

Queensland



FINES BILL 1998

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FINES BILL 1998

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1998

A BILL

FOR

**An Act about the issue and enforcement of infringement notices and
the enforcement of fines and certain court ordered debts, and for
other purposes**

The Parliament of Queensland enacts—

1

PART 1—PRELIMINARY

2

Short title

3

1. This Act may be cited as the *Fines Act 1998*.

4

Commencement

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2. This Act commences on a day to be fixed by proclamation.

6

Dictionary

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3. The dictionary in schedule 3 defines words used in this Act.

8

Act does not apply to children

9

4.(1) This Act does not apply to a child within the meaning of the *Juvenile Justice Act 1992* other than to the extent it allows a child to pay a fine stated in an infringement notice for an offence in full or by instalments to an administering authority instead of being prosecuted for the offence.

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(2) However, an enforcement order or warrant may not be issued under this Act against a child within the meaning of the *Juvenile Justice Act 1992*.

14

15

Act binds State

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5. This Act binds the State and, as far as the legislative authority of the Parliament permits, the Commonwealth and the other States.

17

18

PART 2—INFRINGEMENT NOTICES

Division 1—Service of infringement notices

Service of infringement notices—generally

6.(1) If an authorised person believes, on reasonable grounds, a person has committed an infringement notice offence (the “**offence**”), the person may serve a notice (an “**infringement notice**”) on the person (the “**alleged offender**”) for the offence.

(2) The infringement notice must be in the form approved by the administering authority.

(3) The infringement notice must state the following—

- (a) a unique number;
- (b) the date of the infringement notice;
- (c) in relation to the alleged offender, unless the notice is served under section 7(4) or a regulation otherwise provides—
 - (i) the alleged offender’s full name, or surname and any initial, and address; or
 - (ii) the particulars that are, under a regulation, identifying particulars for the alleged offender;
- (d) in relation to the offence, particulars that are enough to show clearly the nature of the offence, including the following—
 - (i) if the offence is one prescribed under a regulation for this paragraph—the identifying particulars prescribed under the regulation for the offence;
 - (ii) if the offence took place over a period and did not involve a vehicle—the period over which the offence was committed;
 - (iii) the place the offence was committed and, subject to subparagraph (ii), the time and date of the offence;
 - (iv) if the offence involves a vehicle—the identifying particulars prescribed under a regulation for the vehicle;

Fines

-
- (v) if the offence involves an animal—the identifying particulars prescribed under a regulation for the animal; 1
2
 - (e) the fine for the offence and how and where the fine may be paid; 3
 - (f) that the alleged offender must, within 28 days after the date of the infringement notice— 4
5
 - (i) pay the fine in full to the administering authority; or 6
 - (ii) apply to the administering authority to pay the fine by instalments; or 7
8
 - (iii) apply to QCSC for conversion of the fine to hours of unpaid community service under a fine option order; or 9
10
 - (iv) give to the administering authority a written election to have the matter of the offence decided in a Magistrates Court; or 11
12
 - (v) if relevant—give to the administering authority an illegal user declaration, a known or unknown user declaration or a sold vehicle declaration for the vehicle for the offence; 13
14
15
 - (g) that the notice may be withdrawn before or after the fine is paid; 16
 - (h) if the offence involves a vehicle—the general effect of section 9.¹ 17

Service of infringement notices for infringement notice offences involving vehicles 18
19

7.(1) This section applies to an infringement notice offence involving a vehicle. 20
21

(2) An infringement notice for the offence may be served— 22

- (a) on the owner of the vehicle; or 23
- (b) on the person named in a known user declaration as the person who was in charge of the vehicle at the relevant time; or 24
25
- (c) on the person named in a sold vehicle declaration as the person to whom the vehicle had been sold or otherwise disposed of before the relevant time. 26
27
28

¹ Section 9 (Liability for infringement notice offence involving vehicle)

-
- (3) If the infringement notice is to be served by post, the notice may be addressed to the person—
- (a) for the owner of the vehicle—at the latest address of the owner in the register of vehicles kept under a registration Act; or
 - (b) for a person named in a known user declaration as the person in charge of the vehicle at the relevant time—at the person’s address stated in the declaration; or
 - (c) for a person named in a sold vehicle declaration as the person to whom the vehicle had been sold or otherwise disposed of before the relevant time—at the person’s address stated in the declaration.
- (4) Also, the infringement notice may be served by securely placing or attaching the notice, addressed to the owner, without further description, on or to the vehicle in a conspicuous position.
- (5) If the infringement notice is served under subsection (4), it is taken to have been served on the owner on the day it is placed on or attached to the vehicle.
- (6) A person must not remove, deface or interfere with an infringement notice placed on or attached to a vehicle unless the person is the owner, or the person in charge, of the vehicle at the relevant time.
- Maximum penalty—40 penalty units.
- (7) This section does not limit the ways an infringement notice may be served on a person.

Effect of this part on prosecution

- 8.(1) The fact that an infringement notice has been, or could be, served on a person for an offence, does not affect the starting or continuation of a proceeding against the person or anyone else in a court for the offence.
- (2) This part does not—
- (a) require the serving of an infringement notice on a person; or
 - (b) limit or otherwise affect the penalty that may be imposed by a court for an offence.

<i>Division 2—Liability for infringement notice offences involving vehicles</i>	1
Liability for infringement notice offences involving vehicle	2
9.(1) If—	3
(a) an infringement notice offence involving a vehicle happens; and	4
(b) an infringement notice for the offence is served on the person who is the owner of the vehicle at the time of the offence;	5 6
the owner is taken to have committed the offence even though the actual offender may have been someone else.	7 8
(2) If the actual offender is someone else, subsection (1) does not affect the liability of the actual offender, but—	9 10
(a) the owner and the actual offender can not both be punished for the offence; and	11 12
(b) if a fine is paid or a penalty is imposed on 1 of them for the offence—a further penalty must not be imposed on or recovered from the other person for the offence.	13 14 15
(3) However, the owner must not be taken under subsection (1) to have committed the offence if, within 28 days after the date of an infringement notice or service of a summons for the offence, the owner makes and gives to the administering authority an illegal user declaration, a known or unknown user declaration or a sold vehicle declaration for the vehicle for the offence.	16 17 18 19 20 21
(4) The declaration must be made by—	22
(a) if the owner is an individual—the owner; or	23
(b) if the owner is a corporation—an executive officer of the corporation or the responsible operator.	24 25
(5) A declaration by an executive officer of a corporation must be under the common seal of the corporation.	26 27
Effect of illegal user declaration	28
10.(1) This section applies if—	29

Fines

-
- (a) an offence involving a vehicle happens; and 1
- (b) an infringement notice for the offence is served on the person 2
who is the owner of the vehicle at the relevant time; and 3
- (c) the person makes and gives to the administering authority an 4
illegal user declaration for the vehicle. 5
- (2) In a proceeding for the offence against the owner, a court must not 6
find the owner guilty of the offence if it is satisfied, whether on the 7
statements contained in the declaration or otherwise, the vehicle was stolen 8
or illegally taken at the relevant time. 9
- Effect of known user declaration** 10
- 11.(1)** This section applies if— 11
- (a) an offence involving a vehicle happens; and 12
- (b) an infringement notice for the offence is served on the person 13
who is the owner of the vehicle at the relevant time; and 14
- (c) the person makes and gives to the administering authority a 15
known user declaration for the vehicle. 16
- (2) This section and section 9² apply as if the person named in the 17
declaration as the person in charge of the vehicle at the relevant time (the 18
“**user**”) were the owner of the vehicle at that time. 19
- (3) A proceeding for the offence may be started against the user only if a 20
copy of the declaration has been served on the user. 21
- (4) In a proceeding for the offence against the user, the declaration is 22
evidence that the person was in charge of the vehicle at the relevant time. 23
- (5) In a proceeding for the offence against the owner of the vehicle, a 24
court must not find the owner guilty of the offence if it is satisfied, whether 25
on the statements contained in the declaration or otherwise, the user or 26
someone else was in charge of the vehicle at the relevant time. 27

² Section 9 (Liability for infringement notice offences involving vehicle)

Effect of sold vehicle declaration

12.(1) This section applies if—

- (a) an offence involving a vehicle happens; and
- (b) an infringement notice for the offence is served on the person who is the owner of the vehicle at the relevant time; and
- (c) the person makes and gives to the administering authority a sold vehicle declaration for the vehicle.

(2) This section and section 9³ apply as if the person named in the declaration as the person to whom the vehicle was sold or otherwise disposed of (the “**buyer**”) were the owner of the vehicle from the time of the sale or disposal.

(3) A proceeding for the offence may be started against the buyer only if a copy of the declaration has been served on the buyer.

(4) In a proceeding for the offence against the buyer, the declaration is evidence that the person was the owner of the vehicle at the relevant time.

(5) In a proceeding for the offence against the owner of the vehicle, a court must not find the owner guilty of the offence if it is satisfied, whether on the statements contained in the declaration or otherwise, the owner had sold or disposed of the vehicle before the relevant time.

Effect of unknown user declaration

13.(1) This section applies if—

- (a) an offence involving a vehicle happens; and
- (b) an infringement notice for the offence is served on the person who is the owner of the vehicle at the relevant time; and
- (c) the owner makes and gives to the administering authority an unknown user declaration for the vehicle.

(2) In a proceeding for the offence against the owner, a court must not find the owner guilty of the offence if it is satisfied, whether on the

³ Section 9 (Liability for infringement notice offences involving vehicle)

-
- statements contained in the declaration or otherwise— 1
- (a) that— 2
- (i) if the owner is an individual—the owner was not in charge 3
of the vehicle at the relevant time; or 4
- (ii) if the owner is a corporation—the vehicle was not being 5
used for the purposes of the corporation at the relevant time; 6
and 7
- (b) that the inquiries made to find out the name and address of the 8
person who was in charge of the vehicle at the relevant time— 9
- (i) were reasonable in the circumstances; and 10
- (ii) were carried out with appropriate diligence. 11

Division 3—Alleged offender’s obligations under infringement notices 12

Ways alleged offender may deal with infringement notice 13

14. If an infringement notice is served on an alleged offender for an 14
offence, the alleged offender must, within 28 days after the date of the 15
infringement notice— 16

- (a) pay the fine in full to the administering authority; or 17
- (b) apply to the administering authority to pay the fine by 18
instalments; or 19
- (c) apply to QCSC for conversion of the fine to hours of unpaid 20
community service under a fine option order; or 21
- (d) give to the administering authority an election to have the matter 22
of the offence decided in a Magistrates Court; or 23
- (e) if relevant—give to the administering authority an illegal user 24
declaration, a known or unknown user declaration or a sold 25
vehicle declaration for the vehicle for the offence. 26

Payment etc. of fine 27

15.(1) The alleged offender must not be prosecuted in a court for the 28

offence if the alleged offender—	1
(a) pays the fine as required by the infringement notice, including by instalments; or	2 3
(b) performs unpaid community service for the offence as required under a fine option order.	4 5
(2) Subsection (1) applies even though more than 1 infringement notice has been served on the alleged offender for the offence.	6 7
(3) If full or part payment of the fine is made by cheque and the cheque is dishonoured on presentation, payment is taken not to have been made until—	8 9 10
(a) the cheque is honoured on presentation; or	11
(b) payment in cash or in another way acceptable to the administering authority is made in place of the cheque.	12 13
(4) This section is subject to section 21. ⁴	14
Application to pay fine by instalments	15
16.(1) Within 28 days after the date of an infringement notice, the alleged offender may apply to the administering authority in the approved form for approval to pay the fine by instalments.	16 17 18
(2) The approved form must include a written statement of the consequences of not paying instalments.	19 20
(3) The application must be accompanied by—	21
(a) the first instalment; and	22
(b) a statutory declaration to the effect that the alleged offender has read the statement of the consequences of not paying instalments and agrees to pay the instalments; and	23 24 25
(c) a statutory declaration verifying the name and address of the applicant and any other information that may be prescribed under a regulation.	26 27 28
(4) If the application complies with subsection (3), the administering	29

⁴ Section 21 (Administering authority may withdraw infringement notice)

authority must grant the application and give the prescribed particulars to FINDER for registration under section 22.⁵

Application for fine option order for infringement notice offence

17.(1) Within 28 days after the date of an infringement notice, the alleged offender may apply to QCSC in the approved form for conversion of the fine to hours of unpaid community service under a fine option order.

(2) The approved form must include a statement of the consequences of not complying with a fine option order.

(3) The application must be accompanied by a statutory declaration to the effect that the alleged offender read the statement of the consequences of not complying with a fine option order and agrees to comply with the fine option order, if made.

