

## **Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2012**

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Western Australia

LEGISLATIVE ASSEMBLY

**Fines, Penalties and Infringement Notices  
Enforcement Amendment Bill 2012**

**A Bill for**

**An Act to amend the *Fines, Penalties and Infringement Notices  
Enforcement Act 1994* and the *Equal Opportunity Act 1984* and for  
related purposes.**

The Parliament of Western Australia enacts as follows:

1

## **Part 1 — Preliminary**

2

### **1. Short title**

3

This is the *Fines, Penalties and Infringement Notices  
Enforcement Amendment Act 2012*.

4

5

### **2. Commencement**

6

This Act comes into operation as follows —

7

(a) sections 1 and 2 — on the day on which this Act  
receives the Royal Assent;

8

9

(b) the rest of the Act — on a day fixed by proclamation,  
and different days may be fixed for different provisions.

10



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1       **Part 2 — Fines, Penalties and Infringement Notices**  
2                       **Enforcement Act 1994 amended**

3       **3. Act amended**

4               This Part amends the *Fines, Penalties and Infringement Notices*  
5               *Enforcement Act 1994*.

6       **4. Section 3 amended**

7       (1) In section 3(1) insert in alphabetical order:

8  
9                       *child* means a person who is under 18 years of age;

10                      *Department of Corrective Services* means the  
11                      department of the Public Service principally assisting  
12                      the Minister in the administration of the *Court Security*  
13                      *and Custodial Services Act 1999*;

14                      *Electricity Retail Corporation* means the Electricity  
15                      Retail Corporation established under the *Electricity*  
16                      *Corporations Act 2005* section 4(1)(c);

17                      *number plate* has the meaning given in the *Road*  
18                      *Traffic Act 1974* section 5(1);

19                      *Sheriff* means the Sheriff of Western Australia;  
20

21       (2) At the end of section 3 insert:  
22

23               (2) For the purposes of this Act, a vehicle is licensed in the  
24               name of a person if the person holds the vehicle licence  
25               in respect of the vehicle, whether or not the vehicle  
26               licence is suspended.  
27

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1 **5. Section 5 amended**

2 (1) In section 5(3) delete “Part 4 or 7, a person’s” and insert:

3

4 Part 4 or 7 on a person or the publication of relevant  
5 details of a person under Part 5A, if a fine has been  
6 imposed on the person, the person’s

7

8 (2) In section 5(4) delete “of the Director General.” and insert:

9

10 of—

11 (a) the Director General; or

12 (b) the Electricity Retail Corporation.

13

14 **6. Section 7A amended**

15 Before section 7A(1)(a) insert:

16

17 (aa) the power under section 21A to issue an  
18 enforcement warrant; and

19

20 **7. Section 10 amended**

21 (1) In section 10 after “necessary” insert:

22

23 or convenient

24

1 (2) In section 10 delete the passage that begins with “of the  
2 records” and continues to the end of the section and insert:

3

4 of —

5 (a) the records kept by the Director General under  
6 the *Road Traffic Act 1974* in relation to drivers’  
7 licences and vehicle licences; and

8 (b) the records that the Electricity Retail  
9 Corporation has of the names and addresses of  
10 its customers.

11

12 Note: The heading to amended section 10 is to read:

13 **Registrar has access to records of Director General and**  
14 **Electricity Retail Corporation**

15 **8. Section 10A amended**

16 In section 10A delete “Police” and insert:

17

18 Police, or to an officer of the Department of Corrective  
19 Services,

20

21 Note: The heading to amended section 10A is to read:

22 **Registrar may disclose information to Commissioner of Police or**  
23 **officer of Department of Corrective Services**

24 **9. Section 11 amended**

25 (1) In section 11 insert in alphabetical order:

26

27 ***aggregate unpaid infringement amount***, in relation to  
28 an alleged offender, means the aggregate of the unpaid  
29 infringement amounts for each outstanding order to pay  
30 or elect in relation to the alleged offender;

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- 1 ***outstanding order to pay or elect***, in relation to an  
2 alleged offender, means an order to pay or elect issued  
3 to the alleged offender under section 17, where —
- 4 (a) the modified penalty, and enforcement fees,  
5 specified in that order have not been paid in  
6 full, or recovered in full under an enforcement  
7 warrant; and
- 8 (b) an election has not been made under section 21  
9 in relation to the infringement notice to which  
10 the order relates; and
- 11 (c) no time to pay order is in force under  
12 section 27A in respect of the alleged offender  
13 and the modified penalty, and enforcement  
14 fees, specified in that order; and
- 15 (d) if an enforcement warrant issued under  
16 section 21A is in force in respect of the alleged  
17 offender and the modified penalty, and  
18 enforcement fees, specified in the order — no  
19 arrangement under section 68A is in force in  
20 relation to the warrant; and
- 21 (e) the prosecuting authority has not, under  
22 section 22, withdrawn proceedings in respect of  
23 the infringement notice to which the order  
24 relates;
- 25 ***unpaid infringement amount***, in relation to an order to  
26 pay or elect issued under section 17, means that  
27 amount of the modified penalty, and enforcement fees,  
28 specified in the order that has not been paid, or  
29 recovered under an enforcement warrant.  
30

1 (2) In section 11 in the definition of *registered* delete “section 16.”  
2 and insert:

3

4 section 16;

5

6 **10. Section 17 amended**

7 (1) After section 17(1) insert:

8

9 (2A) An order to pay or elect must not relate to more than  
10 one registered infringement notice.

11

12 (2) In section 17(4) delete “licence suspension order.” and insert:

13

14 licence suspension order or may, in some  
15 circumstances, issue an enforcement warrant.

16

17 **11. Section 18 amended**

18 (1) In section 18(1) delete “suspend licences.” and insert:

19

20 enforce.

21

22 (2) Delete section 18(2) and insert:

23

24 (2) A notice of intention to enforce must be served on the  
25 alleged offender.

26

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- 1 (3) In section 18(3):  
2 (a) delete “suspend licences” and insert:  
3  
4 enforce  
5  
6 (b) delete “the Registrar may make a licence suspension  
7 order in respect of the alleged offender.” and insert:  
8  
9 the Registrar —  
10 (c) may make a licence suspension order in respect  
11 of the alleged offender; and  
12 (d) in some circumstances, may issue an  
13 enforcement warrant in respect of the alleged  
14 offender.  
15
- 16 (4) In section 18(4) delete “suspend licences.” and insert:  
17  
18 enforce.  
19
- 20 (5) In section 18(5):  
21 (a) delete “suspend licences” and insert:  
22  
23 enforce  
24  
25 (b) after paragraph (c) insert:  
26  
27 (da) state that, if the Registrar issues an enforcement  
28 warrant —  
29 (i) the alleged offender will cease to be  
30 entitled to make an election under  
31 section 21 in relation to the

- 1 infringement notice to which the  
2 warrant relates; and
- 3 (ii) the alleged offender will be required to  
4 pay the modified penalty, and  
5 enforcement fees, specified in the  
6 warrant;
- 7 and
- 8 (db) state the effect that an enforcement warrant will  
9 have if it is issued; and  
10
- 11 (6) In section 18 after each of subsections (1)(a) and (5)(a) and (b)  
12 insert:  
13
- 14 and  
15
- 16 Note: The heading to amended section 18 is to read:  
17 **Notice of intention to enforce**
- 18 **12. Section 19 amended**
- 19 (1) In section 19(1):
- 20 (a) in paragraph (a) delete “suspend licences;” and insert:  
21  
22 enforce; and  
23
- 24 (b) delete “the Registrar” and insert:  
25
- 26 then, whether or not an enforcement warrant issued  
27 under section 21A is in force, the Registrar  
28

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1 (2) In section 19(5) delete “suspend licences” and insert:

2

3 enforce

4

5 (3) In section 19:

6 (a) after subsection (3)(a) insert:

7

8 or

9

10 (b) after subsection (9)(a) insert:

11

12 and

13

14 **13. Section 20 amended**

15 Delete section 20(1)(a) and insert:

16

17 (a) the relevant modified penalty and the  
18 associated enforcement fees are paid to the  
19 Registry or recovered under an enforcement  
20 warrant; or

21

22 **14. Section 21A inserted**

23 At the end of Part 3 Division 2 insert:

24

25 **21A. Enforcement warrant**

26 (1) If —

27 (a) 28 days have elapsed since the day on which a  
28 notice of intention to enforce was issued; and



- 1 (b) the modified penalty, and enforcement fees,  
2 specified in the notice have not been paid to the  
3 Registry; and  
4 (c) the alleged offender has not made an election  
5 under section 21; and  
6 (d) the aggregate unpaid infringement amount in  
7 relation to the alleged offender is at least —  
8 (i) \$2 000; or  
9 (ii) if regulations prescribe a higher amount  
10 for the purposes of this paragraph —  
11 that higher amount,

12 then, whether or not a licence suspension order made  
13 under section 19 is in force, the Registrar may issue an  
14 enforcement warrant.

