



New South Wales

# Fines Regulation 2015

under the

Fines Act 1996

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Fines Act 1996*.

DOMINIC PERROTTET, MP  
Minister for Finance, Services and Property

## Explanatory note

The object of this Regulation is to remake, with minor amendments, the provisions of the *Fines Regulation 2010*, which is repealed on 1 September 2015 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision with respect to the following:

- (a) enforcement costs and application fees and the waiver, postponement or refund of any such costs or fees,
- (b) the courts of other Australian jurisdictions that are reciprocating courts,
- (c) savings and formal matters.

This Regulation is made under the *Fines Act 1996*, including sections 16 (1), 44 (1), 48 (6), 57 (4), 106, 108J (1) (a) and 128 (the general regulation-making power).

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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## Fines Regulation 2015

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### Part 1 Preliminary

#### 1 Name of Regulation

This Regulation is the *Fines Regulation 2015*.

#### 2 Commencement

This Regulation commences on 1 September 2015 and is required to be published on the NSW legislation website.

**Note.** This Regulation replaces the *Fines Regulation 2010* which is repealed on 1 September 2015 by section 10 (2) of the *Subordinate Legislation Act 1989*.

#### 3 Definition

- (1) In this Regulation:  
*the Act* means the *Fines Act 1996*.
- (2) Notes included in this Regulation do not form part of this Regulation.

## Part 2 Enforcement costs and fees

### 4 Enforcement costs

- (1) For the purposes of sections 16 (1), 44 (1) and 108J (1) (a) of the Act, the costs payable under a fine enforcement order are as follows:
  - (a) \$65 (or, if the fine defaulter concerned was under the age of 18 years at the time of the offence or alleged offence, \$25), payable to the Commissioner on the making of the order,
  - (b) \$40, payable to Roads and Maritime Services if any enforcement action is taken by Roads and Maritime Services under Division 3 of Part 4 of the Act before payment is made under the order,
  - (c) \$65, payable into the Consolidated Fund if any enforcement action is taken by the Sheriff, Commissioner or other official under Division 4 of Part 4 of the Act before payment is made under the order.

**Note.** See section 102A of the Act in relation to the liability for enforcement costs for persons under the age of 18 years.

- (2) The enforcement costs referred to in subclause (1) (c):
  - (a) apply to each of the following kinds of enforcement action:
    - (i) the making of a property seizure order against a fine defaulter, as referred to in section 72 (1) of the Act,
    - (ii) the making of a garnishee order against a fine defaulter, as referred to in section 73 (1) of the Act,
    - (iii) an application to register a fine enforcement order as a charge on land held by a fine defaulter, as referred to in section 74 (1) of the Act,
    - (iv) the issue of an order for examination against a fine defaulter, as referred to in section 75 (1) of the Act,
    - (v) the issue of a warrant for the apprehension of a fine defaulter who fails to attend in accordance with an order for examination, as referred to in section 75A (1) of the Act, and
  - (b) are to be paid to the Commissioner for payment into the Consolidated Fund.

### 5 Application fee for annulment of penalty notice enforcement orders—Commissioner

An application fee of \$50 is payable in relation to an application to the Commissioner for annulment of a penalty notice enforcement order.

### 6 Waiver, postponement or refund of costs and fees

- (1) The Commissioner may, in such circumstances as the Commissioner considers appropriate, waive, postpone or refund all or part of any enforcement costs or application fees payable under this Part.
- (2) In the case of a court fine enforcement order made in accordance with section 14 (1B) (a) or (b) or a penalty notice enforcement order made in accordance with section 42 (1AA) (a) or (b) of the Act, the Commissioner must:
  - (a) postpone the costs payable under clause 4 (1) (a), and
  - (b) waive those costs if such orders are complied with.
- (3) For the purposes of section 57 (4) of the Act, an application fee that has been postponed under this clause in relation to a penalty notice enforcement order is prescribed as a fine unless the order is annulled.
- (4) Any such fee is to be added to, and payable as part of, the fine to which the penalty notice enforcement order relates.

## **Part 3 Miscellaneous**

### **7 Declaration of reciprocating court**

For the purposes of section 106 of the Act, the following courts (or classes of courts) are declared to be reciprocating courts (or classes of reciprocating courts):

- (a) each Magistrates Court of Queensland,
- (b) the Magistrates Court of South Australia,
- (c) the Magistrates Court of Tasmania,
- (d) the Magistrates' Court of Victoria,
- (e) the Magistrates Court of Western Australia,
- (f) the Magistrates Court of the Australian Capital Territory,
- (g) each Court of Summary Jurisdiction of the Northern Territory.

### **8 Saving**

Any act, matter or thing that, immediately before the repeal of the *Fines Regulation 2010*, had effect under that Regulation continues to have effect under this Regulation.