(4) QCSC must decide whether the alleged offender is suitable for performing community service under a fine option order.

(5) For deciding whether the alleged offender is suitable for performing community service under a fine option order, the alleged offender must attend the QCSC office most convenient to the alleged offender.

(6) Without limiting the matters QCSC may take into account under subsection (4), a person is taken not to be suitable for performing community service if QCSC considers the alleged offender can pay the full fine, including by instalments.

(7) If QCSC decides the alleged offender is not suitable for performing community service under a fine option order, QCSC must inform the alleged offender—

- (a) of the decision; and
- (b) if the time for taking other action in relation to the infringement notice has not ended—that the alleged offender may take the other action within the time available or, if the time available is less than 7 days after the alleged offender is given notice of the decision, within that 7 days; and

⁵ Section 22 (Registration of instalment payments for infringement notice)

(c) if the time for taking other action in relation to the infringement notice has ended—that the alleged offender may, within 7 days after the alleged offender is given notice of the decision, take the other action. 1
2
3
4

(8) QCSC must also advise the administering authority of the decision. 5

(9) Subsection (7)(b) and (c) apply even though the time for taking the other action ends more than 28 days after the date of the infringement notice. 6
7
8

If QCSC decides alleged offender is suitable for fine option order 9

18.(1) If QCSC decides an alleged offender is suitable for performing community service under a fine option order, QCSC must— 10
11

(a) give FINDER written notice of— 12

(i) the decision; and 13

(ii) the number of hours of unpaid community service the alleged offender must perform to satisfy the fine;⁶ and 14
15

(iii) the supervising QCSC office for the order; and 16

(b) give the administering authority written notice of the decision; and 17

(c) ask the administering authority to give to FINDER particulars of the unpaid amount of the fine and any other particulars prescribed under a regulation that are necessary to identify the alleged offender and the infringement notice. 18
19
20
21

(2) As soon as practicable after receiving written notice of the decision, the administering authority must give the prescribed particulars to FINDER for registration under section 24.⁷ 22
23
24

When alleged offender can not elect to have offence decided by court 25

19.(1) This section applies if a person served with an infringement 26

⁶ The number of hours is worked out by dividing the amount of the fine by the cut-out rate for fine option orders.

⁷ Section 24 (Registration of fine option orders made by registrar)

notice—	1
(a) pays the fine to the administering authority; or	2
(b) applies to the administering authority to pay the fine by instalments; or	3 4
(c) applies to QCSC for conversion of the fine to hours of unpaid community service under a fine option order and QCSC decides the person is suitable for performing community service under a fine option order.	5 6 7 8
(2) The person may not elect to have the matter decided by a Magistrates Court.	9 10

When infringement notice offence is to be decided by court 11

20.(1) If, within 28 days after the date of an infringement notice, an alleged offender—	12 13
(a) elects under section 14 ⁸ to have the matter of the offence decided by a Magistrates Court; or	14 15
(b) takes no action under section 14;	16

a proceeding for the offence may be started under the *Justices Act 1886*. 17

(2) Subsection (1)(b) does not prevent the administering authority from giving FINDER prescribed particulars of the offence for registration under part 3. ⁹	18 19 20
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------

Division 4—Withdrawal of infringement notice 21

Administering authority may withdraw infringement notice 22

21.(1) An administering authority may withdraw an infringement notice at any time before the fine is paid or otherwise discharged under this Act.	23 24
(2) For the withdrawal to be effective, the administering authority	25

⁸ Section 14 (Ways alleged offender may deal with infringement notice)

⁹ Part 3 (Registration of fines, penalties and certain other court ordered debts)

-
- must— 1
- (a) serve on the alleged offender a withdrawal notice in the approved form; and 2
3
 - (b) repay to the alleged offender any amount paid to the administering authority for the offence; and 4
5
 - (c) if prescribed particulars of the infringement notice offence are registered under part 3—give to FINDER a copy of the withdrawal notice. 6
7
8
- (3) On complying with subsection (2)— 9
- (a) this Act, other than this part, stops applying to the infringement notice offence; and 10
11
 - (b) a proceeding for the offence may be taken against any person (including the alleged offender) as if the notice had not been served on the alleged offender. 12
13
14

PART 3—REGISTRATION OF FINES, PENALTIES AND CERTAIN OTHER COURT ORDERED DEBTS 15 16

Division 1—Registration of fines, penalties and certain other court ordered debts 17 18

Registration of instalment payments for infringement notice 19

22.(1) If an administering authority grants an application by a person served with an infringement notice to pay the fine by instalments, the administering authority must give to FINDER, for registration, the prescribed particulars of the offence and of the unpaid amount of the fine. 20
21
22
23

(2) No registration fee is payable for registering the particulars. 24

(3) The registrar must register the particulars as soon as practicable after receiving them. 25
26

(4) On registration— 27

-
- (a) FINDER becomes responsible for the collection of the unpaid amount of, and may collect, the fine; and 1
2
 - (b) the registrar must give to the person an instalment payment notice.¹⁰ 3
4

Registration of unpaid fine, penalty or other debt 5

23.(1) This section applies if a court does any of the following under any Act— 6
7

- (a) fines a person for an offence; 8
- (b) orders a person pay to someone else an amount by way of restitution or compensation under the *Penalties and Sentences Act 1992*, part 3, division 4;¹¹ 9
10
11
- (c) orders that an amount of bail or a recognisance be forfeited under— 12
13
 - (i) for bail—the *Bail Act 1980*; or 14
 - (ii) for a recognisance—the *Penalties and Sentences Act 1992*, part 3, division 1;¹² 15
16
- (d) orders a person to pay a stated amount under the *Crown Proceedings Act 1980*, section 13 or 14.¹³ 17
18

(2) If all or part of the fine or other amount remains unpaid after the time allowed by the court or the court registrar, the court registrar may give to FINDER, for registration, the prescribed particulars of the unpaid amount. 19
20
21

(3) No registration fee is payable for registering the particulars. 22

(4) The registrar of FINDER must register the particulars as soon as practicable after receiving them. 23
24

¹⁰ See section 76 (Instalment payment notice).

¹¹ *Penalties and Sentences Act 1992*, part 3 (Releases, restitution and compensation), division 4 (Orders for restitution and compensation)

¹² *Penalties and Sentences Act 1992*, part 3 (Releases, restitution and compensation), division 1 (Orders to release certain offenders)

¹³ *Crown Proceedings Act 1980*, see sections 13 (Recovery of debts due by recognisance) and 14 (Recovery of amount undertaken by surety).

-
- (5) On registration— 1
- (a) FINDER becomes responsible for the collection of, and may 2
collect, the unpaid amount; but 3
- (b) any default penalty ordered by the court for the unpaid amount 4
continues to apply to the person. 5
- (6) Also, the registrar of FINDER may issue an enforcement warrant 6
against the person concerned for the unpaid amount. 7
- (7) Subsection (2) applies unless the person is ordered to be imprisoned 8
under the *Penalties and Sentences Act 1992*, section 39 or 185A.¹⁴ 9
- Registration of fine option orders made by registrar** 10
- 24.(1)** This section applies to particulars given to FINDER under 11
section 18.¹⁵ 12
- (2) The registrar must— 13
- (a) register the particulars as soon as practicable after receiving them; 14
and 15
- (b) make a fine option order for the person named in the particulars; 16
and 17
- (c) register the fine option order as soon as practicable after it is 18
made. 19
- (3) The registrar must also give to the person named in the fine option 20
order notice of the making of the order and its terms. 21
- (4) The fine option order— 22
- (a) takes effect on its registration; and 23
- (b) suspends the infringement notice so far as it requires the payment 24
of the fine. 25
- (5) No registration fee is payable for registering the particulars. 26

¹⁴ *Penalties and Sentences Act 1992*, section 39 (Directions for enforcing order of imprisonment) or 185A (Arrest and imprisonment of offender or registration under *Fines Act 1998* for non-payment of penalty under ss 182A and 185)

¹⁵ Section 18 (If QCSC decides alleged offender is suitable for fine option order)

Registration on default of court ordered fine option order

25.(1) If a court makes a fine option order for a person for an offence under the *Penalties and Sentences Act 1992*, and a proper officer of a court revokes the order under section 74 of that Act,¹⁶ the proper officer may give to FINDER, for registration, the prescribed particulars of the fine option order, including particulars about the extent to which the order is satisfied.

(2) No registration fee is payable for registering the particulars.

(3) The registrar must register the particulars as soon as practicable after receiving them.

(4) On registration, FINDER becomes responsible for collecting, and may collect, the unpaid amount of the fine for which the fine option order was made.

(5) Also, the registrar may issue an enforcement order against the person for the unpaid amount.

Cancellation of registration on withdrawal of infringement notice

26.(1) If an administering authority gives to FINDER a copy of a withdrawal notice under section 21¹⁷ and particulars of the offence stated in the notice are registered under this part, the registrar must, as soon as practicable after receiving the notice—

- (a) cancel the registration of the prescribed particulars; and
- (b) refund to the person any amount paid to FINDER by the person for the offence; and
- (c) if the person has performed community service for the offence under a fine option order—pay to the person, as compensation for the community service performed, an amount worked out at the relevant cut-out rate for the order, rounded to the nearest whole dollar.

¹⁶ *Penalties and Sentences Act 1992*, section 74 (Failing to comply with a requirement of an order)

¹⁷ Section 21 (Administering authority may withdraw infringement notice)

(2) The person is not entitled to compensation for performing community service other than compensation under subsection (1)(c).

Division 2—Default

Default by person served with infringement notice

27.(1) If a person on whom an infringement notice is served has not, within 28 days after the date of the infringement notice—

- (a) paid the fine in full to the administering authority; or
- (b) applied to the administering authority to pay the fine by instalments; or
- (c) applied to QCSC for conversion of the fine to hours of unpaid community service under a fine option order; or
- (d) given to the administering authority a written election to have the matter of the offence decided in a Magistrates Court; or
- (e) if relevant—given to the administering authority an illegal user declaration, a known or unknown user declaration or a sold vehicle declaration for the vehicle for the offence;

an authorised person may give an enforcement certificate to FINDER.

(2) The enforcement certificate must be accompanied by the registration fee.

(3) However, an enforcement certificate must not be given to the registrar after the end of the time within which a person may start a prosecution for the offence.

(4) The registrar must register the enforcement certificate as soon as practicable after it is received.

(5) On registration of the enforcement certificate—

- (a) the registrar must register, as the unpaid fine for the offence, the total of the unpaid fine and the registration fee; and
- (b) FINDER becomes responsible for the collection of, and may collect, the unpaid amount.

(6) After an enforcement certificate is given to the registrar under subsection (1), a proceeding against the person for the offence may be started in a court only under part 5.¹⁸

Default in paying instalment

28.(1) If a person served with an infringement notice fails to pay an instalment under an instalment payment notice within the time allowed, the registrar may—

- (a) cancel the instalment payment notice without notice to the person; and
- (b) register, as the unpaid fine for the offence, the total of the unpaid amount and the registration fee.

(2) On cancellation of the instalment payment notice, the registrar must issue to the person an enforcement order for the total of the unpaid amount.

Default of fine option order for infringement notice offence

29.(1) This section applies to a fine option order made for a person served with an infringement notice.

(2) If QCSC considers the person has failed to comply with the order, QCSC may give to FINDER a report stating how the person has failed to comply with the order.

(3) The registrar may revoke the order under section 37.¹⁹

¹⁸ Part 5 (Enforcement of fines, penalties and other court ordered debts)

¹⁹ Section 37 (Revocation of fine option order)

PART 4—GENERAL PROVISIONS ABOUT FINE OPTION ORDERS

Requirements of fine option order

30.(1) A fine option order must contain requirements that the person named in the order (the “**relevant person**”)—

- (a) report to an authorised commission officer at the place, and within the time, stated in the order; and
- (b) perform the community service directed by an authorised commission officer—
 - (i) for the number of hours stated in the order; and
 - (ii) at the times directed by the officer; and
 - (iii) in a way satisfactory to the officer; and
- (c) comply with each reasonable direction of an authorised commission officer; and
- (d) report to, and receive visits from, an authorised commission officer as directed by the officer; and
- (e) notify an authorised commission officer of a change of the relevant person’s place of residence or employment within 2 business days after the change happens; and
- (f) must not leave or stay out of Queensland without the permission of an authorised commission officer.

(2) The number of hours of community service stated in a fine option order under subsection (1)(b)(i) must be performed within 1 year, or another time allowed in the order, after the making of the order.

(3) A direction given under subsection (1)(b)(ii) applies to all fine option orders made for the relevant person by the registrar on the same day.

