

**FINES, PENALTIES AND INFRINGEMENT NOTICES ENFORCEMENT  
AMENDMENT BILL 2002**

**CLAUSE NOTES**

This Bill addresses an anomaly in the legislation by allowing time to pay to be afforded to offenders following the issue of a warrant of execution in fines enforcement actions. The amendments will increase time to pay options for offenders and are consistent with the Government's justice system initiatives by improving access to justice and reducing the rate of imprisonment. Other minor amendments are proposed to clarify related issues.

**1. Short Title**

Citation of the Act.

**2. Commencement**

Clause 2 makes provision for the commencement of the Act, on the day on which it receives Royal Assent.

**3. The Act Amended**

This clause identifies the *Fines, Penalties and Infringement Notices Enforcement Act 1994* as the Act which is amended.

**4. Section 7 amended**

Section 7(4) is repealed and re-enacted in a modified form by the new Section 7A (see 5 below). The section deals with the powers of delegation of the Registrar of the Fines Enforcement Registry.

**5. Section 7A inserted**

This section is included in the new standard version of a delegation power used by Parliamentary Counsel and provides the Registrar of the Fines Enforcement Registry with the necessary delegation powers to give effect to the intent of the amendments provided elsewhere in the Bill.

**6. Section 47A amended**

The inclusion of new sections 47A(4) and (5) corrects the previous drafting in the Act and provides clarity of the effect of the Registrar deciding to issue a work and development order in accordance with section 47A(1), which in turn cancels a licence suspension or a warrant of execution in accordance with section 47A(3).

## **7. Section 55D replaced**

Section 55D is repealed and a new Section 55D inserted. The section empowers the Registrar of the Fines Enforcement Registry to use the most effective enforcement means by bypassing the standard procedure to enforce a court fine and moving straight to a particular enforcement(s) option available under the Act. The Bill makes minor drafting amendments to the existing section 55D by the now section 55D(1) and adds subsections (2) and (3) to clarify the consequential actions.

## **8. Section 63 amended**

The definition of “offender” is amended to take specific account of the interstate bodies corporate to which Part 6 of the Act applies.

## **9. Section 66 replaced**

This expanded section provides clarity of the Sheriff’s power of delegation and will enable the Sheriff to empower a person(s) to exercise powers or perform functions prescribed under the Act.

## **10. Section 68A inserted**

This section is the essence of the Bill and provides the Sheriff with the new power to stay the execution of a warrant of execution (for the seizure of goods, etc.) subject to an offender entering into, and complying with, a payment arrangement. The section also provides for various consequential options or actions which may be, or are required to be, exercised by the Sheriff.

## **11. Scheduled 1 amended**

These amendments correct some minor drafting errors in the existing Schedule 1.

## **12. Validation**

This section validates any agreements entered into by, or on behalf of the Sheriff before these amendments have effect and will serve to sanction the arrangements already in place under the contracts with the contracted company for the management and control of the execution of fines enforcement warrants in the metropolitan area and (five) country regions.