- 15 (2) An enforcement warrant must be in the prescribed form  
16 and be directed to the Sheriff.  
17 (3) An enforcement warrant must specify the modified  
18 penalty and enforcement fees owed by the alleged  
19 offender.  
20 (4) An enforcement warrant must be executed under  
21 Part 7.  
22 (5) The Registrar may at any time cancel an enforcement  
23 warrant for good reason.  
24

25 **15. Section 21 amended**

- 26 (1) In section 21(1):  
27 (a) in paragraph (c) delete “27A(4),” and insert:  
28  
29 27A(4); and  
30

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- 1 (b) after paragraph (c) insert:  
2
- 3 (d) before an enforcement warrant is issued in  
4 respect of the modified penalty and  
5 enforcement fees,  
6
- 7 (2) In section 21 after each of subsections (1)(a) and (4)(a) insert:  
8
- 9 and  
10
- 11 **16. Section 22 amended**
- 12 (1) In section 22(4):
- 13 (a) in paragraph (a) delete “notice;” and insert:  
14  
15 notice; and  
16
- 17 (b) after paragraph (b) insert:  
18
- 19 (ca) if an enforcement warrant has been issued in  
20 respect of the alleged offender and the  
21 infringement notice — the warrant is cancelled;  
22 and  
23
- 24 (2) Delete section 22(5) and insert:  
25
- 26 (5) If proceedings are withdrawn under this section —  
27 (a) the alleged offender is to be refunded any  
28 amount paid under this Part by the alleged  
29 offender in respect of the alleged offence; and

- 1 (b) if—  
2 (i) an enforcement warrant was issued in  
3 respect of the infringement notice; and  
4 (ii) property of the alleged offender was  
5 seized and sold under the enforcement  
6 warrant before it was cancelled under  
7 subsection (4)(ca),  
8 the alleged offender is to be paid an amount  
9 equal to the market value of the sold property;  
10 and  
11 (c) if—  
12 (i) an enforcement warrant was issued in  
13 respect of the infringement notice; and  
14 (ii) under the enforcement warrant, a  
15 vehicle licence cancellation order was  
16 made in respect of a vehicle registered  
17 in the name of the alleged offender,  
18 the alleged offender is to be paid an amount  
19 calculated in accordance with the regulations.  
20

21 **17. Section 27A amended**

22 In section 27A(2):

- 23 (a) in paragraph (b) delete “section 21.” and insert:  
24  
25 section 21; or  
26  
27 (b) after paragraph (b) insert:  
28  
29 (c) if an enforcement warrant issued under  
30 section 21A is in force in relation to the  
31 infringement notice.  
32

**s. 18**

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1 **18. Section 32 replaced**

2 Delete section 32 and insert:

3

4 **32. Offender must pay fine or get time to pay order**

5 (1) When a fine is imposed, an offender must either —

6 (a) pay the fine; or

7 (b) apply for a time to pay order in respect of the  
8 fine.

9 (2) If —

10 (a) a fine has been imposed; and

11 (b) the offender has not paid the fine; and

12 (c) the offender has not applied for a time to pay  
13 order in respect of the fine or the offender's  
14 application for a time to pay order in respect of  
15 the fine was refused,

16 a court officer, without notice to the offender, may at  
17 any time register the fine.

18

19 **19. Section 39 amended**

20 Delete section 39(1) and insert:

21

22 (1) A fine imposed on an offender may be registered by a  
23 court officer if the prosecuting authority has given the  
24 court officer a written notice requesting the court  
25 officer to register the fine.

26

27 Note: The heading to amended section 39 is to read:

28 **Fine may be registered at request of prosecuting authority**

1   **20.     Section 42 replaced**

2           Delete section 42 and insert:

3

4           **42.     Notice of intention to enforce**

5           (1)   When a fine is registered, the Registrar may issue a  
6           notice of intention to enforce.

7           (2)   A notice of intention to enforce must be served on the  
8           offender.

9           (3)   A notice of intention to enforce must contain a  
10          statement to the effect that unless before a date  
11          specified in the notice (the *due date*) the amount owed  
12          is paid, the Registrar —

13               (a)   may make a licence suspension order in respect  
14               of the offender; and

15               (b)   may issue an enforcement warrant in respect of  
16               the offender; and

17               (c)   may issue an order to attend for work and  
18               development to the offender; and

19               (d)   in some circumstances, may issue a warrant of  
20               commitment in respect of the offender.

21          (4)   The due date must not be earlier than 28 days after the  
22          date of issue of the notice of intention to enforce.

23          (5)   A notice of intention to enforce must also —

24               (a)   state the date and time when the licence  
25               suspension order will have effect if it is made;  
26               and

27               (b)   explain that if a licence suspension order is  
28               made it will not be cancelled until the amount  
29               owed is paid; and

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- 1 (c) explain the effect of the licence suspension  
2 order that may be made; and  
3 (d) state the effect that an enforcement warrant will  
4 have if it is issued; and  
5 (e) contain such other information as is prescribed.  
6

7 **21. Section 43 amended**

- 8 (1) In section 43(1):  
9 (a) in paragraph (a) delete “suspend licences; and” and  
10 insert:  
11  
12 enforce; and  
13  
14 (b) delete “the Registrar” and insert:  
15  
16 then, whether or not an enforcement warrant issued  
17 under section 45 is in force, the Registrar  
18  
19 (2) In section 43(5) delete “suspend licences” and insert:  
20  
21 enforce  
22  
23 (3) In section 43:  
24 (a) after subsection (3)(a) insert:  
25  
26 or  
27

1 (b) after subsection (9)(a) insert:

2

3 and

4

5 **22. Section 44 amended**

6 In section 44(1) delete “paid.” and insert:

7

8 paid or recovered under an enforcement warrant.

9

10 **23. Section 45 amended**

11 Delete section 45(1), (2) and (3) and insert:

12

13 (1) If —

14 (a) 28 days have elapsed since the date of issue of  
15 a notice of intention to enforce; and

16 (b) the amount owed has not been paid,

17 then, whether or not a licence suspension order made  
18 under section 43 is in force, the Registrar may issue an  
19 enforcement warrant.

20 (2) An enforcement warrant must be in the prescribed form  
21 and be directed to the Sheriff.

22 (3) An enforcement warrant must be executed under  
23 Part 7.

24

**s. 24**

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1 **24. Section 55A amended**

2 Delete section 55A(2)(b) and insert:

3

4 (b) if an enforcement warrant issued under  
5 section 45 is in force.

6

7 **25. Part 5A inserted**

8 After Part 4 insert:

9

10 **Part 5A — Publication of details of persons on**  
11 **Registrar's website**

12 **Division 1 — Preliminary**

13 **56A. Terms used**

14 In this Part —

15 ***aggregate amount owed***, by a person, means the  
16 aggregate of —

- 17 (a) the amount owed for each outstanding  
18 registered fine in relation to the person; and  
19 (b) the amount owed for each outstanding order to  
20 pay or elect in relation to the person;

21 ***amount owed*** means —

- 22 (a) for an order to pay or elect issued under  
23 section 17 — that amount of the modified  
24 penalty, and enforcement fees, specified in the  
25 order that has not been paid, or recovered under  
26 an enforcement warrant; or  
27 (b) for a fine — that amount of a fine, and any  
28 enforcement fees in relation to the fine, that has



- 1 not been paid, or recovered under an  
2 enforcement warrant;
- 3 **enforcement fees** means prescribed fees imposed in  
4 connection with proceedings under Part 3 or 4 and  
5 includes the registration fee referred to in section 16;
- 6 **fine** has the meaning given in section 28(1);
- 7 **modified penalty** has the meaning given in section 11;
- 8 **outstanding order to pay or elect** has the meaning  
9 given in section 11;
- 10 **outstanding registered fine** has the meaning given in  
11 section 56B;
- 12 **Registrar's website** means a website, or a part of a  
13 website, controlled and managed by the Registrar;
- 14 **relevant details** has the meaning given in section 56C.
- 15 **56B. Outstanding registered fines**
- 16 An **outstanding registered fine**, in relation to a person,  
17 means a fine imposed on the person, where —
- 18 (a) the fine is registered under section 41; and
- 19 (b) at least 28 days have elapsed since the day on  
20 which the fine was imposed; and
- 21 (c) the fine, and any enforcement fees in relation to  
22 the fine, have not been paid in full or recovered  
23 in full under an enforcement warrant; and
- 24 (d) no time to pay order under section 55A is in  
25 force in respect of the person and the amount  
26 owed; and
- 27 (e) if an enforcement warrant is in force in respect  
28 of the person and the amount owed — no  
29 arrangement under section 68A is in force in  
30 relation to the warrant; and

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---

- 1 (f) if a work and development order has been made  
2 in respect of the person and the amount  
3 owed — the order has not been completed  
4 under section 51; and
- 5 (g) the person's liability to pay the amount owed  
6 has not been discharged under section 53(5);  
7 and
- 8 (h) either —
- 9 (i) the person has not appealed against the  
10 fine, or a decision giving rise to the fine,  
11 for the purposes of section 101B; or
- 12 (ii) any appeal against the fine, or a decision  
13 giving rise to the fine, has been disposed  
14 of (within the meaning of  
15 section 101B), and the fine is still  
16 payable.