Directions under fine option order

31. A direction given by an authorised commission officer under a fine option order must, as far as practicable, avoid—

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- (a) conflicting with the relevant person's religious beliefs; and 1
 - (b) interfering with any times during which the relevant person 2
usually works or attends a school or other educational or training 3
establishment; and 4
 - (c) interfering with the relevant person's family responsibilities. 5

Extension of period of fine option order 6

32.(1) The registrar may extend the period allowed for complying with a 7
fine option order. 8

(2) An application for the extension— 9

(a) must be made to FINDER; and 10

(b) may be made by the relevant person or an authorised commission 11
officer. 12

(3) The application may be decided in the absence of the relevant person. 13

Community service to be performed cumulatively 14

33.(1) All community service required to be performed by a relevant 15
person under a fine option order is to be performed cumulatively with any 16
community service required to be performed under a community service 17
order or a fine option order made for the person by a court under another 18
Act. 19

(2) If 2 or more fine option orders that require a relevant person to 20
perform community service are in force at the same time, the community 21
service must be performed in the sequence in which the orders were made. 22

Performance of community service to be credited against fine etc. 23

34. If a relevant person performs community service under a fine option 24
order, the unpaid amount to which the fine option order relates is to be 25
reduced by an amount worked out by multiplying the hours of community 26
service performed by the relevant cut-out rate for the order. 27

Payments and application of payments

35.(1) This section applies if, because of this Act, an infringement notice or an enforcement order is suspended on the making of a fine option order.

(2) Subject to subsection (3) and despite the suspension of—

(a) the infringement notice so far as it requires the payment of the fine; or

(b) the enforcement order so far as it requires the payment of the unpaid amount stated in the order;

the fine or unpaid amount, or a part of either of them, may be paid.

(3) The fine or other amount must be paid to FINDER.

(4) If, after a fine option order is made, payment of part of the fine or amount originally required to be paid is made, the payment must be applied—

(a) to any fine payable under an infringement notice; or

(b) if the payment relates to an amount ordered to be paid by a court—

(i) first, to any amount (other than a fine) required to be paid under the order; and

(ii) then, if the payment relates to a fine, to the amount of the fine.

(5) Also, if after a fine option order is made, a payment is applied to the fine or amount to which the order relates, the number of hours of community service required to be performed by a relevant person under the order is the number worked out by applying the relevant cut-out rate to the unpaid amount of the fine, expressed in hours and rounded down to the nearest whole number.

Examples for subsection (5)—

1. If a court fines a person \$150 and the person pays \$100, the number of hours of community service to be performed for the unpaid amount of \$50 is, if the cut-out rate is 10 hours of unpaid community service for each penalty unit of \$75, two-thirds of the value of a penalty unit or, expressed in hours and rounded down, 6 hours.

2. If a court fines a person \$150 and the person pays \$50, the number of hours of community service to be performed for the unpaid amount of \$100 is, if the cut-out

rate is 10 hours of unpaid community service for each penalty unit of \$75, 1.3 times the value of a penalty unit or, expressed in hours, 13 hours.

Failing to comply with fine option order

36.(1) If, while a fine option order is in force, an authorised commission officer (“**QCSC supervisor**”), or a person authorised for the purpose of this section by QCSC (also a “**QCSC supervisor**”) reasonably believes the relevant person has contravened a requirement of the order, the QCSC supervisor may give to the relevant person a notice under this section requiring the relevant person—

- (a) to stop contravening the order; or
- (b) to give the QCSC supervisor a reasonable explanation for the contravention within a stated time, of at least 5 days but not more than 14 days.

(2) The notice must—

- (a) be in the approved form; and
- (b) state the particulars of the contravention.

(3) A notice under subsection (1) may relate to 2 or more fine option orders, whether or not the community service that is required to be performed by the relevant person under any of the orders is to be performed—

- (a) at the same time as community service is to be performed by the person under another of the orders; or
- (b) after community service required to be performed under any of the orders has been performed by the person.

(4) If the QCSC supervisor is not satisfied the explanation given is a reasonable explanation, the QCSC supervisor must give to FINDER an enforcement certificate for registration under this Act.

(5) The registrar must register the enforcement certificate.

Revocation of fine option order

37.(1) The registrar may revoke a fine option order for which the registrar is given an enforcement certificate under section 36 if satisfied the

Fines

relevant person concerned has failed, without reasonable excuse, to comply with the order. 1
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(2) However, the registrar must not revoke a fine option order under subsection (1) unless the registrar has first considered a QCSC report stating— 3
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(a) how the relevant person has failed to comply with the order; or 6

(b) that QCSC is satisfied the relevant person can not perform work under the order or is otherwise not suitable to be engaged in work under a fine option order. 7
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(3) When revoking a fine option order, the registrar may also revoke any other fine option orders made against the relevant person. 10
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(4) The registrar must give notice of the revocation to the relevant person and may give the notice in the same way as for an enforcement order. 12
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(5) The notice of revocation must state that the relevant person may apply to the registrar under section 38 within a stated reasonable time, of at least 14 days, for a review of the decision to revoke the fine option order. 14
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(6) The revocation of a fine option order does not take effect until the period for applying for a review of the decision to revoke the order ends. 17
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(7) On revocation of the fine option order, the registrar must register, as the unpaid amount for the fine or other amount for which the order was made, the total of the money value of the hours of unpaid community service not performed, rounded down to the nearest whole dollar, and the registration fee. 19
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(8) For enforcing payment of the unpaid amount, the registrar may— 24

(a) for a fine option order made under section 24²⁰—issue an enforcement order for the unpaid amount; or 25
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(b) for a fine option order made for an amount stated in an enforcement order—issue an enforcement warrant or an arrest and imprisonment warrant for the enforcement debtor. 27
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²⁰ Section 24 (Registration of fine option orders made by registrar)

Review of revocation of fine option order

38.(1) A person dissatisfied by a decision to revoke a fine option order made for the person may, within the time stated in a notice of revocation of the fine option order, apply in writing to the registrar for a review of the revocation.

(2) The application must state the reasons why the fine option order should be reinstated.

(3) If the relevant person applies for a review of the decision to revoke the fine option order, the operation of the revocation is suspended until the application is decided.

(4) If the registrar is satisfied the fine option order should not have been revoked, the registrar may reinstate the fine option order.

(5) The registrar may review a decision to revoke a fine option order in the absence of, and without notice to, the applicant for the review.

(6) A decision of the registrar on the review is final.

PART 5—ENFORCEMENT OF FINES, PENALTIES AND OTHER COURT ORDERED DEBTS

Division 1—Enforcement

Issue of enforcement order

39.(1) This section applies if—

(a) the registrar registers an enforcement certificate for a person; or

(b) this Act expressly authorises the registrar to issue an enforcement order against a person.

(2) The registrar must, in writing, order the person (“**enforcement debtor**”) to pay the amount stated in the order to FINDER within 28 days after the date of the order.

(3) The amount stated in the order (“**enforcement order**”) must be—

Fines

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- (a) the amount that on registration of the enforcement certificate was registered as the unpaid fine for an offence; or 1
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- (b) the amount for which the registrar was expressly authorised to issue the order. 3
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- (4) Also, the amount stated in the enforcement order as the unpaid amount for an infringement notice offence involving a vehicle must be the total of the unpaid amount of the fine and the amount prescribed under a regulation as the cost of establishing ownership of the vehicle for issuing the notice. 5
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- (5) The order may be made in the absence of, and without notice to, the enforcement debtor. 10
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- (6) An enforcement order must state that if the enforcement debtor does not pay the amount stated in the order within the 28 days— 12
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- (a) the registrar may issue an enforcement warrant for the stated amount; and 14
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- (b) if the warrant is not fully satisfied and the enforcement debtor is an individual—the enforcement debtor may be imprisoned for the period stated in the order. 16
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- (7) The enforcement order must include the following notices— 19
- (a) a notice of intention to enforce the order; 20
- (b) for an order relating to an infringement notice offence involving a vehicle—a notice of intention to suspend the enforcement debtor’s drivers licence. 21
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- (8) The period of imprisonment that may be stated in an enforcement order— 24
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- (a) must be the period worked out by dividing the amount stated in the order by the relevant cut-out rate, rounded down to the nearest whole number and expressed as a number of days; and 26
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- (b) must not be more than— 29
- (i) the maximum period of imprisonment a court may impose on a person convicted of the offence, in default of payment of a penalty equal to the amount owing for the offence; or 30
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- (ii) for an enforcement order relating to an amount a surety must 33

pay under an order of a court under the *Crown Proceedings Act 1980*—the maximum period of imprisonment a court may impose on the person under that Act.

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Division 2—Options under enforcement order

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Application for time to pay

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40.(1) Within 28 days after the date of an enforcement order, an enforcement debtor may apply to FINDER in the approved form for either of the following—

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- (a) an extension of time to pay the amount stated in the order;
- (b) unless the order is made because the person failed to pay an instalment—approval to pay the amount stated in the order by instalments.

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(2) The approved form must include a statement of the consequences of failing to pay the unpaid amount within the time allowed, including by instalments.

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(3) The application must be accompanied by—

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- (a) a statutory declaration to the effect that the enforcement debtor has read the statement of the consequences of not paying the unpaid amount, including by instalments; and
- (b) a statutory declaration verifying the name and address of the enforcement debtor and any other information that may be prescribed under a regulation.

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(4) However, an application under subsection (1) can not be made after the issue of an enforcement warrant for the amount stated in the enforcement order.

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(5) The registrar may—

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- (a) extend the time to pay the stated amount by a stated period, of not more than 28 days; or
- (b) allow the stated amount to be paid by stated instalments, of not less than an amount prescribed under a regulation.

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(6) The registrar must give to the enforcement debtor written notice of the decision. 1
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Application for fine option order 3

41.(1) Within 28 days after the date of an enforcement order, an enforcement debtor may apply to QCSC in the approved form for conversion of the amount stated in the order to hours of unpaid community service under a fine option order. 4
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(2) The approved form must include a statement of the consequences of not complying with a fine option order. 8
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(3) The application must be accompanied by a statutory declaration to the effect that the enforcement debtor read the statement of the consequences of not complying with a fine option order and agrees to comply with the fine option order, if made. 10
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(4) However, an application under this section can not be made— 14

(a) if the enforcement debtor has contravened a previous fine option order for the same offence; or 15
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(b) after the issue of an enforcement warrant for the amount stated in the enforcement order. 17
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(5) Also, an application under this section can not be made if the enforcement debtor has previously applied for and been refused a fine option order for the same offence on the ground that the person could pay the fine, unless QCSC is satisfied that the person's financial position has become significantly worse. 19
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(6) QCSC must decide whether the enforcement debtor is suitable for performing community service under a fine option order. 24
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(7) For deciding whether the enforcement debtor is suitable for performing community service under a fine option order, the enforcement debtor must attend the QCSC office most convenient to the enforcement debtor. 26
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(8) Without limiting the matters QCSC may take into account under subsection (6), an enforcement debtor is taken not to be suitable for performing community service if QCSC considers the enforcement debtor can pay the total amount unpaid, including by instalments. 30
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- (9) If QCSC decides the enforcement debtor is not suitable for performing community service under a fine option order, QCSC must give the enforcement debtor written notice—
- (a) of the decision; and
 - (b) if the time for taking other action under the enforcement order has not ended—that the enforcement debtor may take the other action within the time available or, if the time available is less than 7 days, within that 7 days; and
 - (c) if the time for taking other action under the enforcement order has ended—that the enforcement debtor may, within 7 days after the enforcement debtor is given notice of the decision, take the other action.
- (10) QCSC must also give FINDER written notice of the decision.
- (11) Subsection (9)(b) and (c) apply, even though the time for taking the action ends more than 28 days after the date of the enforcement order.

If QCSC decides enforcement debtor is suitable for fine option order

42. If QCSC decides an enforcement debtor is suitable for performing community service under a fine option order, QCSC must give FINDER written notice of—
- (a) the decision; and
 - (b) the number of hours of unpaid community service the enforcement debtor must perform to satisfy the unpaid amount stated in the enforcement order;²¹ and
 - (c) the supervising QCSC office for the order.

Making and registration of fine option order

- 43.(1) If QCSC informs FINDER an enforcement debtor is suitable for performing community service under a fine option order, the registrar may make a fine option order for the enforcement debtor.

²¹ The number of hours is worked out by dividing the unpaid amount by the cut-out rate for fine option orders.

(2) However, the registrar must not make a fine option order under subsection (1) if the enforcement order was issued because of the failure of the person concerned to comply with a previous fine option order for the same offence.

(3) The registrar must—

- (a) register the fine option order as soon as practicable after it is made; and
- (b) give to the enforcement debtor notice of the making of the fine option order and its terms.

