the DOH on 31 July 2018.
- (d) No. The advice from the Registrar of the Fines Enforcement Registry was that the fines for Abellio Pty Ltd were not considered to be recoverable and recommended for write off. The DOH accepted this recommendation. The fines were not otherwise recoverable from the Directors or owners of Abellio Pty Ltd.