17 **56C. Relevant details of persons**

18 The *relevant details* of a person are —

- 19 (a) for an individual, the following details only —
- 20 (i) the individual's surname;
- 21 (ii) the individual's given names;
- 22 (iii) the street, and the suburb or town, in  
23 which the individual resides according  
24 to the individual's last known address;
- 25 (iv) whether there are one or more  
26 outstanding orders to pay or elect, or  
27 outstanding registered fines, or both, in  
28 relation to the individual;
- 29 (v) the aggregate amount owed by the  
30 individual;
- 31 or

- 1 (b) for a body corporate, the following details  
2 only —
- 3 (i) the registered name of the body  
4 corporate;
- 5 (ii) the street, and the suburb or town, at  
6 which the registered office of the body  
7 corporate is located;
- 8 (iii) whether there are one or more  
9 outstanding orders to pay or elect, or  
10 outstanding registered fines, or both, in  
11 relation to the body corporate;
- 12 (iv) the aggregate amount owed by the body  
13 corporate.

14 **Division 2 — Publication of relevant details of persons**  
15 **on Registrar's website**

16 **56D. Publication of relevant details of persons on**  
17 **Registrar's website**

- 18 (1) If, in relation to a person, there are one or more —
- 19 (a) outstanding orders to pay or elect; or
- 20 (b) outstanding registered fines,
- 21 the Registrar may cause some or all of the relevant  
22 details of the person to be published on the Registrar's  
23 website.
- 24 (2) The Registrar must not cause any relevant details of a  
25 person to be published under this section if the  
26 Registrar has grounds to suspect —
- 27 (a) the person is a child; or
- 28 (b) all of the following conditions are satisfied —
- 29 (i) there are one or more outstanding  
30 registered fines in relation to the person;

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---

- 1 (ii) an order prohibiting the publication of  
2 the person's name was made in the  
3 proceedings in which any of those  
4 outstanding registered fines was  
5 imposed;  
6 (iii) the order is in force.
- 7 (3) If —  
8 (a) relevant details of a person are published under  
9 this section on the Registrar's website; and  
10 (b) the Registrar becomes aware that any of the  
11 relevant details of the person has changed; and  
12 (c) section 56E(2) does not apply,  
13 the Registrar must cause the relevant details published  
14 on the website to be updated as soon as practicable.

15 **56E. Removal of relevant details from website**

- 16 (1) The Registrar may, at any time, cause some or all of  
17 the relevant details of a person to be removed from the  
18 Registrar's website.
- 19 (2) If —  
20 (a) under section 56D, relevant details of a person  
21 are published on the Registrar's website; and  
22 (b) there ceases to be any outstanding order to pay  
23 or elect, or outstanding registered fine, in  
24 relation to the person,  
25 the Registrar must cause the relevant details of the  
26 person to be removed from the website as soon as  
27 practicable.  
28

1 **26. Section 63 amended**

2 (1) In section 63 delete “In this” and insert:

3

4 (1) In this

5

6 (2) In section 63 delete the definitions of:

7 ***offender***

8 ***Sheriff***

9 (3) In section 63 insert in alphabetical order:

10

11 ***debtor*** means —

12 (a) in relation to a warrant issued under Part 3 —  
13 the alleged offender in respect of whom the  
14 warrant is issued; or

15 (b) in relation to a warrant issued under Part 4 —  
16 the offender in respect of whom the warrant is  
17 issued; or

18 (c) in relation to a warrant issued under Part 6 —  
19 the body corporate in respect of which the  
20 warrant is issued;

21 ***warning notice*** means a notice affixed to a vehicle  
22 under section 95B(1);

23

24 (4) In section 63 in the definition of ***warrant*** delete “a warrant of  
25 execution issued under Part 4 or Part 6.” and insert:

26

27 an enforcement warrant issued under Part 3, 4 or 6.

28

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---

- 1 (5) At the end of section 63 insert:  
2
- 3 (2) When this Part refers to removing the immobilisation  
4 of a vehicle it means —
- 5 (a) if the vehicle was immobilised by a wheel  
6 clamp — removing the wheel clamp; or
- 7 (b) if the vehicle was immobilised using another  
8 means prescribed by the regulations —  
9 removing the effect of the means by which the  
10 vehicle was immobilised.  
11

12 **27. Section 65 replaced**

13 Delete section 65 and insert:  
14

15 **65. Warrant has indefinite life**

16 Unless sooner cancelled, a warrant remains in force —

- 17 (a) until the amount specified in the warrant, and  
18 any enforcement fees, are paid; or
- 19 (b) until the amount specified in the warrant, and  
20 any enforcement fees, are recovered under the  
21 warrant; or
- 22 (c) in the case of a warrant issued under Part 4 —  
23 until an order to attend for work and  
24 development is served on the offender,

25 whichever happens first.  
26

1 **28. Section 68A amended**

2 After section 68A(1) insert:

3

4 (2A) The Sheriff must not enter into an arrangement under  
5 subsection (1) unless the debtor gives the Sheriff the  
6 debtor's current address.

7

8 **29. Section 68B inserted**

9 After section 68A insert:

10

11 **68B. Notice of right to apply under s. 101AA to be given**  
12 **for warrants issued under Part 3**

13 (1) In this section —

14 *enforcement action* means any of the following actions  
15 taken under a warrant —

16 (a) seizing personal property in accordance with  
17 section 71;

18 (b) seizing land in accordance with section 88;

19 (c) immobilising a vehicle in accordance with  
20 section 95C;

21 (d) removing number plates from a vehicle in  
22 accordance with section 95F.

23 (2) When the Sheriff takes the first enforcement action  
24 under a warrant issued under Part 3, the Sheriff must  
25 give the debtor a notice explaining that —

26 (a) the debtor may apply to the Magistrates Court  
27 for an order cancelling the warrant; and

28 (b) the application must be made within 14 days  
29 after the notice is given.

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---

- 1 (3) A notice under subsection (2) must be given —  
2 (a) if the first enforcement action is seizing  
3 personal property — by serving it on the debtor  
4 with the notice of seizure required to be served  
5 under section 80; or  
6 (b) if the first enforcement action is seizing land —  
7 by serving it on the debtor as soon as  
8 practicable after the memorial referred to in  
9 section 89 is lodged; or  
10 (c) if the first enforcement action is immobilising a  
11 vehicle — by affixing the notice to the vehicle  
12 with the notice required to be affixed to the  
13 vehicle under section 95C(4); or  
14 (d) if the first enforcement action is removing  
15 number plates from a vehicle — by affixing the  
16 notice to the vehicle with the notice required to  
17 be affixed to the vehicle under section 95F(3).  
18

19 **30. Section 69 amended**

20 Delete section 69(1) and insert:  
21

- 22 (1) In respect of a warrant, the Sheriff may apply to the  
23 Magistrates Court for an order —  
24 (a) that the debtor; or  
25 (b) if the debtor is a body corporate — that a  
26 person having the management of the body,  
27 personally attend the court to be examined about —  
28 (c) the existence and whereabouts and value of any  
29 property that might be seized under the warrant  
30 including any debts due to the debtor; and  
31 (d) the existence and whereabouts of any vehicle  
32 licensed in the name of the debtor.  
33



1 Note: The heading to amended section 69 is to read:

2 **Examination in aid of seizure or exercise of additional powers**  
3 **relating to vehicles**

4 **31. Section 70E amended**

5 After section 70E(3) insert:

6

7 (4) If a warrant was issued under Part 3, an offender's  
8 saleable interest in real or personal property must not  
9 be sold under the warrant unless either —

10 (a) 14 days have elapsed since the notice under  
11 section 68B was given to the debtor, and no  
12 application has been made to the Magistrates  
13 Court under section 101AA in respect of the  
14 warrant; or

15 (b) any application made to the Magistrates Court  
16 under section 101AA has been disposed of  
17 (within the meaning of that section), and the  
18 warrant remains in force.  
19

20 **32. Part 7 Division 6A inserted**

21 After Part 7 Division 5 insert:

22

23 **Division 6A — Additional powers relating to vehicles**

24 **Subdivision 1 — General provisions**

25 **95A. Application of this Division**

26 This Division applies to a warrant issued under Part 3  
27 or 4.

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**95B. Warning notices**

- 1 (1) A warrant issued in respect of a debtor entitles the  
2 Sheriff to affix a notice that complies with  
3 subsection (2) to one or more vehicles licensed in the  
4 name of the debtor.  
5
- 6 (2) The notice must include information about the  
7 enforcement action that may be taken by the Sheriff in  
8 relation to the vehicle under this Division.
- 9 (3) The power in subsection (1) may be exercised whether  
10 or not the Sheriff has previously exercised any other  
11 powers under the warrant in relation to the vehicle.