(4) The fine option order—

- (a) takes effect on its registration; and
- (b) suspends the enforcement order so far as it requires the payment of the unpaid amount stated in the order.

Election for court hearing

44.(1) If, within 28 days after the date of an enforcement order made against an enforcement debtor for an infringement notice offence for which the fine is unpaid, the enforcement debtor—

- (a) elects under an enforcement order to have the matter of the offence decided in a Magistrates Court; or
- (b) takes no action under section 40 or 41;²²

a proceeding for the offence may be started under the *Justices Act 1886*.

(2) If the enforcement debtor elects to have the matter of the offence decided in a Magistrates Court, any order under this part for the offence stops having effect.

(3) The registrar must notify the enforcement debtor and the relevant administering authority that this part no longer applies to the offence.

²² Section 40 (Application for time to pay) or 41 (Application for fine option order)

Division 3—Default after enforcement order

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Default after time to pay

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45.(1) If an enforcement debtor fails to pay an amount stated in an enforcement order within 28 days after the date of the order or the later time allowed under section 40, the registrar may issue an enforcement warrant or an arrest and imprisonment warrant for the enforcement debtor for the balance of the unpaid amount stated in the enforcement order.

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(2) Provisions for the issue of the enforcement warrant are stated in division 5.

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(3) If the registrar decides to issue an arrest and imprisonment warrant, the warrant must be for the arrest and imprisonment of the enforcement debtor for the period stated in the warrant worked out for the unpaid amount in the same way as the period of imprisonment for an amount stated in an enforcement order is worked out under section 39(8).

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Default of fine option order

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46.(1) This section applies if an authorised person gives to FINDER an enforcement certificate for a fine option order made for an amount stated in an enforcement order.

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(2) The registrar must register the certificate as soon as practicable after it is received.

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Division 4—Suspension of drivers licence

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Suspension of drivers licence

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47.(1) This section applies if—

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(a) under an enforcement order, an enforcement debtor is given notice of intention to suspend a drivers licence; and

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(b) the offence to which the notice relates involved a vehicle; and

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(c) the person has a drivers licence; and

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(d) either—

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- (i) the person does not pay the unpaid amount stated in the notice within 28 days after the date of the order or the further time allowed under section 40;²³ or 1
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- (ii) the registrar issues an enforcement warrant or an arrest and imprisonment warrant under section 45.²⁴ 4
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- (2) The enforcement debtor's drivers licence is suspended by force of this Act. 6
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- (3) The licence is suspended until the enforcement debtor pays the unpaid amount or the amount is otherwise discharged under this Act. 8
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- (4) Despite any other Act, the suspension operates to suspend the drivers licence of an enforcement debtor who holds a drivers licence issued in another State while the person is in Queensland. 10
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- (5) A renewal or replacement of a licence suspended under this section does not affect the suspension. 13
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- (6) Also, the suspension of a drivers licence under this section does not affect the powers a court or another person may exercise under another Act to suspend or cancel the licence. 15
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Division 5—Enforcement warrants 18

Issue of enforcement warrant 19

48.(1) This section applies— 20

(a) if— 21

(i) the unpaid amount stated in an enforcement order is not paid within 28 days after the date of the order or the further time allowed under section 40;²⁵ and 22
23
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(ii) if relevant—the enforcement debtor has not elected under 25

²³ Section 40 (Application for time to pay)

²⁴ Section 45 (Default after time to pay)

²⁵ Section 40 (Application for time to pay)

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- section 44²⁶ to have the matter of an offence decided in a Magistrates Court; or
- (b) if this Act expressly authorises the registrar to issue an enforcement warrant for an unpaid amount.
- (2) The registrar may issue a warrant (“**enforcement warrant**”) for the amount.
- (3) An enforcement warrant may be a warrant—
- (a) to seize and sell real and personal property in which the enforcement debtor has a legal or beneficial interest; or
 - (b) to redirect all or part of a debt owed to the enforcement debtor; or
 - (c) to redirect all or part of the earnings of the enforcement debtor; or
 - (d) imposing a charge on property.
- (4) An enforcement warrant—
- (a) must be in the approved form; and
 - (b) must be directed to all enforcement officers; and
 - (c) must state the date and time of issue and the date, within 3 months after the warrant’s issue, the warrant ends.
- (5) An enforcement warrant may be renewed by the registrar for a period of not more 3 months at any one time, from the date the warrant ends.
- (6) On the issue of an enforcement warrant, the amount owing by the enforcement debtor is increased to the total of the amount unpaid before the warrant was issued and the execution fee prescribed under a regulation.
- (7) A copy of the enforcement warrant must be served on the enforcement debtor.

Procedure for issue of enforcement warrant redirecting earnings

- 49.(1)** The registrar may issue an enforcement warrant for the redirection of the enforcement debtor’s earnings only if the enforcement debtor gives to the registrar a written application for, or written consent to, the redirection of

²⁶ Section 44 (Election for court hearing)

the earnings.

(2) Also, the registrar may issue an enforcement warrant for the redirection of the enforcement debtor's earnings only if the registrar is satisfied about the following—

- (a) the enforcement debtor is employed and the enforcement debtor's employer has been identified;
- (b) the enforcement debtor has sufficient means of satisfying the unpaid amount after deducting—
 - (i) the necessary living expenses of the enforcement debtor and the enforcement debtor's dependants; and
 - (ii) any other known liabilities of the enforcement debtor;
- (c) the amount of earnings to be redirected would not impose unreasonable hardship on the enforcement debtor;
- (d) having regard to the availability of other enforcement means, the issue of the warrant would be consistent with the public interest in enforcing payment of the unpaid amount efficiently and expeditiously.

When debt redirected under enforcement warrant

50.(1) An enforcement warrant authorising redirection of a debt belonging to an enforcement debtor from a third person must be served on the third person to have effect.

(2) When the third person is served with the warrant, the debt is redirected in the hands of the third person to FINDER to the extent of the amount stated in the warrant.

(3) However, this section does not limit the right of—

- (a) the third person to dispute liability to pay all or part of the debt to the enforcement debtor; or
- (b) another interested person including, for example, a person other than an enforcement debtor, to claim an entitlement to all or a part of the debt or to a charge or lien on it.

(4) This section does not apply to a regular redirection of a regular debt belonging to an enforcement debtor from a financial institution.

Payment to enforcement debtor despite redirection

51.(1) This section applies if, after redirection of a debt in the hands of a third person—

- (a) the third person acts with reasonable diligence to give effect to the redirection; and
- (b) despite the third person acting with reasonable diligence, the third person deals with the redirected debt in a way that satisfies, as between the third person and the enforcement debtor, all or part of the redirected debt, including, for example, by payment to the enforcement debtor.

(2) The registrar may order that, for this part, the redirected debt be reduced to the extent of its satisfaction.

Discharge of the third person

52.(1) A payment to FINDER made by a third person in compliance with an enforcement warrant is a valid discharge of the person’s liability to the enforcement debtor to the extent of the amount paid.

(2) Subsection (1) applies even if after payment the enforcement warrant is cancelled.

Enforcement debtor not to defeat enforcement warrant

53.(1) This section applies if—

- (a) an enforcement debtor has an account with a financial institution; and
- (b) another person (a “**depositor**”) regularly deposits an amount in the nature of earnings into the account (a “**regular deposit**”).

(2) An enforcement debtor who is served with a copy of a warrant for redirection of an amount from a financial institution account must ensure that enough funds remain in the enforcement debtor’s account at the financial institution after each regular deposit for the deduction from the account of the amount stated in the warrant.

(3) An enforcement debtor who is served with a copy of a warrant for redirection of an amount from a financial institution account must notify

FINDER if—	1
(a) the depositor discontinues regular payments in the nature of earnings to the enforcement debtor; or	2 3
(b) the enforcement debtor closes the account or arranges for the depositor to pay the enforcement debtor in another way.	4 5
(4) An enforcement debtor who contravenes subsection (2) or (3) with intent to defeat an enforcement warrant commits an offence.	6 7
Maximum penalty for subsection (4)—20 penalty units.	8

Warrant imposing a charge on property 9

54.(1) The registrar may issue an enforcement warrant imposing a charge on property for partnership property only if the registrar has given the partners—	10 11 12
(a) notice of intention to issue the warrant; and	13
(b) at least 10 days to give reasons why the warrant should not be issued.	14 15
(2) An enforcement warrant imposing a charge on property may charge all or part of the enforcement debtor's legal or equitable interest in 1 or more of the following—	16 17 18
(a) annuities;	19
(b) debentures;	20
(c) stocks;	21
(d) bonds;	22
(e) shares;	23
(f) marketable securities;	24
(g) prescribed interests;	25
(h) units of—	26
(i) shares; or	27
(ii) marketable securities; or	28
(iii) interests prescribed under a regulation.	29

(3) If 1 or more of the enforcement debtor's partners reside in the State and 1 or more reside outside the State, service on each partner who resides in the State is sufficient service on any partner who resides outside the State.

Effect of warrant imposing charge on property

55.(1) An enforcement warrant imposing a charge on property entitles FINDER to the same remedies as FINDER would have had if the charge had been made in FINDER's favour by the enforcement debtor.

(2) However, FINDER may not take proceedings to obtain a remedy in relation to particular charged property until—

- (a) the enforcement warrant imposing the charge on property is served on the enforcement debtor and the person who issued or administers the property; and
- (b) 21 days have passed since paragraph (a) was complied with.

Order to set aside or restrain sale, etc. of charged property

56.(1) The registrar may apply to the Supreme Court for an order restraining the sale or other dealing with property charged under an enforcement warrant imposing a charge on property.

(2) The Supreme Court may restrain the sale or other dealing, unless to do so would prejudice the rights or interests of a genuine purchaser or chargee without notice.

(3) Also, the Supreme Court may—

- (a) order that property mentioned in the order must not be sold or otherwise dealt with; or
- (b) order that property mentioned in the order be sold or otherwise dealt with only in a stated way or circumstance.

(4) In addition, the Supreme Court may set aside any sale or other dealing with property charged under an enforcement warrant imposing a charge on property, unless to do so would prejudice the rights or interests of a genuine purchaser or chargee without notice.

Dealing with charged or restrained property

57.(1) An enforcement debtor who—

- (a) is served with a copy of a warrant imposing a charge on property or an order made under section 56; and
- (b) knowingly contravenes the warrant or restraining order by concealing, selling or otherwise dealing with the property;

commits an offence.

Maximum penalty—200 penalty units or 3 years imprisonment.

(2) A person who—

- (a) is served with a copy of a warrant imposing a charge on property or an order made under section 56; and
- (b) issued or administers the charged property;

must not sell or otherwise deal with the property.

Maximum penalty—200 penalty units or 3 years imprisonment.

(3) If, despite subsection (2), the person who issued or administers the charged property sells, transfers or otherwise deals with the property, the person is liable to FINDER for the value or amount of the charged property dealt with or the order debt, whichever is smaller.

Power of entry to execute enforcement warrant

58.(1) An enforcement officer may, at any reasonable time of the day or night, enter any premises stated in an enforcement warrant for the purposes of executing the warrant.

(2) However, an enforcement officer may enter a part of premises used only for residential purposes only if the occupier consents to the entry or entry is authorised under a search warrant.

Cancelling, staying or varying enforcement warrants

59.(1) An enforcement debtor may apply to the registrar for the cancellation, stay or variation of all or part of an enforcement warrant, including because of facts that arise or are discovered after the warrant was

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- issued. 1
- (2) The application must state the facts relied on by the enforcement debtor. 2
3
- (3) The registrar may, by order, cancel, stay or vary an enforcement warrant, whether or not on an application under subsection (1). 4
5
- (4) If the registrar cancels, stays or varies an enforcement warrant— 6
- (a) for regular redirection of a debt owing to the enforcement debtor—the registrar must serve notice of the order on the enforcement debtor and the financial institution named in the warrant; or 7
8
9
10
- (b) for redirection of the enforcement debtor’s earnings—the registrar must serve notice of the order on the enforcement debtor’s employer. 11
12
13
- (5) An order varying an enforcement warrant does not come into force until the end of 7 days after the day on which it is served on the financial institution. 14
15
16

Return of enforcement warrant 17

- 60.(1)** An enforcement officer must give to the registrar a return of the warrant. 18
19
- (2) The return of an enforcement warrant must be made by giving the original warrant to the registrar with a certificate written on or attached to it signed by the enforcement officer and stating what was done to enforce the warrant. 20
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Division 6—Other enforcement provisions 24

Search warrant 25

- 61.(1)** If an enforcement officer reasonably believes there may be in any premises property that may be seized under an enforcement warrant, the enforcement officer may apply to a magistrate or a justice of the peace (magistrates court) for the issue of a warrant under this section (a “**search warrant**”). 26
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(2) The magistrate or justice (the “**issuer**”) may refuse to consider the application until the enforcement officer gives the issuer all the information the issuer requires about the application in the way the issuer requires.

