

Fines Regulation 2005

[2005-453]



New South Wales

Status Information

Currency of version

Repealed version for 9 July 2010 to 31 August 2010 (accessed 20 December 2024 at 3:56)

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—

- **Repeal**

The Regulation was repealed by sec 10 (2) of the [Subordinate Legislation Act 1989 No 146](#) with effect from 1.9.2010.

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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Contents

1 Name of Regulation	3
2 Commencement	3
3 Definitions	3
4-4B (Repealed)	3
5 Enforcement costs	3
6 Applications for annulment of penalty notice enforcement orders: section 48.....	4
6A State Debt Recovery Office may waive, postpone or refund costs and fees	4
7 (Repealed)	4
7A Postponed application fee payable as part of fine	4
8-10 (Repealed)	5
10A Maximum number of work and development orders	5
10B Expiry of trial period for work and development orders	5
11 Declaration of reciprocating court: section 106.....	5
12 Saving	5
Schedule 1 (Repealed)	5

Fines Regulation 2005



New South Wales

1 Name of Regulation

This Regulation is the *Fines Regulation 2005*.

2 Commencement

This Regulation commences on 1 September 2005.

Note—

This Regulation replaces the *Fines Regulation 1997* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

the Act means the *Fines Act 1996*.

(2) (Repealed)

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

4-4B (Repealed)

5 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.

- (1A) No fee is payable under subclause (1) (a) if the fine enforcement order is made under section 14 (1A) or 42 (1AA) of the Act.
- (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 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.

6 Applications for annulment of penalty notice enforcement orders: section 48

- (1) 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.
- (2) (Repealed)

6A State Debt Recovery Office may waive, postpone or refund costs and fees

The State Debt Recovery Office may, in such circumstances as it considers appropriate, waive, postpone or refund all or part of any enforcement costs payable under clause 5 or application fees payable under clause 6.

7 (Repealed)

7A Postponed application fee payable as part of fine

- (1) For the purposes of section 57 (4) of the Act, an application fee that has been postponed under clause 6A or 7 in relation to a penalty notice enforcement order is

prescribed as a fine unless the order is annulled.

- (2) A fee referred to in subclause (1) is to be added to, and payable as part of, the fine to which the penalty notice enforcement order relates.

8-10 (Repealed)

10A Maximum number of work and development orders

- (1) For the purposes of section 99B (4) of the Act, 2,000 is the maximum number of work and development orders that may be made during the period of 2 years that commences on the commencement of Subdivision 1 of Division 8 of Part 4 of the Act.
- (2) If more than one work and development order is made in respect of the same person during the period referred to in subclause (1), those orders are to count as one order for the purposes of that subclause.

10B Expiry of trial period for work and development orders

For the purposes of section 99J (2) of the Act, an application for a work and development order cannot be made after the day that is the second anniversary of the commencement of Subdivision 1 of Division 8 of Part 4 of the Act.

11 Declaration of reciprocating court: section 106

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

12 Saving

Any Act, matter or thing that, immediately before the repeal of the [Fines Regulation 1997](#), had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 (Repealed)