**Subdivision 2 — Immobilisation of vehicles**

**95C. Immobilisation of vehicles**

- 13 (1) A warrant issued in respect of a debtor entitles the  
14 Sheriff to immobilise one or more vehicles licensed in  
15 the name of the debtor using —  
16 (a) one or more wheel clamps; or  
17 (b) another means prescribed by the regulations.  
18
- 19 (2) A vehicle must not be immobilised under a warrant at a  
20 particular place unless the Sheriff is satisfied that  
21 immobilising the vehicle at that place will not —  
22 (a) cause the vehicle to be parked in contravention  
23 of a written law; or  
24 (b) cause undue inconvenience to persons other  
25 than the debtor.
- 26 (3) A vehicle must not be immobilised under a warrant if,  
27 at the time of the immobilisation —  
28 (a) the number plates of the vehicle have been  
29 removed in accordance with section 95F; and

- 1 (b) the number plates have not been returned to the  
2 debtor.
- 3 (4) If the Sheriff immobilises a vehicle under a warrant,  
4 the Sheriff must affix to the vehicle a notice that  
5 complies with subsection (5).
- 6 (5) A notice affixed to a vehicle under subsection (4) must  
7 include at least the following information —
- 8 (a) that a warrant has been issued in respect of the  
9 holder of the vehicle licence; and
- 10 (b) the time at which the vehicle was immobilised;  
11 and
- 12 (c) that it is an offence to remove the notice while  
13 the vehicle remains immobilised under a  
14 warrant; and
- 15 (d) information about what the debtor may do to  
16 have the immobilisation of the vehicle  
17 removed; and
- 18 (e) that the Sheriff may take further enforcement  
19 action against the debtor if the debtor does not  
20 pay the amount owed under the warrant and  
21 any enforcement fees; and
- 22 (f) any other information prescribed by the  
23 regulations.
- 24 (6) A notice under subsection (4) may be in 2 parts.

25 **95D. Removal of immobilisation of vehicle**

- 26 (1) The Sheriff may at any time remove the immobilisation  
27 of a vehicle that has been immobilised under a warrant.
- 28 (2) If —
- 29 (a) a vehicle is immobilised under a warrant; and

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---

- 1 (b) the warrant ceases to be in force,  
2 the Sheriff must remove the immobilisation of the  
3 vehicle as soon as practicable.

4 **95E. Offences relating to immobilisation of vehicles**

- 5 (1) A person must not, without reasonable excuse, remove  
6 a vehicle that is immobilised under a warrant from the  
7 place at which it is immobilised.

8 Penalty: a fine of \$2 000.

- 9 (2) A person must not, without reasonable excuse —  
10 (a) interfere with or remove a wheel clamp by  
11 which a vehicle is immobilised under a warrant;  
12 or  
13 (b) otherwise remove the immobilisation of a  
14 vehicle immobilised under a warrant.

15 Penalty: a fine of \$2 000.

- 16 (3) A person must not, without reasonable excuse, interfere  
17 with or remove a notice affixed to a vehicle under  
18 section 95C(4), or any part of such a notice, at any time  
19 while the vehicle is immobilised under a warrant.

20 Penalty for an offence under subsection (3): a fine of  
21 \$2 000.

22 **Subdivision 3 — Removal of number plates**

23 **95F. Removal of number plates**

- 24 (1) A warrant issued in respect of a debtor entitles the  
25 Sheriff to remove the number plates from one or more  
26 vehicles licensed in the name of the debtor.

- 1           (2) The number plates of a vehicle must not be removed  
2           under a warrant if —
- 3                 (a) the vehicle has been immobilised under a  
4                 warrant; and
- 5                 (b) the immobilisation of the vehicle has not been  
6                 removed.
- 7           (3) If the Sheriff removes the number plates of a vehicle  
8           under this section, the Sheriff must affix to the vehicle  
9           a notice that complies with subsection (4).
- 10          (4) A notice affixed to a vehicle under subsection (3) must  
11          include at least the following information —
- 12                 (a) that a warrant has been issued in respect of the  
13                 holder of the vehicle licence; and
- 14                 (b) the time at which the number plates were  
15                 removed; and
- 16                 (c) that the vehicle licence has been suspended and  
17                 the debtor is disqualified from holding or  
18                 obtaining a vehicle licence for the vehicle; and
- 19                 (d) that it is an offence to remove the notice before  
20                 the number plates are returned or a vehicle  
21                 licence cancellation order is made in respect of  
22                 the vehicle; and
- 23                 (e) information about what the debtor may do to  
24                 have the number plates returned; and
- 25                 (f) that the Sheriff may take further enforcement  
26                 action against the debtor if the debtor does not  
27                 pay the amount owed under the warrant and  
28                 any enforcement fees; and
- 29                 (g) any other information prescribed by the  
30                 regulations.
- 31          (5) A notice under subsection (3) may be in 2 parts.

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- 1 (6) Subject to sections 95H and 95J, number plates  
2 removed under a warrant are to be kept in safe custody  
3 by the Sheriff.
- 4 **95G. Vehicle licence suspension order made when**  
5 **number plates are removed**
- 6 (1) At the time the number plates of a vehicle are removed  
7 under a warrant, the Sheriff must make a vehicle  
8 licence suspension order in respect of the vehicle.
- 9 (2) A vehicle licence suspension order is an order  
10 disqualifying the debtor from holding or obtaining a  
11 vehicle licence for the vehicle.
- 12 (3) As soon as practicable after the number plates of a  
13 vehicle are removed under a warrant —  
14 (a) the Sheriff must advise the Registrar of the  
15 terms of the order; and  
16 (b) the Registrar must advise the Director General  
17 of the terms of the order.
- 18 (4) For the purposes of this Act and the *Road Traffic*  
19 *Act 1974*, a vehicle licence suspension order made  
20 under subsection (1) —  
21 (a) takes effect when the number plates are  
22 removed; and  
23 (b) is in force from the time it takes effect to the  
24 time when it is cancelled.
- 25 (5) If —  
26 (a) a vehicle licence suspension order is made  
27 under subsection (1) when the number plates of  
28 a vehicle are removed under a warrant; and  
29 (b) either —  
30 (i) the warrant ceases to be in force; or

1 (ii) the number plates are returned to the  
2 debtor; or

3 (iii) a vehicle licence cancellation order is  
4 made in respect of the vehicle under  
5 section 95J,

6 the vehicle licence suspension order is taken to be  
7 cancelled.

8 (6) If a vehicle licence suspension order is cancelled under  
9 subsection (5), the Registrar must notify the Director  
10 General of the cancellation as soon as practicable.

11 **95H. Return of number plates**

12 (1) If the number plates of a vehicle licensed in the name  
13 of a debtor have been removed under a warrant, the  
14 Sheriff may at any time return the number plates to the  
15 debtor.

16 (2) If —

17 (a) the number plates of a vehicle licensed in the  
18 name of a debtor have been removed under a  
19 warrant; and

20 (b) the warrant ceases to be in force; and

21 (c) a vehicle licence cancellation order has not  
22 been made in respect of the vehicle under  
23 section 95J; and

24 (d) the vehicle remains licensed in the name of the  
25 debtor,

26 the Sheriff must return the number plates to the debtor  
27 as soon as practicable.

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- 1 (3) Without limiting subsections (1) and (2), the Sheriff  
2 may return number plates to a debtor by —  
3 (a) notifying the debtor in writing that the debtor  
4 may collect the number plates from a place and  
5 during periods specified in the notice; and  
6 (b) making the number plates available for  
7 collection in accordance with the notice.

8 **95I. Offence of interfering with or removing notice**

- 9 (1) In this section —  
10 *affected vehicle* means a vehicle from which the  
11 number plates have been removed under a warrant.  
12 (2) A person who, without reasonable excuse, interferes  
13 with or removes a notice affixed to an affected vehicle  
14 under section 95F(3), or any part of such a notice,  
15 commits an offence unless —  
16 (a) the number plates have been returned to the  
17 debtor in whose name the vehicle is licensed; or  
18 (b) a vehicle licence cancellation order has been  
19 made in respect of the vehicle under  
20 section 95J.