Example—

The issuer may require additional information about the application to be given by statutory declaration.

(3) The issuer may issue the warrant only if satisfied there are reasonable grounds for believing there is in the premises property an enforcement officer may seize under an enforcement warrant.

(4) The warrant must state—

(a) that a stated enforcement officer, or all enforcement officers, may enter the place and exercise the powers under section 62; and

(b) if the warrant is to be executed at night—the hours when the place may be entered; and

(c) the warrant ends 7 days after it is issued.

Powers under search warrant

62.(1) An enforcement officer has the following powers under a search warrant—

(a) power to enter stated premises and to stay on the premises for the time reasonably necessary to exercise the power in paragraph (b);

(b) power to search for and seize any property the enforcement officer may seize under an enforcement warrant;

(c) power to use reasonable help and force for paragraphs (a) and (b).

(2) However, an enforcement officer does not have power under this section to seize property under any warrant of execution or order, other than an enforcement warrant under this Act, while the person is in premises only under a search warrant under this Act.

Registration of interests

63.(1) If the registrar issues an enforcement warrant, the registrar may also register with the registrar of titles or any other person required or

-
- permitted to keep a register about dealing with property— 1
- (a) if the total amount stated in the warrant is more than \$1 000—an 2
interest in land; or 3
 - (b) in any case—an interest in any other property, for example, a 4
vehicle. 5
- (2) On registration of an interest in land or other property, the amount of 6
the interest becomes a charge on the land or other property ranking in 7
priority according to the time of its registration. 8
- (3) Subsection (2) applies subject to any other Act. 9

When imprisonment is not an appropriate option 10

- 64.(1)** This section applies if— 11
- (a) an enforcement warrant has been issued for an enforcement 12
debtor for an unpaid amount; and 13
 - (b) apart from imprisonment, all possible steps have been taken 14
under this Act to recover the unpaid amount; and 15
 - (c) the registrar is satisfied— 16
 - (i) the enforcement debtor is not suitable for performing 17
community service under a fine option order; and 18
 - (ii) the enforcement debtor can not pay or continue to pay all or 19
part of the unpaid amount; and 20
 - (iii) in the particular circumstances, it would be inappropriate to 21
enforce the payment of the amount by issuing an arrest and 22
imprisonment warrant for the enforcement debtor. 23
- (2) The registrar may— 24
- (a) if the unpaid amount for which the enforcement warrant was 25
issued was registered under section 23²⁷ after the making of an 26
order by a court—by order, refer the enforcement debtor to the 27
court that made the order to be further dealt with according to law; 28
or 29

²⁷ Section 23 (Registration of unpaid fine, penalty or other debt)

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- (b) order that the enforcement debtor must be of good behaviour, with or without sureties, for the period, of not longer than 3 years, stated in the order. 1
2
3
- (3) Before making an order under subsection (2), the registrar must give the enforcement debtor 7 days written notice of intention to make the order. 4
5
- (4) The notice must state— 6
- (a) the order the registrar intends to make and the consequences of the order; and 7
8
- (b) if the order is to be made under subsection (2)(b)—the order can not be made without the enforcement debtor’s consent; and 9
10
- (c) that if the registrar does not make the order, the registrar may issue an arrest and imprisonment warrant for the enforcement debtor for the unpaid amount. 11
12
13
- (5) In making an order under subsection (2)(b), the registrar may impose any additional conditions the registrar considers appropriate. 14
15
- (6) If the registrar makes an order under subsection (2)(a), the registrar must refer prescribed particulars of the enforcement debtor to the relevant court. 16
17
18
- (7) On the making of an order under subsection (2)(a), any enforcement warrant for the enforcement debtor stops having effect. 19
20
- (8) If it is proved to the satisfaction of the registrar that the enforcement debtor has contravened an order made under subsection (2)(b), the registrar may, without notice to the enforcement debtor, issue an arrest and imprisonment warrant for the enforcement debtor for the total of the unpaid amount. 21
22
23
24
25
- (9) The warrant must be for the arrest and imprisonment of the enforcement debtor for the period, stated in the warrant, worked out for the unpaid amount in the same way as the period of imprisonment for an amount stated in an enforcement order is worked out under section 39(8).²⁸ 26
27
28
29

²⁸ Section 39 (Issue of enforcement order)

Enforcement by imprisonment

65.(1) This section applies only if, after attempting to enforce an enforcement warrant against an enforcement debtor, the registrar is satisfied the unpaid amount under the enforcement warrant can not be satisfied in any other way authorised under this Act.

(2) The registrar may issue an arrest and imprisonment warrant for the arrest and imprisonment of the enforcement debtor for the period, stated in the warrant, worked out for the unpaid amount in the same way as the period of imprisonment for an amount stated in an enforcement order is worked out under section 39(8).

(3) However, the warrant stops having effect if the amount unpaid under an enforcement warrant is paid before the enforcement debtor is imprisoned.

(4) The warrant must be directed to all police officers.

(5) The period of imprisonment an enforcement debtor must serve under the warrant is cumulative on any other period of imprisonment the debtor must serve under any other warrant or an order of a court.

Satisfaction of fine by imprisonment

66.(1) If a person serves the total period of imprisonment under any arrest and imprisonment warrant under this Act, the unpaid amount stated in the warrant is taken to be satisfied.

(2) If a person pays part of the unpaid amount stated in an enforcement warrant before the person is imprisoned under an arrest and imprisonment warrant, the warrant has effect as if the period of imprisonment stated in it were the balance remaining to be paid divided by the relevant cut-out rate, expressed in whole days rounded down.

Example for subsection (2)—

B is fined \$1 000 and ordered to serve 14 days imprisonment if the fine is not paid. Before B is imprisoned, B pays \$600 of the fine. If the cut-out rate is \$75, the period for which B may be imprisoned is reduced to 5 days.

(3) If a person who is imprisoned under an arrest and imprisonment warrant wants to pay the balance of the unpaid amount stated in the warrant, the balance is the amount worked out by multiplying the number of days

remaining to be served by the relevant cut-out rate.	1
<i>Example for subsection (3)—</i>	2
B is imprisoned for 16 days for failing to pay a fine of \$1 000. After serving 5 days imprisonment, B decides to pay the balance of the amount. If the cut-out rate is \$60, B must pay \$660.	3 4 5
(5) On the satisfaction of the unpaid amount under this section, the person's imprisonment ends and the person must be released.	6 7
Order of satisfaction of fines if arrest and imprisonment warrant issued	8 9
67.(1) This section applies if any arrest and imprisonment warrant under this Act is issued for an enforcement debtor for an unpaid amount consisting of a fine and another amount or amounts.	10 11 12
(2) If the enforcement debtor pays all or part of the unpaid amount, the amount paid is to be applied as follows—	13 14
(a) to discharge any amount ordered to be paid by way of restitution or compensation;	15 16
(b) to discharge any amount of costs, fees or charges;	17
(c) to discharge the fine.	18
(3) If the enforcement debtor is imprisoned, the period of imprisonment discharges the unpaid amount in the following order—	19 20
(a) the amount of the fine;	21
(b) any amount of costs, fees or charges;	22
(c) any amount ordered to be paid by way of restitution or compensation.	23 24
Effect of particular proceedings	25
68.(1) If—	26
(a) a person served with an infringement notice pays the amount owing under an enforcement order for the offence in full; or	27 28
(b) an enforcement warrant is executed against a person served with an infringement notice for the amount owing under an	29 30

enforcement order for the offence; 1
the proceedings that may be brought against, and the penalties that may be 2
imposed on, the person for the offence are limited to proceedings and 3
penalties that could be brought or imposed if the person had already been 4
convicted of, and punished for, the offence. 5

(2) Subsection (1)(a) stops applying if the enforcement order is 6
withdrawn or cancelled after the amount is paid. 7

(3) The making of the enforcement order is not a conviction for the 8
offence. 9

(4) Payment of an amount for the offence is not an admission for any 10
civil or criminal proceeding arising out of the event for which the 11
infringement notice was issued. 12

(5) The Governor may remit all or part of an unpaid amount stated in an 13
enforcement order, whether or not any part of the amount is payable to 14
someone other than the State, and on the remission the enforcement order 15
stops having effect to the extent of the remission. 16

Effect of appeal on enforcement order 17

69.(1) This section applies if, after an enforcement order is made for a 18
penalty imposed by a court for an offence, the enforcement debtor appeals 19
against the conviction or sentence for the offence. 20

(2) The registrar must ensure that any steps taken under this Act to 21
enforce the enforcement order are discontinued immediately and no further 22
action is taken under this Act for the penalty for the offence until the matter 23
of the appeal is decided. 24

(3) The appeal has the effect of suspending the enforcement order. 25

(4) If a drivers licence is suspended under this part, the suspension stops 26
having effect. 27

(5) If the appeal is upheld, the registrar must refund to the enforcement 28
debtor any amount paid to FINDER for the offence. 29

(6) However, if the appeal is dismissed, the registrar may continue to 30
enforce the enforcement order. 31

Division 7—Cancellation of certain enforcement orders**Application of div 7**

70. This division applies to enforcement orders for infringement notice offences (“**relevant enforcement orders**”).

Applications for cancellation of enforcement orders

71.(1) A person may apply in writing to FINDER for the cancellation of a relevant enforcement order for either of the following reasons—

- (a) the person did not receive—
 - (i) the infringement notice; or
 - (ii) the enforcement order; or
 - (iii) the notice of intention to suspend a drivers licence; or
 - (iv) any reminder notice the relevant administering authority sent to the person about the infringement notice;
- (b) the person was hindered by accident, illness, misadventure or another similar reason from taking action in relation to the infringement notice.

(2) The application must be made within 1 year after the making of the relevant enforcement order.

(3) A person must not, without the approval of the registrar, make more than 1 application in relation to the same matter.

Decision on application

72.(1) The registrar may cancel a relevant enforcement order only if the registrar is satisfied of the reason stated in the application.

(2) For subsection (1), the registrar may ask the applicant to give to the registrar any information prescribed under a regulation that will help the registrar decide the application.

(3) The registrar may deal with the application in the absence of the applicant, unless the registrar otherwise decides.

- (4) If the registrar cancels the relevant enforcement order, the registrar must, in the approved form (“**referral notice**”), refer the matter of the offence to a Magistrates Court to be dealt with under section 73, unless the amount payable under the enforcement order is paid on the cancellation of the order. 1
2
3
4
5
- (5) The registrar must give to the applicant notice of the decision. 6

Appeal against refusal to cancel enforcement order 7

73.(1) If, after considering an application to cancel an enforcement order, the registrar refuses to cancel the order, the applicant may apply in writing to a Magistrates Court to have the original application decided by the court. 8
9
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(2) The application must be filed with the registrar of the court (“**court registrar**”). 11
12

(3) The court registrar must, as soon as practicable, refer the matter to the court and notify the applicant and the registrar of when and where the application is to be decided. 13
14
15

(4) The court may make any decision about the application that the registrar could have made. 16
17

(5) The court may decide the application in the absence of the applicant if the court is satisfied the applicant is avoiding service of the notice or can not, after reasonable search and inquiry, be found. 18
19
20

(6) Also, the court may decide the application if it is satisfied that no party to the application will be prejudiced by the non-service of, or any error or omission in, the referral notice. 21
22
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Proceedings for offence if fine enforcement order cancelled 24

74.(1) A Magistrates Court must hear and decide a matter to which a cancelled enforcement order relates as if no relevant enforcement order had previously been made. 25
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(2) The court may hear and decide the matter immediately or at a later sitting of the court. 28
29

