

Fines Regulation 2020

[2020-453]



New South Wales

Status Information

Currency of version

Current version for 29 February 2024 to date (accessed 16 July 2024 at 16:48)

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—

- **Staged repeal status**

This legislation is currently due to be automatically repealed under the [Subordinate Legislation Act 1989](#) on 1 September 2025

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](#).

File last modified 29 February 2024

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Fines Regulation 2020



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Fines Regulation 2020*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Note—

This Regulation repeals and replaces the *Fines Regulation 2015*, which would otherwise be repealed on 1 September 2020 by section 10(2) of the *Subordinate Legislation Act 1989*.

3 Definition

(1) In this Regulation—

the Act means the *Fines Act 1996*.

Note—

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

Part 2 Enforcement costs

4 Enforcement costs

(1) For the purposes of sections 16(1), 44(1) and 108J(1)(a) of the Act, the enforcement costs payable under a fine enforcement order or an interstate fine enforcement order, within the meaning of section 108C(1) of the Act, 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 Transport for NSW if any enforcement action is taken by Transport for NSW 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 civil 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 civil 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 in relation to any land owned 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 Waiver, postponement or refund of costs

- (1) The Commissioner may, in the circumstances the Commissioner considers appropriate, waive, postpone or refund all or part of any enforcement costs payable under this Part.
- (2) In the case of a court fine enforcement order made in accordance with section 14(1B) of the Act, or a penalty notice enforcement order made in accordance with section 42(1AA) of the Act, the Commissioner must—
 - (a) postpone the costs payable under clause 4(1)(a), and
 - (b) waive those costs if the orders are complied with.

Part 3 Miscellaneous

6 Vehicle offences

For the purposes of paragraph (q) of the definition of **vehicle or vessel offence** in section 38(4) of the Act, the offences referred to in clauses 7 and 32 of the *Protection of the Environment Operations (Noise Control) Regulation 2017* are prescribed.

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) the Local Court of the Northern Territory.

7A Penalty notice offence—the Act, s 119A

An offence under the Act, section 38(3B) is prescribed as an offence for which a penalty notice may be issued and the amount payable under the penalty notice is—

- (a) in relation to an individual—\$704, or
- (b) in relation to a corporation—
 - (i) for a first offence within the last 5 years—\$1,487, or
 - (ii) for a second or subsequent offence within the last 5 years—\$3,988.

7B Activities that may be treated as payment

For the Act, section 23B(1)(c)—

- (a) each class of penalty notice specified in the table to Schedule 1 is a class of penalty notice for which an activity may be completed instead of payment for the amount specified in the penalty notice, and
- (b) the activity that may be completed instead of payment for the amount specified in the penalty notice is the activity prescribed opposite the class of penalty notice.

8 Repeal and savings

- (1) The *Fines Regulation 2015* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Fines Regulation 2015*, had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Activities that may be treated as payment

clause 7B

Class of penalty notice	Prescribed activity
<i>Drug Misuse and Trafficking Act 1985</i>	
Penalty notices issued for an offence under section 10	Drug health intervention under the Early Drug Diversion Initiative provided by, or on behalf of, NSW Health
Penalty notices issued for an offence under section 11	Drug health intervention under the Early Drug Diversion Initiative provided by, or on behalf of, NSW Health
Penalty notices issued for an offence under section 12	Drug health intervention under the Early Drug Diversion Initiative provided by, or on behalf of, NSW Health