21 Penalty: a fine of \$2 000.

22 **Subdivision 4 — Vehicle licence cancellation orders**

23 **95J. Vehicle licence cancellation order**

- 24 (1) If —  
25 (a) the number plates of a vehicle licensed in the  
26 name of a debtor have been removed under a  
27 warrant; and  
28 (b) 28 days have elapsed since the day on which  
29 the number plates were removed; and



- 1                   (c) the warrant remains in force,  
2                   the Sheriff may make a vehicle licence cancellation  
3                   order in respect of the vehicle.
- 4           (2) A vehicle licence cancellation order is an order —  
5               (a) cancelling the vehicle licence of a vehicle  
6               specified in the order; and  
7               (b) disqualifying the debtor from holding or  
8               obtaining a vehicle licence in respect of that  
9               vehicle.
- 10          (3) If the Sheriff makes a vehicle licence cancellation  
11          order, the Sheriff must —  
12               (a) serve a copy of the order on the debtor; and  
13               (b) advise the Registrar of the terms of the order;  
14               and  
15               (c) give the number plates that were removed from  
16               the vehicle to the Director General.
- 17          (4) As soon as practicable after receiving advice under  
18          subsection (3), the Registrar must advise the Director  
19          General of the terms of the vehicle licence cancellation  
20          order.
- 21          (5) For the purposes of this Act and the *Road Traffic*  
22          *Act 1974*, a vehicle licence cancellation order takes  
23          effect when it is made.
- 24          (6) If —  
25               (a) a vehicle licence cancellation order is made in  
26               respect of a vehicle and a debtor; and  
27               (b) the warrant under which the order is made  
28               ceases to be in force,  
29               the vehicle licence cancellation order is taken to be  
30               cancelled to the extent that the order would disqualify

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1 the debtor from holding or obtaining a vehicle licence  
2 in respect of that vehicle.

3 (7) If a vehicle licence cancellation order is cancelled  
4 under subsection (6), the Registrar must notify the  
5 Director General of the cancellation as soon as  
6 practicable.

7 (8) The making of a vehicle licence cancellation order  
8 under this section in relation to a vehicle does not  
9 entitle the debtor to the refund of any fee paid in  
10 respect of the grant or renewal of the vehicle licence.

11 **Subdivision 5 — Powers for this Division**

12 **95K. Powers enabling immobilisation of vehicles and**  
13 **removal of number plates etc.**

14 (1) Under a warrant, using any force and assistance that is  
15 reasonably necessary in the circumstances, the Sheriff  
16 may do any or all of the following —

17 (a) enter any place that is occupied by the debtor  
18 for the purpose of immobilising, removing the  
19 number plates of, or affixing a warning notice  
20 to, a vehicle licensed in the name of the debtor;

21 (b) enter any place that —  
22 (i) is not occupied by the debtor; and

23 (ii) is not a public place,  
24 for the purpose of immobilising, removing the  
25 number plates of, or affixing a warning notice  
26 to, a vehicle licensed in the name of the debtor;

27 (c) from time to time re-enter any place described  
28 in paragraph (a) or (b) for the purpose of  
29 performing the Sheriff's functions under this  
30 Act and the warrant.

- 1           (2) The powers in —  
2                 (a) subsection (1)(a); and  
3                 (b) subsection (1)(c), to the extent that it applies in  
4                     relation to a place referred to in  
5                     subsection (1)(a),  
6                     may be exercised at any time of the day or night.
- 7           (3) The powers in —  
8                 (a) subsection (1)(b); and  
9                 (b) subsection (1)(c), to the extent that it applies in  
10                     relation to a place referred to in  
11                     subsection (1)(b),  
12                     may be exercised at any time of the day or night but  
13                     must not be exercised without the consent of the  
14                     occupier of the place or, if there is no occupier, the  
15                     owner.
- 16           (4) Despite subsection (3), if —  
17                 (a) the consent referred to in subsection (3) is  
18                     unreasonably withheld; or  
19                 (b) the Sheriff, after reasonable attempts to do so,  
20                     cannot contact the owner or occupier of the  
21                     place,  
22                     the Sheriff may exercise the powers referred to in  
23                     subsection (3) without that consent.  
24

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1 **33. Section 98A inserted**

2 After section 97 insert:

3

4 **98A. Seized property to be released if warrant ceases to**  
5 **be in force**

6 If —

- 7 (a) a warrant ceases to be in force; and  
8 (b) at the time of the cessation, property has been  
9 seized under the warrant but has not been sold,

10 the Sheriff must release the property from seizure as  
11 soon as practicable.  
12

13 **34. Section 101AA inserted**

14 After section 101 insert:

15

16 **101AA. Magistrates Court may set aside enforcement**  
17 **warrant issued under Part 3**

18 (1) In this section —

19 *disposed of* means determined, dismissed or  
20 discontinued.

21 (2) A person in respect of whom an enforcement warrant  
22 has been issued under Part 3 (the *applicant*) may apply  
23 to the Magistrates Court for an order cancelling the  
24 warrant.

25 (3) The application must be made no later than 14 days  
26 after the Sheriff gives the applicant the notice under  
27 section 68B in respect of the enforcement warrant.

28 (4) A person cannot apply if the person has previously  
29 applied in relation to the enforcement warrant or in

- 1 relation to any other enforcement warrant made in  
2 respect of the infringement notice to which the warrant  
3 relates, and the application was refused.
- 4 (5) The application must be made in accordance with the  
5 Magistrates Court's rules of court.
- 6 (6) An enforcement warrant that is in force at the time  
7 when an application is made under subsection (2) does  
8 not cease to be in force by reason only of the making of  
9 the application, but no further action is to be taken  
10 under the warrant until the application is disposed of.
- 11 (7) If on an application the applicant satisfies the Court  
12 that the applicant received none of the following —
- 13 (a) the infringement notice that gave rise to the  
14 warrant;
- 15 (b) the final demand issued under section 14 in  
16 respect of the infringement notice;
- 17 (c) the order to pay or elect issued under section 17  
18 in respect of the infringement notice;
- 19 (d) the notice of intention to enforce issued under  
20 section 18 in respect of the infringement notice;
- 21 (e) any notice confirming licence suspension  
22 issued under section 19(6) in respect of the  
23 infringement notice,
- 24 the Court may make an order cancelling the  
25 enforcement warrant.
- 26 (8) If the Court makes an order cancelling an enforcement  
27 warrant Part 3 applies in relation to the infringement  
28 notice to which the warrant relates as if the Registrar  
29 had never issued the warrant.  
30

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1 **35. Section 101B amended**

2 (1) Delete section 101B(3)(d) and insert:

3

4 (d) an enforcement warrant issued under section 45  
5 is in force, but —

6 (i) no property has been seized under the  
7 warrant; and

8 (ii) no vehicle has been immobilised under  
9 the warrant; and

10 (iii) no number plates have been removed  
11 from a vehicle under the warrant,

12 the warrant is to be taken as being cancelled  
13 from that time;

14

15 (2) Delete section 101B(4)(a) and (b) and insert:

16

17 (a) an enforcement warrant issued under section 45  
18 is in force and —

19 (i) property has been seized under the  
20 warrant; or

21 (ii) a vehicle is or has been immobilised  
22 under the warrant; or

23 (iii) number plates have been removed from  
24 a vehicle under the warrant,

25 no further action is to be taken under the  
26 warrant;

27

- 1 (3) After section 101B(4) insert:  
2
- 3 (5A) If when a person appeals against a fine or the decision  
4 giving rise to a fine —  
5 (a) subsection (4)(a) applies to an enforcement  
6 warrant; and  
7 (b) a vehicle is immobilised under the warrant,  
8 the Sheriff must, as soon as practicable, remove the  
9 immobilisation of the vehicle (within the meaning of  
10 section 63(2)).
- 11 (5B) If when a person appeals against a fine or the decision  
12 giving rise to a fine —  
13 (a) subsection (4)(a) applies to an enforcement  
14 warrant; and  
15 (b) number plates have been removed from a  
16 vehicle under the warrant; and  
17 (c) those number plates have not been returned;  
18 and  
19 (d) a vehicle licence cancellation order has not  
20 been made under section 95J in respect of the  
21 vehicle; and  
22 (e) the vehicle remains licensed in the name of the  
23 person,  
24 the Sheriff must, as soon as practicable, return the  
25 number plates to the person (either in accordance with  
26 section 95H(3) or otherwise).
- 27 (5C) If when a person appeals against a fine or the decision  
28 giving rise to a fine —  
29 (a) subsection (4)(a) applies to an enforcement  
30 warrant; and

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- 1 (b) a vehicle licence cancellation order has been  
2 made under section 95J in respect of a vehicle  
3 under the warrant,  
4  
5 the vehicle licence cancellation order is taken to be  
6 cancelled to the extent that the order would disqualify  
7 the person from holding or obtaining a vehicle licence  
8 in respect of that vehicle, and the Registrar must notify  
9 the Director General of that cancellation as soon as  
10 practicable.