(3) The court must not hear and decide the matter if the amount payable under the infringement notice to which it relates is paid on cancellation of 30
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- the order. 1
- (4) The court may also make an order for costs. 2
- (5) For hearing and deciding a matter under this section, the application 3
for the order and any attachment or certificate is taken— 4
- (a) to be a complaint in relation to the offence; and 5
- (b) to have been filed when it was made; and 6
- (c) to have been filed by the authorised person who served the 7
relevant infringement notice. 8
- (6) The authorised person who served the infringement notice, or an 9
appropriate officer nominated by that person, is taken to be the complainant. 10
- Provisions relating to cancellation of enforcement order** 11
- 75.(1)** On an application under section 71 or 72,²⁹ the registrar or a 12
Magistrates Court may stay enforcement action under a relevant 13
enforcement order on the conditions the registrar or the court considers 14
appropriate. 15
- (2) An application may be made for the cancellation of a relevant 16
enforcement order for 1 or more of the infringement notices to which it 17
relates. 18
- (3) An application may be made for the cancellation of 2 or more 19
relevant enforcement orders. 20
- (4) If a relevant enforcement order is cancelled in relation to 1 or more, 21
but not all, of the infringement notices to which it relates, the enforcement 22
order continues to have effect for the remaining infringement notices. 23
- (5) A relevant enforcement order that is cancelled stops having effect on 24
the making of the order cancelling it and any enforcement action already 25
taken must, if practicable, be reversed. 26
- (6) If a relevant enforcement order is cancelled— 27
- (a) enforcement costs are not payable for the issue of the order; and 28

²⁹ Section 71 (Applications for cancellation of enforcement orders) or 72 (Decision on application)

-
- (b) any amount that has been paid under the order is repayable to the person by whom it was paid; and 1
2
 - (c) the period within which a proceeding for the offence to which the order relates may be started for the matter under the *Justices Act 1886* or any other Act starts on the day the order is cancelled. 3
4
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Division 8—Content of certain notices, orders, warrants etc. 6

Instalment payment notice 7

76. A notice of registration of an application to pay a fine by instalments (“**instalment payment notice**”) must be in the approved form and state the following— 8
9
10

- (a) the full name and address of the person liable to pay the instalments; 11
12
- (b) the offence; 13
- (c) the unpaid amount of the fine; 14
- (d) the amount to be paid for each instalment; 15
- (e) when each instalment must be paid; 16
- (f) if instalment payments are not made as required, the registrar may cancel the instalment payment notice without further notice; 17
18
- (g) if the instalment payment notice is cancelled— 19
 - (i) a registration fee prescribed under a regulation, of the same value as the enforcement notice filing fee, will be added to the unpaid amount; and 20
21
22
 - (ii) the person will be not be given another opportunity to pay the penalty by instalments; 23
24
- (h) anything else prescribed under a regulation. 25

Enforcement certificate for fine option order 26

77. A certificate for enforcing a fine converted to a fine option order (an “**enforcement certificate**”) must be in the approved form and state the 27
28

following—	1
(a) the name of the person liable to perform unpaid community service under the order;	2 3
(b) the offence or offence;	4
(c) if relevant—the infringement notice number;	5
(d) how many hours of unpaid community service the person performed under the order;	6 7
(e) the total amount owing because the person did not comply with the fine option order. ³⁰	8 9

Enforcement certificate for fine under infringement notice 10

78. A certificate (also an “**enforcement certificate**”) for enforcing a fine under an infringement notice must be in the approved form and state the following— 11
12
13

- | | |
|-------------------------------------------------------------------------------------------------------------------------------|----------|
| (a) the name of the person liable to pay the fine; | 14 |
| (b) the offence; | 15 |
| (c) an infringement notice was, on a stated day, served on the alleged offender for the offence; | 16
17 |
| (d) before the certificate was given, the alleged offender did not— 18 | |
| (i) pay to the administering authority the amount stated in the notice as the unpaid amount for the offence; or | 19
20 |
| (ii) apply to the administering authority to pay the fine by instalments; or | 21
22 |
| (iii) apply to QCSC for the conversion of the fine to hours of unpaid community service; | 23
24 |
| (iv) give to the administering authority a written election to have the matter of the offence decided in a Magistrates Court; | 25
26 |
| (e) a proceeding has not been started against the alleged offender for the offence; | 27
28 |

³⁰ This is the total of the money value of the community service not performed and the registration fee.

- (f) a proceeding against the alleged offender for the offence has not been withdrawn under section 21.³¹ 1
2

Notice of intention to enforce an enforcement order 3

79.(1) A notice of intention to enforce an enforcement order must be in the approved form and state the following— 4
5

- (a) the name of the person against whom it is intended to enforce the order; 6
7
- (b) if relevant—the offence; 8
- (c) if the enforcement order relates to an infringement notice—the infringement notice number; 9
10
- (d) the amount owing. 11

(2) The notice must also inform the person of the following— 12

- (a) that the person must, in relation to the offence— 13
- (i) pay the full amount to FINDER within 28 days after the date of the notice; or 14
15
- (ii) apply to FINDER to pay the amount by instalments; or 16
- (iii) if no fine option order has been made for the amount—apply to QCSC for conversion of the amount to hours of unpaid community service; 17
18
19
- (iv) if the notice relates to an infringement notice offence—give to the administering authority a written election to have the matter of the offence decided in a Magistrates Court; 20
21
22
- (b) that if the person does not take action under paragraph (a), the registrar may— 23
24
- (i) issue an arrest and imprisonment warrant for the person for the period necessary to discharge the total of the unpaid amount, the warrant issue fee and the enforcement officer's costs; 25
26
27
28
- (ii) issue an enforcement warrant authorising an enforcement 29

³¹ Section 21 (Administering authority may withdraw infringement notice)

Fines

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- officer to seize and sell real and personal property in which the person has a legal or beneficial interest, to satisfy the amount unpaid, the warrant issue fee and the enforcement officer's fee; or
- (iii) issue an enforcement warrant for the redirection of all or part of a debt owed to the person or for the regular redirection of all or part of a regular debt; or
- (iv) on the application, or with the consent, of the person—issue an enforcement warrant for the redirection of the person's earnings;
- (v) issue an enforcement warrant imposing a charge on property, for example, annuities, debentures, stocks and other property mentioned in section 54(2);³²
- (c) that if an enforcement warrant is issued, the person's drivers licence, if the person holds one, will be suspended when the warrant is issued;
- (d) that if—
- (i) the person is an individual; and
- (ii) an enforcement officer returns an enforcement warrant to seize and sell property because the amount unpaid, the warrant issue fee and enforcement officer's fee can not be satisfied under the warrant;
- the registrar may issue an arrest and imprisonment warrant for the person for the period necessary to discharge the total of the unpaid amount, the warrant issue fee and the enforcement officer's costs;
- (g) that the registrar may also register an interest and a charge—
- (i) for an unpaid amount of more than \$1 000—in land; or
- (ii) in any case—in any other property, for example, a vehicle.

³² Section 54 (Warrant imposing a charge on property)

Notice of intention to suspend drivers licence

80. A notice of intention to suspend a drivers licence must be in the approved form and state—

- (a) that if the person does not comply with the enforcement order and the person has a drivers licence—
 - (i) the drivers licence will be suspended until the amount owing is paid or otherwise discharged; and
 - (ii) some or all of the enforcement procedures mentioned in the enforcement order may be taken against the person; and
- (b) it is an offence against the *Traffic Act 1949* to drive a vehicle while the drivers licence is suspended under this Act and the penalty for the offence.³³

Content of enforcement warrant for regular redirection

81. An enforcement warrant for regular redirection must, in addition to any other details required to be stated in the warrant, include the following—

- (a) the name of the enforcement debtor;
- (b) the name of the financial institution that must deduct amounts from a regular debt;
- (c) details of the enforcement debtor's financial institution account from which the deduction is to be made;
- (d) the total amount the financial institution must deduct from the enforcement debtor's account;
- (e) the amount that the financial institution must deduct each time a regular deposit is made to the account;
- (f) a requirement that the financial institution must give the deducted amount to FINDER;
- (g) anything else prescribed under a regulation.

³³ The penalty is a fine of 40 penalty units or 1 years imprisonment and, on conviction, disqualification from holding or obtaining a drivers licence for 6 months.

Content of enforcement warrant redirecting earnings	1
82. An enforcement warrant authorising the redirection of earnings, must, in addition to the details required to be stated in the warrant, include the following—	2 3 4
(a) the name of the enforcement debtor;	5
(b) the name of the enforcement debtor’s employer who must deduct amounts from the enforcement debtor’s earnings;	6 7
(c) the total amount that the enforcement debtor’s employer must deduct from the enforcement debtor’s earnings;	8 9
(d) the amount that the enforcement debtor’s employer must deduct each pay day from the enforcement debtor’s earnings;	10 11
(e) a requirement that the enforcement debtor’s employer must give the deducted amount to FINDER;	12 13
(f) anything else prescribed under a regulation.	14
Content of enforcement warrant imposing a charge on property	15
83. An enforcement warrant imposing a charge on property must, in addition to the details required to be stated in the warrant, include the following—	16 17 18
(a) the name of the enforcement debtor;	19
(b) a description of the charged property;	20
(c) the name of the person who issued or administers the charged property;	21 22
(d) anything else prescribed under a regulation.	23
<i>Division 9—General provisions</i>	24
Service of enforcement order	25
84. The registrar may serve an enforcement order on a person personally or by sending the order by ordinary post to—	26 27
(a) for an individual—the address of the place of residence or the	28

business of the person last known to FINDER; or	1
(b) for a corporation—the head office, a registered office or a principal office of the corporation.	2 3
Effect of suspension of drivers licence on vehicle insurance	4
85.(1) The suspension of a person’s drivers licence under this Act does not terminate a vehicle insurance policy.	5 6
(2) Also, a claim under a vehicle insurance policy can not be refused only because a person’s drivers licence is suspended under this Act.	7 8
(3) This section has effect despite anything to the contrary in a vehicle insurance policy or any other agreement.	9 10
(4) In this section—	11
“ vehicle insurance policy ” means a policy of insurance for damage or loss caused by or arising out of the use or operation of a vehicle, but does not include a CTP insurance policy within the meaning of the <i>Motor Accident Insurance Act 1994</i> .	12 13 14 15
Effect of orders and warrants	16
86.(1) For this Act, an order or warrant issued by the registrar is taken to be an order or warrant of the Brisbane Central Magistrates Court.	17 18
(2) A person required to take stated action under a warrant must comply with the warrant.	19 20
Maximum penalty for subsection (2)—40 penalty units or 1 year’s imprisonment.	21 22
Employees protected from dismissal or prejudice	23
87. An employer must not dismiss an employee, or otherwise prejudice an employee in his or her employment, because an enforcement warrant authorising redirection of the employee’s earnings has been made.	24 25 26
Maximum penalty—100 penalty units or 2 years imprisonment.	27

Application to correct mistake of fact

88.(1) If the registrar is satisfied—

(a) a person has been incorrectly named in an infringement notice as the alleged offender for an infringement notice offence because of either of the following—

(i) a mistake of fact;

(ii) the use, by the person who actually committed the infringement notice offence, of the name or other particulars of someone who did not commit the offence; and

(b) the administering authority has refused to withdraw the relevant infringement notice;

the registrar may apply to a Magistrates Court for an order cancelling the infringement notice.

(2) The court may cancel or refuse to cancel the infringement notice.

(3) If the court cancels an infringement notice for an infringement notice offence for which the alleged offender accumulated demerit points under the *Traffic Act 1949* or the *Nature Conservation Act 1992*, or another law prescribed under a regulation, the demerit points for the offence are also cancelled.

(4) Also, if, because of the cancelled infringement notice, a licence, permit or other authority was suspended or cancelled, the suspension or cancellation stops having effect, unless the person's licence, permit or authority would still be suspended, cancelled or no longer in force for another reason.

(5) In addition, no compensation is payable to the person because of the administering authority's refusal to withdraw the infringement notice.

(6) Further, if the infringement notice is cancelled more than 1 year after the date of the infringement notice and the name of the actual offender is known, nothing in this or any other Act prevents the administering authority issuing an infringement notice against the actual offender or starting a proceeding in a court for the offence against the actual offender.

Access to information

89.(1) For enabling FINDER to enforce this Act, the registrar may ask an entity prescribed under a regulation for this section to give to the registrar information about the current and any previous address of a stated person as shown in any records kept by the entity.

(2) The prescribed entity must give the information to the registrar as soon as practicable after receiving the request, unless the prescribed entity reasonably suspects disclosing the information is likely to endanger the person's safety.

(3) The obligation to give the information under subsection (2) has effect despite any other Act.

(4) The registrar must not disclose the information to anyone else, other than for enforcing an enforcement warrant under this Act.

Maximum penalty—40 penalty units or 18 months imprisonment.

(5) A person to whom information is disclosed under subsection (4) must not disclose the information to anyone else.

Maximum penalty for subsection (5)—40 penalty units or 18 months imprisonment.

Electronic transmission of particular documents

90.(1) The following documents under this Act may be transmitted electronically to the person or entity to whom they are given or directed—

- (a) a request of the registrar under section 88;³⁴
- (b) an enforcement warrant;
- (c) a search warrant;
- (d) an arrest and imprisonment warrant;
- (e) any other document containing information under this Act that is required or permitted to be given by someone to someone else.

