

Fines Regulation 2015

[2015-498]



New South Wales

Status Information

Currency of version

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Provisions in force

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

Authorisation

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Fines Regulation 2015



New South Wales

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This Regulation replaces the *Fines Regulation 2010* which is repealed on 1 September 2015 by section 10 (2) of the *Subordinate Legislation Act 1989*.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