11 **36. Section 101C amended**

12 (1) Before section 101C(1) insert:

13

14 (1A) In this section —

15 *licence suspension order* includes a vehicle licence  
16 suspension order made under section 95G.  
17

18 (2) After section 101C(1)(c) insert:

19

20 (da) that a vehicle licence cancellation order was  
21 made under this Act;

22 (db) of the details of a vehicle licence cancellation  
23 order and of the matter to which it relates;

24 (dc) that a vehicle licence cancellation order had  
25 not, at a particular time, been cancelled to the  
26 extent that the order would disqualify a person  
27 from holding or obtaining a vehicle licence;  
28



1 **37. Section 101D amended**

2 (1) Before section 101D(1) insert:

3

4 (1A) In this section —

5 *licence suspension order* includes a vehicle licence  
6 suspension order made under section 95G.

7

8 (2) In section 101D(1) after “licence suspension order” insert:

9

10 or vehicle licence cancellation order

11

12 Note: The heading to amended section 101D is to read:

13 **Validity of certain orders not affected by non-receipt of**  
14 **documents**

15 **38. Section 108B inserted**

16 After section 108A insert:

17

18 **108B. Amounts to be credited to agency special purpose**  
19 **account**

20 An amount equal to the amounts credited to the  
21 Consolidated Account under sections 27(2), 55(2) and  
22 96(6) is to be —

23 (a) credited to an agency special purpose account  
24 that is —

25 (i) established under the *Financial*  
26 *Management Act 2006* section 16 for the  
27 purposes of the department of the Public  
28 Service principally assisting the  
29 Minister in the administration of this  
30 Act; and

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- 1 (ii) nominated by the Minister in writing for  
2 the purposes of this section;  
3 and  
4 (b) charged to the Consolidated Account,  
5 and this section appropriates the Consolidated Account  
6 accordingly.  
7

8 **39. Section 108 amended**

- 9 (1) In section 108(3):  
10 (a) delete paragraph (d) and insert:  
11  
12 (d) a fee for issuing a notice of intention to enforce  
13 to be imposed on an offender either when a  
14 licence suspension order is made or when an  
15 enforcement warrant is issued, but not twice;  
16  
17 (b) after paragraph (d) insert:  
18  
19 (ea) a fee for issuing an enforcement warrant to be  
20 imposed on an alleged offender when the  
21 warrant is issued;  
22  
23 (2) In section 108(5) delete “an offender in connection with  
24 executing” and insert:  
25  
26 a debtor (as defined in section 63) in connection with  
27 the exercise of powers under  
28

- 1 (3) After section 108(7) insert:  
2
- 3 (8) The amount of an enforcement fee prescribed under  
4 this section may be more than the amount, or an  
5 estimate of the amount, needed to allow recovery of  
6 expenditure —  
7 (a) incurred in connection with the matter in  
8 relation to which the enforcement fee is  
9 imposed; or  
10 (b) that is relevant to the scheme or system under  
11 which the enforcement fee is imposed.
- 12 (9) Subsection (8) does not apply to an enforcement fee  
13 prescribed in accordance with subsection (6).  
14

15 **40. Part 9 inserted**

16 After Part 8 insert:  
17

18 **Part 9 — Transitional and validation provisions**

19 **110. Transitional provisions as to warrants of execution**

- 20 (1) A warrant of execution in force immediately before the  
21 *Fines, Penalties and Infringement Notices Enforcement*  
22 *Amendment Act 2012* section 41 comes into operation  
23 is, on and after the coming into operation of that  
24 section and until it ceases to be in force under this Act,  
25 taken to be an enforcement warrant for the purposes of  
26 this Act.
- 27 (2) Despite subsection (1), a warrant of execution referred  
28 to in that subsection does not authorise any action that  
29 can be taken to enforce the payment of the fine under  
30 Part 7 Division 6A.

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- 1           **111. Transitional provisions as to notices of intention to**  
2           **suspend licences issued under s. 18**
- 3           (1) In this section —
- 4                 *commencement* means the coming into operation of  
5                 the *Fines, Penalties and Infringement Notices*  
6                 *Enforcement Amendment Act 2012* section 11.
- 7           (2) A notice of intention to suspend licences issued before  
8                 commencement is, on and after commencement, taken  
9                 for the purposes of this Act —
- 10                 (a) to be a notice of intention to enforce given in  
11                 accordance with section 18 as in force after  
12                 commencement; and
- 13                 (b) to have been issued on the day when the notice  
14                 of intention to suspend licences was issued.
- 15           **112. Transitional provisions as to notices of intention to**  
16           **suspend licences issued under s. 42**
- 17           (1) In this section —
- 18                 *commencement* means the coming into operation of  
19                 the *Fines, Penalties and Infringement Notices*  
20                 *Enforcement Amendment Act 2012* section 20.
- 21           (2) A notice of intention to suspend licences issued under  
22                 section 42 before commencement is, on and after  
23                 commencement, taken for the purposes of this Act —
- 24                 (a) to be a notice of intention to enforce given in  
25                 accordance with section 42 as in force after  
26                 commencement; and
- 27                 (b) to have been issued on the day when the notice  
28                 of intention to suspend licences was issued.

1           **113. Transitional provisions as to infringement notices**

2           (1) In this section —

3           *commencement* means the coming into operation of  
4           the *Fines, Penalties and Infringement Notices*  
5           *Enforcement Amendment Act 2012* section 14;

6           *transitional period* means the period of 12 months  
7           beginning on commencement.

8           (2) This section applies despite any other provision of a  
9           written law.

10          (3) An infringement notice issued under a written law —

11           (a) before commencement; or

12           (b) during the transitional period,

13           is not invalid merely because the infringement notice  
14           does not inform the alleged offender of action that may  
15           be taken under this Act only because of the  
16           amendments to this Act made by the *Fines, Penalties*  
17           *and Infringement Notices Enforcement Amendment*  
18           *Act 2012*.

19           **114. Validation**

20           Regulations made, or purporting to have been made,  
21           under section 108 before the commencement of this  
22           section are, and are taken to have always been, as  
23           effective as they would have been if section 108(8) had  
24           been enacted and commenced before those regulations  
25           were made.  
26

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1 **41. Other provisions amended**

2 Amend the provisions listed in the Table as set out in the Table.

3 **Table**

<b>Provision</b>	<b>Delete</b>	<b>Insert</b>
s. 5A(2)(g), 7A(1)(a), 41(3), 45(5), 47(1) and (4), 47A(1)(a)(iii), 55D(1)(a) and (d) and (3), 61(2)(b), 106, 108(4)(a) and (b) and (5)	a warrant of execution	an enforcement warrant
s. 45(4), 61(3), 105(1)	A warrant of execution	An enforcement warrant
s. 47(2), 47A(3)(b), 101B(5)(b)	warrant of execution (each occurrence)	enforcement warrant
Pt. 7 heading	<b>Warrants of execution</b>	<b>Enforcement warrants</b>
s. 67(1), 68A(2), 70(2), 71(2), 75, 80(1), 86(3), 88(2), 95(2), 97(1)	an offender (each occurrence)	a debtor
s. 68A(1), (2), (5) and (6), 69(2), 70(3), 70C(2)(a), 70D, 71(2), 75, 76(1), 77(1)(b) and (2), 78(1), 80(2) and (3)(a), 81(2), (3) and (4), 86(2), 87(1), 88(2)(a), 89(6), 91(1), 91A(1) and (5), 92(1) and (2), 93(1), 96(3)(c) and (5)	the offender (each occurrence)	the debtor
s. 70(6), 70A(1), 71(3), 88(3), 91(2)(a), 91A(1)	the offender's	the debtor's

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<b>Provision</b>	<b>Delete</b>	<b>Insert</b>
s. 70A(1) and (2), 70C(1), 70E(1), 91B(1)	an offender's	a debtor's
s. 70E(2)	An offender's	A debtor's
s. 91B(3)	The offender	The debtor
s. 101(3)(d), 101A(5)(c)(i), 101B(3)(b), 108A(6)(a), 108(4)(a)	suspend licences	enforce

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2  
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Note: The heading to the amended sections listed in the Table are to read as set out in the Table.