(2) For executing an order or warrant, the enforcement officer to whom the order or warrant is transmitted must cause a copy of the order or

³⁴ Section 88 (Application to correct mistake of fact)

warrant to be converted into written form and to be endorsed in the way required under a regulation.

Power of person executing order or warrant to demand name and address

91.(1) An enforcement officer executing an order or warrant under this Act may require a person the enforcement officer reasonably suspects to be the person named in the order or warrant to state the person's correct name and address.

(2) Also, an enforcement officer may require the person to give evidence of the correctness of the stated name or address if, in the circumstances, it would be reasonable to expect the person to be in the possession of evidence of the correctness of the stated name or address or to otherwise be able to give the evidence.

(3) When making the requirement, the enforcement officer must warn the person it is an offence to fail to state the person's correct name and address or fail to provide evidence of the correctness of the stated name or address, unless the person has a reasonable excuse.

(4) A person must comply with a requirement under subsection (1) or (2), unless the person has a reasonable excuse.

Maximum penalty—10 penalty units.

(5) A person does not commit an offence against subsection (4) if the person given the requirement is not proved to be the person named in the order or warrant.

Enforcement costs and their allocation

92.(1) A regulation may prescribe the enforcement costs payable for any step taken for enforcing payment of a fine, penalty or another amount under this Act.

(2) If no enforcement costs are prescribed, no enforcement costs are payable.

(3) The amount prescribed as enforcement costs may include costs payable to an entity other than FINDER for the matter to which the enforcement warrant relates.

-
- (4) Any amount recovered because of an enforcement order must, unless this Act otherwise provides, be applied in the following order—
- (a) to any fine payable under an infringement notice; or
 - (b) if the payment relates to an amount ordered to be paid by a court—
 - (i) first, to any amount (other than a fine) required to be paid under the order; and
 - (ii) then, if the payment relates to a fine, to the amount of the fine.

PART 6—RECIPROCAL ENFORCEMENT OF FINES

Definitions for pt 6

93. In this part—

“conviction” means a finding of guilt, or the acceptance of a plea of guilty, by a court, before or after the commencement of this part, in a proceeding for an offence, and includes an enforcement order or a similar order.

“fine” means—

- (a) a fine and any fees, charges and costs payable under an order made in a proceeding, whether or not a conviction was recorded against the person fined; or
- (b) a fine under an infringement notice.

“Queensland fine” means a fine payable under a conviction of a Queensland court, and includes an amount payable under an enforcement order under this Act.

“reciprocating court” means a court declared under section 94 to be a reciprocating court for this Act.

“relevant officer” of a reciprocating court means the registrar, however described, of the reciprocating court.

Declaration of reciprocating court

94. If another State has laws providing for the enforcement in that State of a Queensland fine, the Governor in Council may, under a regulation, declare a court that exercises criminal jurisdiction in the other State to be a reciprocating court for this Act.

Enforcement of Queensland fine by reciprocating court

95.(1) If another State has laws providing for enforcement in that State of a Queensland fine, the registrar may, on the registrar's own initiative or for the registrar of a Queensland court, give to the relevant officer of the reciprocating court a written request for the enforcement of a particular Queensland fine in that State.

(2) An amount received from a reciprocating court by the registrar or the registrar of a court in satisfaction of all or part of a Queensland fine must be applied as if the amount had been paid to the relevant registrar by the person by whom the fine was payable in satisfaction of all or part of the fine.

(3) If, after a request is made under subsection (1), the registrar receives an amount in satisfaction of all or part of the fine from someone other than the relevant officer of the reciprocating court to whom the request was made, the registrar must, as soon as practicable, notify the relevant officer of the amount of the payment.

Enforcement of fine imposed by reciprocating court

96.(1) This section applies if—

- (a) under a conviction of a reciprocating court, a fine is payable by a person having or appearing to have property in Queensland; and
- (b) the registrar receives a written request from the relevant officer of the reciprocating court for the enforcement of the fine; and
- (c) the request is accompanied by—
 - (i) a copy, certified by the relevant officer to be correct, of the conviction, and
 - (ii) a certificate signed by the relevant officer stating the amount of the fine that remains unpaid.

-
- (2) The registrar must register the certified copy of the conviction and write the date of registration on it. 1
2
- (3) On registration of the conviction— 3
- (a) the conviction is, for this part, taken to be a conviction of a Queensland court; and 4
5
- (b) the registrar must make an enforcement order under this Act for the purpose of recovering the amount stated as unpaid in the certificate relating to the conviction. 6
7
8
- (4) If, after the registrar receives a request under this section in relation to a fine payable under a conviction of a reciprocating court, the registrar receives a notification from the relevant officer of the reciprocating court of payment of an amount in satisfaction of all or part of the amount of the fine— 9
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- (a) the registrar must register particulars of the payment; and 14
- (b) the payment is, for the purposes of enforcement action under this Act, taken to be a payment under an enforcement order made under this section. 15
16
17
- (5) The registrar must pay the amount of any fine recovered by the registrar under the enforcement order into the consolidated fund. 18
19
- (6) A document that appears to have been signed by the relevant officer of a reciprocating court is taken to have been signed by the relevant officer, unless the contrary is proved. 20
21
22

PART 7—THE OFFICE OF FINDER 23

Establishment of FINDER Office 24

97. An Office of Finder is established. 25

Functions of office 26

98.(1) The office has the functions conferred or imposed on it by or 27

under this or another Act.	1
(2) In particular, the office has the following functions—	2
(a) administering the making of enforcement orders;	3
(b) taking enforcement action under this Act;	4
(c) the collection of amounts payable to FINDER under this Act.	5
(3) The functions must be performed in accordance with the FINDER charter.	6 7
The FINDER charter	8
99. The FINDER charter includes the following—	9
(a) strengthening the integrity of fines as a viable sentencing or punitive option for offenders;	10 11
(b) maintaining confidence in the justice system by enhancing the way fines and other money penalties may be enforced;	12 13
(c) reducing the cost to the State of enforcing fines and other money penalties by streamlining—	14 15
(i) their collection and enforcement; and	16
(ii) the recovery of other amounts including, for example, bonds, recognisances and sureties;	17 18
(d) maximising the collection, for victims of offences, of amounts payable under the <i>Penalties and Sentences Act 1992</i> by way of restitution or compensation;	19 20 21
(e) maximising the amount of fines and other money penalties paid before enforcement action is taken;	22 23
(f) reducing the socially undesirable and costly incidence of imprisonment by using other primary enforcement mechanisms and sanctions;	24 25 26
(g) promoting a philosophy that community service work is an alternative to imprisonment and not an alternative to a fine;	27 28
(h) promoting public education about the obligations of offenders and the consequences of not satisfying the obligations.	29 30

Registrar and other staff of office

100.(1) The registrar and other staff of the office are to be employed under the *Public Service Act 1996*.

(2) Also, the registrar may, for enforcing this Act, engage commercial agents as enforcement officers.

Management of office

101.(1) The registrar is responsible for managing and controlling the affairs of the office in accordance with this Act.

(2) Any act, matter or thing done in the name or on behalf of the office by the registrar is taken to have been done by the office.

(3) However, only the registrar or staff of the office who are justices of the peace (magistrates court) may make or issue an order or warrant under this Act.

(4) A power exercised by someone other than the registrar under subsection (3) may be exercised in the person's own name or in the name of the registrar.

(5) The registrar and other staff have, for making or issuing an order or warrant under this Act, the same immunities and protection as officers of a court.

Information from commissioner of police service

102.(1) The commissioner of the police service may, on the registrar's written request, give to the registrar information in the possession of the police service about a stated person for the purposes of the registrar taking action against the person to enforce payment of an amount under this Act.

(2) The information that may be given is—

- (a) the person's criminal history; and
- (b) any address known to the commissioner; and
- (c) any assets of the person known to the commissioner.

(3) For this section, the *Criminal Law (Rehabilitation of Offenders) Act 1986* does not apply.

(4) Information given to the registrar under this section must only be used for enforcing payment of the amount.

Registration of fine enforcement order

103. The office must register each enforcement order made by it and record details of payments made under the order and the enforcement action taken.

PART 8—MISCELLANEOUS

Judicial Review Act 1991

104.(1) This section applies to any of the following decisions (the “**decision**”)—

- (a) a decision of QCSC about—
 - (i) the suitability of a person for making a fine option order under sections 18 and 42;³⁵ or
 - (ii) the failure of a person to comply with a fine option order; or
 - (iii) the suitability of a person to perform community service work under a fine option order under sections 18 and 42;
- (b) a decision of the registrar—
 - (i) to revoke a fine option order under section 37;³⁶ or
 - (ii) to refuse to cancel a revocation of a fine option order under section 38.³⁷

³⁵ Sections 18 (If QCSC decides alleged offender is suitable for fine option order) and 42 (If QCSC decides enforcement debtor is suitable for fine option order)

³⁶ Section 37 (Revocation of fine option order)

³⁷ Section 38 (Review of revocation of fine option order)

(2) The *Judicial Review Act 1991*, parts 3 and 4³⁸ do not apply to the following matters— 1
2

- (a) conduct engaged in for the purpose of making the decision; 3
- (b) other conduct that relates to the making of the decision; 4
- (c) the making of the decision; 5
- (d) the decision. 6

(3) In particular, but without limiting subsection (2), the Supreme Court does not have jurisdiction to hear and decide applications made to it under the *Judicial Review Act 1991*, part 3 or 4 about matters mentioned in that subsection. 7
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9
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Evidentiary provisions 11

105.(1) This section applies to a proceeding under this or another Act. 12

(2) A certificate purporting to be signed by an administering authority and stating any of the following matters is evidence of the matter— 13
14

- (a) a stated infringement notice was served in a stated way on a stated person for a stated infringement notice offence; 15
16
- (b) a person did not pay a fine as required under an infringement notice; 17
18
- (c) an alleged offender elected to have a matter of an offence decided in a Magistrates Court; 19
20
- (d) an alleged offender applied to the administering authority to pay the fine under an infringement notice by instalments (without incurring further costs); 21
22
23
- (e) an alleged offender applied to QCSC for conversion of a fine to hours of unpaid community service under a fine option order; 24
25
- (f) an infringement notice has not been withdrawn or was withdrawn on a stated date; 26
27
- (g) an offence stated in an infringement notice involved a stated 28

³⁸ *Judicial Review Act 1991*, parts 3 (Statutory orders of review) and 4 (Reasons for decision)

vehicle or animal;	1
(h) a stated person owned a stated vehicle or animal at a stated time;	2
(i) a stated address is the latest address of the owner of a stated vehicle in the record of registration of vehicles under a registration Act;	3 4 5
(j) a stated person has or has not given the administering authority an illegal user declaration, known or unknown user declaration or sold vehicle declaration for an offence stated in an infringement notice;	6 7 8 9
(k) a fine has not been paid by, and a penalty has not been imposed on, a stated or any person for an offence stated in an infringement notice.	10 11 12
(3) A certificate purporting to be signed by the registrar and stating any of the following matters is evidence of the matter—	13 14
(a) stated information or particulars were registered under the Act on a stated day;	15 16
(b) a stated amount was paid to FINDER on a stated day to satisfy all or a stated part of a stated amount owing under a stated notice, order or warrant;	17 18 19
(c) a stated document was issued on a stated day;	20
(d) a stated fine option order relating to a stated person was revoked on a stated day;	21 22
(e) a warrant to arrest and imprison a stated person was issued under this Act on a stated day.	23 24
Service of document	25
106.(1) A document may be served under this Act as provided for under the <i>Acts Interpretation Act 1954</i> .	26 27
(2) Service by post—	28
(a) may be effected by properly addressing, prepaying and posting the document as a letter; and	29 30
(b) is taken to have been effected at the time at which the letter would	31

be delivered in the ordinary course of the post.

(3) Also, for an instalment payment notice, the notice may be posted to the person at the address stated in particulars registered under section 22.³⁹

(4) The *Acts Interpretation Act 1954*, section 39A(2)⁴⁰ applies to this Act.

Proceedings for offences

107. A proceeding for an offence against this Act may be taken by way of summary proceedings under the *Justices Act 1886*—

- (a) within 1 year after the commission of the offence; or
- (b) within 6 months after the commission of the offence comes to the complainant's knowledge, but within 2 years after the commission of the offence.

Delegation by administering authority

108. The chief executive officer of an administering authority may delegate powers of the administering authority under this Act to an appropriately qualified person.

Delegation by registrar

109.(1) The registrar may delegate powers of the registrar under this Act to an appropriately qualified person.

(2) Without limiting subsection (1), the registrar may delegate the registrar's powers to engage a commercial agent as an enforcement officer to a bailiff.

