

Fines Regulation 2010

[2010-411]



New South Wales

Status Information

Currency of version

Historical version for 8 July 2011 to 30 June 2012 (accessed 26 June 2024 at 14:47)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **See also**

[State Revenue and Other Legislation Amendment \(Budget Measures\) Bill 2012](#)

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Fines Regulation 2010



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Fines Regulation 2010*.

2 Commencement

This Regulation commences on 1 September 2010 and is required to be published on the NSW legislation website.

Note—

This Regulation replaces the *Fines Regulation 2005* which is repealed on 1 September 2010 by section 10 (2) of the *Subordinate Legislation Act 1989*.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) and 44 (1) of the Act, the costs payable under a fine enforcement order are as follows:

- (a) \$50 (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 State Debt Recovery Office on the making of the order,
- (b) \$40, payable to the Roads and Traffic Authority if any enforcement action is taken by that Authority under Division 3 of Part 4 of the Act before payment is made under the order,
- (c) \$50, payable into the Consolidated Fund if any enforcement action is taken by the

Sheriff 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 *Fines Act 1996* in relation to the liability for enforcement costs for persons under the age of 18.

- (2) No amount is payable under subclause (1) (a) if the fine enforcement order is made under section 14 (1A) or 42 (1AA) of the Act.
- (3) 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 examination summons 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 examination summons, as referred to in section 75 (7) of the Act, and
 - (b) are to be paid to the State Debt Recovery Office for payment into the Consolidated Fund.

5 Annulment of penalty notice enforcement orders—SDRO

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

6 SDRO may waive, postpone or refund costs and fees

- (1) The State Debt Recovery Office may, in such circumstances as it considers appropriate, waive, postpone or refund all or part of any enforcement costs or application fees payable under this Part.
- (2) 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.
- (3) 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 (Repealed)

8 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.

9 Saving

Any act, matter or thing that, immediately before the repeal of the [Fines Regulation 2005](#), had effect under that Regulation continues to have effect under this Regulation.