**Table**

<b>Amended section</b>	<b>Section heading</b>
s. 45	<b>Enforcement warrant</b>
s. 70	<b>Determining a debtor's interest in property</b>
s. 71	<b>Enforcement warrant, effect of</b>
s. 78	<b>Debts due to debtor to be paid to Sheriff</b>
s. 91A	<b>Debtor may be permitted to sell or mortgage real property</b>

1 **Part 3 — *Equal Opportunity Act 1984* amended**

2 **42. Act amended**

3 This Part amends the *Equal Opportunity Act 1984*.

4 **43. Long title amended**

5 In the long title delete “or age,” and insert:

6

7 **age, or publication of details on the Fines Enforcement**  
8 **Registrar’s website,**

9

10 **44. Section 3 amended**

11 In section 3(a) delete “age” and insert:

12

13 age, publication of relevant details on the Fines  
14 Enforcement Registrar’s website

15

16 **45. Section 4 amended**

17 In section 4(1) insert in alphabetical order:

18

19 ***Fines Enforcement Registrar*** means the Registrar  
20 appointed under the *Fines, Penalties and Infringement*  
21 *Notices Enforcement Act 1994* section 7(1);

22 ***relevant details***, in relation to a person, has the  
23 meaning given in the *Fines, Penalties and Infringement*  
24 *Notices Enforcement Act 1994* section 56C;

25

26 **46. Section 5 amended**

27 In section 5 delete “IVA or IVB” and insert:

28

29 IVA, IVB or IVC

30



1   **47.    Part IVC inserted**

2           After Part IVB insert:

3

4                           **Part IVC — Discrimination on ground of**  
5                           **publication of relevant details of persons on**  
6                           **Fines Enforcement Registrar’s website**

7   **Division 1 — General**

8           **67A.    Discrimination on ground of publication of relevant**  
9                           **details on Fines Enforcement Registrar’s website**

10                           In this Division, a person (the *discriminator*)  
11                           discriminates against another person (the *aggrieved*  
12                           *person*) on the ground of the publication of relevant  
13                           details of the person on the Fines Enforcement  
14                           Registrar’s website if, on the ground of the publication  
15                           under the *Fines, Penalties and Infringement Notices*  
16                           *Enforcement Act 1994* section 56D of any relevant  
17                           details of the person, the discriminator —

- 18   (a)   treats the aggrieved person less favourably  
19   than, in the same circumstances or in  
20   circumstances that are not materially different,  
21   the discriminator treats or would treat a person  
22   who had never been convicted of an offence  
23   and against whom an infringement notice had  
24   never been issued; or
- 25   (b)   requires the aggrieved person to comply with a  
26   requirement or condition that is not reasonable  
27   having regard to the circumstances of the case.

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**Division 2 — Discrimination in work**

**67B. Discrimination against applicants and employees**

- (1) It is unlawful for an employer to discriminate against a person on the ground of the publication of relevant details of the person on the Fines Enforcement Registrar’s website —
- (a) in the arrangements made for the purpose of determining who should be offered employment; or
  - (b) in determining who should be offered employment; or
  - (c) in the terms or conditions on which employment is offered.
- (2) It is unlawful for an employer to discriminate against an employee on the ground of the publication of relevant details of the employee on the Fines Enforcement Registrar’s website —
- (a) in the terms or conditions of employment that the employer affords the employee; or
  - (b) by denying the employee access, or limiting the employee’s access, to opportunities for promotion, transfer or training, or to any other benefits associated with employment; or
  - (c) by dismissing the employee; or
  - (d) by subjecting the employee to any other detriment.

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**67C. Discrimination against commission agents**

- (1) It is unlawful for a principal to discriminate against a person on the ground of the publication of relevant details of the person on the Fines Enforcement Registrar's website —
- (a) in the arrangements the principal makes for the purpose of determining who should be engaged as a commission agent; or
  - (b) in determining who should be engaged as a commission agent; or
  - (c) in the terms or conditions on which the person is engaged as a commission agent.
- (2) It is unlawful for a principal to discriminate against a commission agent on the ground of the publication of relevant details of the commission agent on the Fines Enforcement Registrar's website —
- (a) in the terms or conditions that the principal affords the commission agent as a commission agent; or
  - (b) by denying the commission agent access, or limiting the commission agent's access, to opportunities for promotion, transfer or training, or to any other benefits associated with the position as a commission agent; or
  - (c) by terminating the engagement; or
  - (d) by subjecting the commission agent to any other detriment.

1           **67D.    Discrimination against contract workers**

2                   It is unlawful for a principal to discriminate against a  
3                   contract worker on the ground of the publication of  
4                   relevant details of the contract worker on the Fines  
5                   Enforcement Registrar’s website —

- 6                   (a)    in the terms or conditions on which the  
7                   principal allows the contract worker to work; or  
8                   (b)    by not allowing the contract worker to work or  
9                   continue to work; or  
10                  (c)    by denying the contract worker access, or  
11                  limiting the contract worker’s access, to any  
12                  benefit associated with the work in respect of  
13                  which the contract with the employer is made;  
14                  or  
15                  (d)    by subjecting the contract worker to any other  
16                  detriment.

17           **67E.    Professional or trade organisations etc.**

18                  (1)    This section applies to an organisation of employees  
19                  and to an organisation of employers.

20                  (2)    It is unlawful for an organisation to which this section  
21                  applies or for a committee of management of such an  
22                  organisation or for a member of such a committee of  
23                  management to discriminate against a person who is  
24                  not a member of the organisation on the ground of the  
25                  publication of relevant details of the person on the  
26                  Fines Enforcement Registrar’s website —

- 27                  (a)    by refusing or failing to accept the person’s  
28                  application for membership; or  
29                  (b)    in the terms or conditions on which the  
30                  organisation is prepared to admit the person to  
31                  membership.

- 1           (3) It is unlawful for an organisation to which this section  
2           applies or for the committee of management of such an  
3           organisation or for a member of such a committee of  
4           management to discriminate against a person who is a  
5           member of the organisation on the ground of the  
6           publication of relevant details of the person on the  
7           Fines Enforcement Registrar's website —
- 8               (a) by denying the person access, or limiting the  
9               person's access, to any benefit provided by the  
10              organisation; or
- 11              (b) by depriving the person of membership or  
12              varying the terms of membership; or
- 13              (c) by subjecting the person to any other detriment.

14           **67F. Qualifying bodies**

- 15           It is unlawful for an authority that is empowered to  
16           confer, renew, extend, revoke or withdraw an  
17           authorisation or qualification that is needed for or  
18           facilitates the practice of a profession, the carrying on  
19           of a trade or the engaging in of an occupation to  
20           discriminate against a person on the ground of the  
21           publication of relevant details of the person on the  
22           Fines Enforcement Registrar's website —
- 23               (a) by refusing or failing to confer, renew or extend  
24               the authorisation or qualification; or
- 25               (b) in the terms or conditions on which it is  
26               prepared to confer the authorisation or  
27               qualification or to renew or extend the  
28               authorisation or qualification; or
- 29               (c) by revoking or withdrawing the authorisation or  
30               qualification or varying the terms or conditions  
31               upon which it is held.

1           **67G. Employment agencies**

2           It is unlawful for an employment agency to  
3           discriminate against a person on the ground of the  
4           publication of relevant details of the person on the  
5           Fines Enforcement Registrar's website —

- 6           (a) by refusing to provide the person with any of its  
7           services; or  
8           (b) in the terms or conditions on which it offers to  
9           provide the person with any of its services; or  
10          (c) in the manner in which it provides the person  
11          with any of its services.

12                           **Division 3 — Discrimination in other areas**

13           **67H. Goods, services and facilities**

14           It is unlawful for a person who, whether for payment or  
15           not, provides goods or services, or makes facilities  
16           available, to discriminate against another person on the  
17           ground of the publication of relevant details of the  
18           person on the Fines Enforcement Registrar's  
19           website —

- 20           (a) by refusing to provide the other person with  
21           those goods or services or to make those  
22           facilities available to the other person; or  
23           (b) in the terms or conditions on which the  
24           first-mentioned person provides the other  
25           person with those goods or services or makes  
26           those facilities available to the other person; or  
27           (c) in the manner in which the first-mentioned  
28           person provides the other person with those  
29           goods or services or makes those facilities  
30           available to the other person.

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**67I. Accommodation**

- (1) It is unlawful for a person, whether as principal or agent, to discriminate against another person on the ground of the publication of relevant details of the other person on the Fines Enforcement Registrar's website —
- (a) by refusing the other person's application for accommodation; or
  - (b) in the terms or conditions on which accommodation is offered to the other person; or
  - (c) by deferring the other person's application for accommodation, or according to the other person a lower order of precedence in any list of applicants for that accommodation.
- (2) It is unlawful for a person, whether as principal or agent, to discriminate against another person on the ground of the publication of relevant details of the other person on the Fines Enforcement Registrar's website —
- (a) by denying the other person access, or limiting the other person's access, to any benefit associated with accommodation occupied by the other person; or
  - (b) by evicting the other person from accommodation occupied by the other person; or
  - (c) by subjecting the other person to any other detriment in relation to accommodation occupied by the other person.

