

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

AMENDMENTS AND SCHEDULES

**Supplementary Notice Paper No. 266
Issue No. 2**

TUESDAY, 12 JUNE 2012

FINES, PENALTIES AND INFRINGEMENT NOTICES ENFORCEMENT AMENDMENT BILL 2012 [266-1]

When in committee on the *Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2012*:

Clause 4

Parliamentary Secretary representing the Attorney General: To move –

2/4 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;

Clause 7

Parliamentary Secretary representing the Attorney General: To move –

3/7 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

Clause 26**Parliamentary Secretary representing the Attorney General:** To move –

4/26 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;

Clause 32**Parliamentary Secretary representing the Attorney General:** To move –5/32 Page 32, lines 18 and 19 — To delete “the *Road Traffic Act 1974*,” and insert —

a vehicle licensing law,

Parliamentary Secretary representing the Attorney General: To move –6/32 Page 35, lines 21 and 22 — To delete “the *Road Traffic Act 1974*,” and insert —

a vehicle licensing law,

Clause 69**Parliamentary Secretary representing the Attorney General:** To move –

7/69 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

New Part 4 Division 7A**Parliamentary Secretary representing the Attorney General:** To move –

8/NP4 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.

New Clause 74

Hon Giz Watson: To move –

1/NC74 Page 66, after line 27 — To insert —

74. Monitoring of Act by Ombudsman

- (1) For the period of 3 years after the commencement of this section, the Ombudsman is to keep under scrutiny the operation of the *Fines, Penalties and Infringement Notices Enforcement Amendment Act 2012* and the *Fines, Penalties and Infringement Notices Enforcement Amendment (Taxation) Act 2012* and enforcement fees pursuant to regulations made under those Acts and the *Fines, Penalties and Infringement Notices Enforcement Act 1994*.
- (2) The scrutiny referred to in subsection (1) is to include review of the impact of the operation of the provisions referred to in that subsection on Aboriginal and Torres Strait Islander communities.
- (3) For that purpose, the Ombudsman may require the Commissioner of Police or any public authority to provide information about police or the public authority’s participation in the operation of the provisions referred to in subsection (1).
- (4) The Ombudsman must, as soon as practicable after the expiration of that 3 year period, prepare a report on the Ombudsman’s work and activities under this section and furnish a copy of the report to the Attorney General and the Minister for Police and the Commissioner of Police.
- (5) The Ombudsman may identify, and include recommendations in the report to be considered by the Attorney General about, amendments that might appropriately be made with respect to the operation of the provisions referred to in subsection (1).
- (6) The Attorney General is to lay (or cause to be laid) a copy of the report furnished to the Attorney General under this section before both Houses of Parliament as soon as practicable after the Attorney General receives the report.

