



MESSAGE No. 232

Mr Speaker

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2012* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

A handwritten signature in blue ink, consisting of several large, overlapping loops and a long horizontal stroke at the bottom.

Hon Barry House
President of the Legislative Council

Legislative Council Chamber
Perth, 22 August 2012

Schedule indicating the amendments made by the Legislative Council in the Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2012

No. 1

Page 3, lines 17 and 18 — To delete the lines and insert —

number plate —

- (a) before the *Road Traffic (Vehicles) Act 2012* section 3 comes into operation — has the meaning given in the *Road Traffic Act 1974* section 5(1); or
- (b) after the *Road Traffic (Vehicles) Act 2012* section 3 comes into operation — has the meaning given in that section;

No. 2

Page 4, lines 8 to 13 — To delete the lines and insert —

(2) Delete section 5(4) and insert:

- (4) For the purposes of the service of any document under this Act, a person's last known address may be taken to be the person's current address shown in the records of —
 - (a) the Director General; or
 - (b) the Electricity Retail Corporation.

No. 3

Page 5, line 6 — To insert after "*Road Traffic Act 1974*" —

or, after the *Road Traffic (Administration) Act 2008* section 4 comes into operation, a road law

No. 4

Page 17, after line 24 — To insert —

23A. Section 48A inserted

After section 47B insert:

48A. Order to attend for work and development: cancellation

- (1) If —
 - (a) an order to attend for work and development is issued under section 47 or 47A; and
 - (b) it is not reasonably practicable to serve the order on the offender personally,

the Registrar may cancel the order to attend for work and development and make or again make a licence suspension order in respect of the offender.

- (2) For the purposes of subsection (1), section 43(2) to (9) (but not section 43(4)), with any necessary changes, apply and a licence suspension order may be made even if section 42 has not been complied with.

No. 5

Page 17, after line 24 — To insert —

23B. Section 53A inserted

After section 52 insert:

53A. WDO: effect of cancellation

- (1) If a WDO is cancelled under section 52, the Registrar may make or again make a licence suspension order in respect of the offender.
- (2) For the purposes of subsection (1), section 43(2) to (9) (but not section 43(4)), with any necessary changes, apply and a licence suspension order may be made even if section 42 has not been complied with.

No. 6

Page 22, after line 6 — To insert —

or

- (c) the person is a person protected under a violence restraining order, or police order, in force under the *Restraining Orders Act 1997*; or
- (d) the publication of the relevant details would endanger the person's safety.

No. 7

Page 23, after line 20 — To insert —

vehicle licensing law —

- (a) before the *Road Traffic (Vehicles) Act 2012* section 3 comes into operation — means the *Road Traffic Act 1974*; or
- (b) after the *Road Traffic (Vehicles) Act 2012* section 3 comes into operation — means that Act;

No. 8

Page 25, after line 7 — To insert —

- (2) After section 68A(4) insert:

(5A) If the Sheriff cancels an arrangement made under subsection (1) and a licence suspension order is not in force in respect of the debtor and the amount specified in the warrant under section 21A(3) or 45(4), as the case requires, the Registrar may make or again make a licence suspension order in respect of the debtor.

(5B) For the purposes of subsection (5A) —

- (a) if the cancelled arrangement related to a warrant issued under section 21A — section 19(2) to (9), with any necessary changes, apply and a licence suspension order may be made without the issue of a further order to pay or elect under section 17 or further notice of intention to enforce under section 18; or
- (b) if the cancelled arrangement related to a warrant issued under section 45 — section 43(2) to (9), with any necessary changes, apply and a licence suspension order may be made without the issue of a further notice of intention to enforce under section 42.

No. 9

Page 32, lines 18 and 19 — To delete “the *Road Traffic Act 1974*,” and insert —

a vehicle licensing law,

No. 10

Page 35, lines 21 and 22 — To delete “the *Road Traffic Act 1974*,” and insert —

a vehicle licensing law,

No. 11

Page 42, lines 11 to 28 — To delete the lines and insert —

36. Section 101C amended

(1) In section 101C(1)(d) and (e) after “issued” insert:

by the Registrar

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

(2A) Evidence —

- (a) that a vehicle licence suspension order was made under section 95G or a vehicle licence cancellation order was made under section 95J;
- (b) of the details of a vehicle licence suspension order made under section 95G, or a vehicle licence cancellation order made under section 95J, and of the matter to which it relates;

- (c) that a vehicle licence suspension order made under section 95G had not, at a particular time, been cancelled;
- (d) that a vehicle licence cancellation order made under section 95J had not, at a particular time, been cancelled to the extent that the order would disqualify a person from holding or obtaining a vehicle licence;
- (e) that a document issued by the Sheriff under this Act has been served on a person in accordance with section 5;
- (f) of any matter relevant to the service of a document issued by the Sheriff under this Act,

may be given by tendering a certificate to that effect in the prescribed form signed by the Sheriff.

(3) After section 101C(3) insert:

- (4) Unless the contrary is proved, it is to be presumed that a certificate purporting to have been signed by the Sheriff was signed by a person who at the time was the Sheriff.

No. 12

Page 65, after line 8 — To insert —

- (fa) a licence suspension order made under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 19 or 43 is not in force in respect of the vehicle; and

No. 13

Page 66, after line 16 — To insert —

Division 7A — *Road Traffic (Vehicles) Act 2012* amended

70A. Act amended

This Division amends the *Road Traffic (Vehicles) Act 2012*.

70B. Section 5 amended

In section 5(3):

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

vehicle; and
- (b) after paragraph (e) insert:

- (f) a licence suspension order made under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 19 or 43 is not in force in respect of the vehicle; and
- (g) the vehicle is not immobilised under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 95C; and
- (h) the vehicle's number plates have not been removed under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 95F; and
- (i) a vehicle licence suspension order made under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 95G is not in force in respect of the vehicle; and
- (j) a vehicle licence cancellation order made under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 95J is not in force in respect of the vehicle.

70C. Section 16 amended

- (1) After section 16(1) insert:

(2A) If a vehicle licence suspension order is made under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 95G in respect of a person, a licence held by that person in respect of the vehicle specified in the order is, by force of this section, suspended so long as the vehicle licence suspension order continues in force and during that period is of no effect.

- (2) In section 16(2) delete “Subsection (1) does” and insert:

Subsections (1) and (2A) do

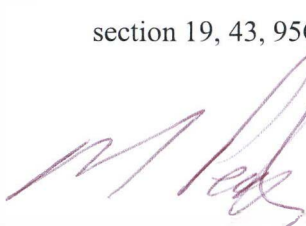
- (3) After section 16(3) insert:

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

70D. Section 125 amended

In section 125(8) delete “section 19 or 43.” and insert:

section 19, 43, 95G or 95J.



Clerk of the Legislative Council