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- 1 (3) Nothing in this section applies to or in respect of —  
2 (a) the provision of accommodation in premises  
3 if —  
4 (i) the person who provides or proposes to  
5 provide the accommodation or a near  
6 relative of that person resides, and  
7 intends to continue to reside, on those  
8 premises; and  
9 (ii) the accommodation provided in those  
10 premises is for no more than 3 persons  
11 other than a person referred to in  
12 subparagraph (i) or near relatives of  
13 such a person;  
14 or  
15 (b) accommodation provided by a religious body.  
16

17 **48. Section 67 amended**

18 In section 67(1)(f) delete “IVA or IVB,” and insert:

19  
20 IVA, IVB or IVC,  
21

22 **49. Section 80 amended**

23 In section 80:

24 (a) delete “impairment or age” (first occurrence) and insert:

25  
26 impairment, age or the publication of relevant details  
27 on the Fines Enforcement Registrar’s website,  
28



1 (b) in paragraph (b)(i) delete “impairment or age” and  
2 insert:

3

4 impairment, age or the publication of  
5 relevant details on the Fines  
6 Enforcement Registrar’s website

7

8 (c) in paragraph (e) delete “impairment or age” and insert:

9

10 impairment, age or the publication of relevant  
11 details on the Fines Enforcement Registrar’s  
12 website

13

14 **50. Section 135 amended**

15 (1) In section 135(1) delete “IVA or IVB.” and insert:

16

17 IVA, IVB or IVC.

18

19 (2) In section 135(2) delete “IVA or IVB” and insert:

20

21 IVA, IVB or IVC

22

23 **51. Section 137 amended**

24 In section 137 delete “IVA and IVB” and insert:

25

26 IVA, IVB and IVC

27

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1 **52. Section 140 amended**

2 In section 140(a) delete “impairment or age; and” and insert:

3

4 impairment, age or the publication of relevant  
5 details on the Fines Enforcement Registrar’s  
6 website; and

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**Part 4 — Other Acts amended**

**Division 1 — *Criminal Investigation (Identifying People)  
Act 2002* amended**

**53. Act amended**

This Division amends the *Criminal Investigation (Identifying People) Act 2002*.

**54. Section 73 amended**

After section 73(1)(l) insert:

(ma) for the purposes of the *Fines, Penalties and Infringement Notices Enforcement Act 1994*;

**Division 2 — *Electricity Corporations Act 2005* amended**

**55. Act amended**

This Division amends the *Electricity Corporations Act 2005*.

**56. Section 50A inserted**

At the end of Part 3 Division 1 Subdivision 4 insert:

**50A. Disclosure of information to fines Registrar**

(1) The corporation must disclose to the Registrar appointed under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* the names and addresses of the persons who are supplied electricity or gas by the corporation, but not photographs or signatures of such persons.

(2) Information disclosed under subsection (1) may be used in the performance of the Registrar's functions

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**Part 4** Other Acts amended

**Division 3** Mines Safety and Inspection Act 1994 amended

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1 under the *Fines, Penalties and Infringement Notices*  
2 *Enforcement Act 1994* but not for any other purpose.

3 (3) The disclosure of information under subsection (1) is to  
4 be free of charge.  
5

6 **Division 3 — *Mines Safety and Inspection Act 1994* amended**

7 **57. Act amended**

8 This Division amends the *Mines Safety and Inspection*  
9 *Act 1994*.

10 **58. Section 101F amended**

11 (1) In section 101F(2) delete “section 32 of”.

12 (2) In section 101F(3) and (4) delete “section referred to” and  
13 insert:  
14

15 Act referred to  
16

17 **59. Section 101J amended**

18 In section 101J(3) delete “section 32 of”.

19 **Division 4 — *Occupational Safety and Health Act 1984* amended**

20 **60. Act amended**

21 This Division amends the *Occupational Safety and Health*  
22 *Act 1984*.

23 **61. Section 55L amended**

24 (1) In section 55L(2) delete “section 32 of”.

1 (2) In section 55L(3) and (4) delete “section referred to” and insert:

2

3 Act referred to

4

5 **62. Section 55P amended**

6 In section 55P(3) delete “section 32 of”.

7 **Division 5 — Parental Support and Responsibility**  
8 **Act 2008 amended**

9 **63. Act amended**

10 This Division amends the *Parental Support and Responsibility*  
11 *Act 2008*.

12 **64. Section 36 amended**

13 (1) In section 36(2) delete “suspend licences” and insert:

14

15 enforce

16

17 (2) In section 36(4) delete “A warrant of execution” and insert:

18

19 An enforcement warrant

20

21 (3) After section 36(6) insert:

22

23 (7) Relevant details of the person cannot be published  
24 under the *Fines, Penalties and Infringement Notices*  
25 *Enforcement Act 1994* section 56D.

26

**Fines, Penalties and Infringement Notices Enforcement Amendment  
Bill 2012**

**Part 4** Other Acts amended

**Division 6** Rail Safety Act 2010 amended

**s. 65**

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1

**Division 6 — Rail Safety Act 2010 amended**

2

**65. Act amended**

3

This Division amends the *Rail Safety Act 2010*.

4

**66. Section 208 amended**

5

- (1) In section 208(2) delete “*Fines, Penalties and Infringement  
Notices Enforcement Act 1994* section 32,” and insert:

6

7

8

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

9

10

11

- (2) In section 208(3) and (4) delete “section referred to” and insert:

12

13

Act referred to

14

15

**67. Section 212 amended**

16

In section 212(3) delete “*Fines, Penalties and Infringement  
Notices Enforcement Act 1994* section 32,” and insert:

17

18

19

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

20

21

22

**Division 7 — Road Traffic Act 1974 amended**

23

**68. Act amended**

24

This Division amends the *Road Traffic Act 1974*.

1 **69. Section 17 amended**

2 In section 17(2):

3 (a) in paragraph (e) delete “vehicle.” and insert:

4

5 vehicle; and

6

7 (b) after paragraph (e) insert:

8

9 (f) the vehicle is not immobilised under an  
10 enforcement warrant issued under the *Fines,*  
11 *Penalties and Infringement Notices*  
12 *Enforcement Act 1994*; and

13 (g) the vehicle’s number plates have not been  
14 removed under the *Fines, Penalties and*  
15 *Infringement Notices Enforcement Act 1994*  
16 section 95F; and

17 (h) a vehicle licence suspension order made under  
18 the *Fines, Penalties and Infringement Notices*  
19 *Enforcement Act 1994* section 95G is not in  
20 force in respect of the vehicle; and

21 (i) a vehicle licence cancellation order made under  
22 the *Fines, Penalties and Infringement Notices*  
23 *Enforcement Act 1994* section 95J is not in  
24 force in respect of the vehicle.  
25

26 **70. Section 27A amended**

27 (1) After section 27A(1) insert:

28

29 (2A) If a vehicle licence suspension order is made under the  
30 *Fines, Penalties and Infringement Notices Enforcement*  
31 *Act 1994* section 95G in respect of a person, a licence  
32 held by that person in respect of the vehicle specified  
33 in the order is, by force of this section, suspended so

***Fines, Penalties and Infringement Notices Enforcement Amendment  
Bill 2012***

**Part 4**            Other Acts amended  
**Division 8**        Sentencing Act 1995 amended  
**s. 71**

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1                    long as the vehicle licence suspension order continues  
2                    in force and during that period is of no effect.  
3

4            (2)    In section 27A(2) delete “Subsection (1)” and insert:

5

6                    Subsections (1) and (2A)

7

8            (3)    After section 27A(3) insert:

9

10            (4)    If a vehicle licence cancellation order is made under  
11                    the *Fines, Penalties and Infringement Notices*  
12                    *Enforcement Act 1994* section 95J in respect of a  
13                    person, a licence held by that person in respect of the  
14                    vehicle specified in the order is, by force of this  
15                    section, cancelled.  
16

17                    **Division 8 — *Sentencing Act 1995* amended**

18    **71.    Act amended**

19                    This Division amends the *Sentencing Act 1995*.

20    **72.    Section 57A amended**

21                    In section 57A(5)(b)(iii) delete “a warrant of execution” and  
22                    insert:

23

24                    an enforcement warrant

25

26    **73.    Section 57B amended**

27                    In section 57B(6) delete “section 32 of”.

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