³⁹ Section 22 (Registration of instalment payments for infringement notice)

⁴⁰ *Acts Interpretation Act 1954*, section 39A (Meaning of service by post etc.)

Approval of forms by administering authority	1
110. An administering authority may approve forms for use as infringement notices under this Act.	2 3
Approval of other forms	4
111.(1) The chief executive may approve forms for use under this Act.	5
(2) The forms the chief executive may approve under subsection (1) do not include forms for use as infringement notices by an administering authority other than the department.	6 7 8
Review of Act	9
112. The Minister must review the operation of this Act within 1 year after the commencement of this section.	10 11
Regulation-making power	12
113.(1) The Governor in Council may make regulations under this Act.	13
(2) A regulation may prescribe an infringement notice fine for an infringement notice offence.	14 15
(3) A regulation may prescribe an offence to be an infringement notice offence.	16 17
(4) For a camera-detected offence under the <i>Traffic Act 1949</i> , a regulation may prescribe an infringement notice fine for a corporation up to 5 times the amount payable by an individual for the offence under an infringement notice.	18 19 20 21
(5) Also, a regulation may make provision for enforcing enforcement warrants, including, but not limited to—	22 23
(a) the conduct of hearings for enabling the registrar to obtain information to facilitate the enforcement of fines, penalties and other court ordered debts under enforcement warrants; and	24 25 26
(b) requiring enforcement debtors to prepare and give to the registrar statements of the enforcement debtor's financial position; and	27 28
(c) the property that may not be seized under an enforcement	29

warrant; and	1
(d) the sale of property seized under an enforcement warrant, the order in which the property may be sold, and when and how the property may be sold; and	2 3 4
(e) accounting for the proceeds of a sale of property seized under an enforcement warrant; and	5 6
(f) the order of priority for enforcing enforcement warrants.	7
Acts amended	8
114. Schedule 1 amends each Act mentioned in it.	9
Regulations amended	10
115.(1) Schedule 2 amends each regulation mentioned in it.	11
(2) To remove doubt, it is declared that the amendment of a regulation by this Act does not affect the regulation-making powers the Governor in Council has under the Act under which the regulation is made and, in particular, the power of the Governor in Council to amend a provision of the regulation amended by this Act.	12 13 14 15 16
PART 9—TRANSITIONAL PROVISIONS	17
Amnesty period	18
116.(1) During the amnesty period—	19
(a) an arrest and imprisonment warrant under this Act may not be issued for non-payment of an amount payable under an infringement notice issued under the <i>Justices Act 1886</i> , part 4A ⁴¹ before the amnesty period started; and	20 21 22 23
(b) a warrant of commitment issued under the <i>Justices Act 1886</i> for	24

⁴¹ *Justices Act 1886*, part 4A (Infringement notices)

an infringement notice offence under the *Justices Act 1886*,
part 4A, but not executed, before the amnesty period started must
not be executed; and

- (c) any warrant issue fee for a warrant mentioned in paragraph (b) is
waived.

(2) This section does not apply to the issue or execution of a warrant of
commitment for a person who, when the warrant is issued or executed, is a
prisoner within the meaning of the *Corrective Services Act 1988*.

(3) This section has effect despite anything to the contrary in the *Justices
Act 1886* or any other Act.

(4) In this section—

“**amnesty period**” means a 2 month period commencing on the
commencement of section 3 or, if a longer period is prescribed under a
regulation, the longer period.

Act applies to existing penalty

117. Unless this part otherwise provides, this Act applies to a penalty or
another amount mentioned in section 23(1)⁴² that was imposed on or
ordered to be paid by a person before the commencement of this section (an
“**existing penalty**”).

Saving of court penalty

118.(1) To remove any doubt, it is declared that the time for payment of
an existing penalty imposed by a court is not affected by this Act.

(2) However, once the time for payment ends, this Act applies to the
existing penalty.

Saving of infringement notice

119.(1) An infringement notice issued under the *Justices Act 1886*,

⁴² Section 23 (Registration of unpaid fine, penalty or other debt)

part 4A as in force before the commencement of section 114⁴³ is taken to be an infringement notice issued under this Act, and the penalty stated in the infringement notice is taken to be a fine under the notice.

(2) A reminder notice issued under the *Justices Act 1886* for an existing penalty and in force immediately before the commencement of this section is taken to be an infringement notice issued under this Act.

(3) Subject to subsection (4), an enforcement notice under the *Justices Act 1886*, section 98O⁴⁴ for an existing penalty and in force immediately before the commencement of this section continues to have effect until the registrar issues an enforcement order under subsection (4).

(4) As soon as practicable after the commencement of this section, the registrar must issue an enforcement order under this Act for each infringement notice to which an enforcement order mentioned in subsection (3) relates.

Existing warrant of commitment

120.(1) If a warrant of commitment issued against a person under the *Justices Act 1886* for non-payment of an amount that may be registered under this Act was not executed before the commencement of this section, the registrar may cancel the warrant and either accept payment of the amount owing under the warrant or make an enforcement order under this Act for the amount.

(2) If the registrar makes an enforcement order for the amount, the registrar is not required to serve a copy of the enforcement order on the person or to give the person any further time to pay the fine before enforcement action is taken under part 5.⁴⁵

(3) The registrar may take enforcement action under part 5 for the enforcement order at any time after the order is made.

(4) A person who is, on the commencement of this section, serving a period of imprisonment under a warrant of commitment issued under the

⁴³ Section 114 (Acts amended)

⁴⁴ *Justices Act 1886*, section 98O (Enforcement procedure)

⁴⁵ Part 5 (Enforcement of fines, penalties and other court ordered debts)

Justices Act 1886 for non-payment of an amount of money is taken to be serving the period of imprisonment under an arrest and imprisonment warrant.

Existing fine option order

121.(1) A fine option order made for a person on application under the *Justices Act 1886*, section 98U⁴⁶ and in force immediately before the commencement of this section is taken to be a fine option order made under this Act.

(2) If the fine option order is revoked, the registrar may make an enforcement order under this Act for the amount concerned.

(3) If the registrar makes an enforcement order for the amount, the registrar is not required to serve a copy of the enforcement order on the person or give the person any further time to pay the amount before enforcement action is taken under part 5.

(4) The registrar may take enforcement action under part 5 for an enforcement order at any time after the order is made.

Existing recognisances, bail and surety amounts

122.(1) This section applies to the following amounts that have not been recovered before the commencement of this section—

- (a) an amount of bail that has been forfeited;
- (b) an amount of a recognisance that has been forfeited;
- (c) an amount ordered to be paid by a surety.

(2) The registrar may ask a person the registrar considers keeps records relating to the amounts to give to the registrar the particulars the registrar reasonably requires for registering the amounts under section 23.⁴⁷

(3) The person must give the information to the registrar as soon as reasonably practicable after receiving the request.

⁴⁶ *Justices Act 1886*, section 98U (Fine option orders)

⁴⁷ Section 23 (Registration of unpaid fine, penalty or other debt)

Expiry of pt 9

1

123. This part expires 1 year after it commences.

2

SCHEDULE 1

1

ACTS AMENDED

2

Section 114

3

CROWN PROCEEDINGS ACT 1980

4

1. Section 7—

5

insert—

6

‘**“recognisance”** means a recognisance under the *Bail Act 1980* or the *Penalties and Sentences Act 1992*.’

7

8

2. Sections 13 and 14—

9

omit, insert—

10

‘Recovery of debts due by recognisance

11

‘**13.(1)** A court must, on the forfeiture of a recognisance made to the State, order—

12

13

(a) that the amount stated in the recognisance be paid to the proper officer of the court by the person indebted, immediately or within the time or by the instalments stated in the order; and

14

15

16

(b) that in default of payment of the amount, the person indebted be imprisoned for the term stated in the order, of not more than 2 years.

17

18

19

‘**(2)** If all or part of the amount remains unpaid after the time allowed by the court, the proper officer may register the amount under the *Fines Act 1998*, section 23.⁴⁸

20

21

22

‘**(3)** An order made under subsection (1)—

23

⁴⁸ Section 23 (Registration of unpaid fine, penalty or other debt)

SCHEDULE 1 (continued)

(a) must be in the approved form; and	1
(b) must be given to the proper officer of the court.	2
‘Recovery of amount undertaken by surety	3
‘14.(1) A court must, on a declaration forfeiting an undertaking as to bail, order—	4 5
(a) that the amount undertaken by the surety to be paid to the State on the forfeiture of the undertaking be paid to the proper officer of the court immediately or within the time or by the instalments stated in the order; and	6 7 8 9
(b) that in default of payment of the amount, the person indebted be imprisoned for the term stated in the order, of not more than 2 years.	10 11 12
‘(2) If all or part of the amount remains unpaid after the time allowed by the court, the proper officer may register the amount under the <i>Fines Act 1998</i> , section 23. ⁴⁹	13 14 15
‘(3) An order under subsection (1)—	16
(a) must be in the approved form; and	17
(b) must be given to the proper officer of the court.’.	18
3. Section 15(2A)—	19
<i>omit.</i>	20
4. Sections 16 to 18—	21
<i>omit.</i>	22

⁴⁹ Section 23 (Registration of unpaid fine, penalty or other debt)

SCHEDULE 1 (continued)

ELECTORAL ACT 1992

1. Section 125A(2), definition “proceeding”, ‘Justices Act 1886, part 4A’—

omit, insert—

‘*Fines Act 1998*’.

JUDICIAL REVIEW ACT 1991

1. Schedule 1, part 1—

insert—

‘**3A.** *Fines Act 1998*, section 104(2).’.

JUSTICES ACT 1886

1. Part 4A—

omit.

2. Section 266(2)(c)—

omit.

JUVENILE JUSTICE ACT 1992

1. Section 55(2)—

omit.

SCHEDULE 1 (continued)

LOCAL GOVERNMENT ACT 1993

1. Section 4, definitions “infringement notice” and “infringement notice offence”—

omit, insert—

‘ “infringement notice”, for an infringement notice offence, means an infringement notice under the *Fines Act 1998*, section 6.

“infringement notice offence” means an offence prescribed under the *Fines Act 1998* to be an infringement notice offence.’.

PENALTIES AND SENTENCES ACT 1992

1. Section 5(1)(a)—

omit, insert—

‘(a) for the *Fines Act 1998* or an infringement notice under that Act—\$60; or’.

2. After section 39—

insert—

‘Other orders available on failure to comply

‘**39A.** On an appearance by an offender under section 39, if the court considers the order of imprisonment should not be enforced against the offender, the court may—

(a) accept payment of the amount ordered in full; or

(b) if the offender has not been paying the amount by instalments—order that the unpaid amount be paid by instalments; or

(c) cause the proper officer to register the prescribed particulars of the unpaid amount under the *Fines Act 1998*.’.

SCHEDULE 1 (continued)

3. Section 41, ‘compensation’—	1
<i>omit, insert—</i>	2
‘an amount’.	3
4. Section 56—	4
<i>omit.</i>	5
5. Section 56A(3) and (4)—	6
<i>omit, insert—</i>	7
‘(3) The application can not be made after a warrant of commitment has been issued or executed on the original order.	8
	9
‘(4) The offender can not make an application under this section if the offender has made an application under section 53 or 55.	10
	11
‘(4A) The application under this section lapses if the offender makes an application to the court under section 53 or 55.’.	12
	13
6. Section 58(1)(c) and (2)(c), ‘worse’—	14
<i>omit, insert—</i>	15
‘significantly worse’.	16
7. After section 58(2)(b)—	17
<i>insert—</i>	18
‘(ba)be accompanied by a statutory declaration to the effect that the offender was given a written notice of the consequences of not complying with the fine option order and agrees to comply with the fine option order; and’.	19
	20
	21
	22

SCHEDULE 1 (continued)

8. Section 58(3)—	1
<i>omit, insert—</i>	2
‘(3) The application can not be made after a warrant of commitment has been issued or executed on the original order.’	3 4
9. Section 59(1), 60(3) and 85(1), ‘56 or’—	5
<i>omit.</i>	6
10. Section 62(4)—	7
<i>omit.</i>	8
11. Section 63—	9
<i>omit.</i>	10
12. Section 70—	11
<i>omit.</i>	12
13. Section 74—	13
<i>omit, insert—</i>	14
‘Failing to comply with a requirement of an order	15
‘74.(1) If, while a fine option order is in force for an offender, an authorised commission officer (“QCSC supervisor”), or a person authorised for the purpose of this section by the commission (also a “QCSC supervisor”), reasonably believes the offender has contravened a requirement of the order, the QCSC supervisor may give the offender a notice under this section requiring the offender—	16 17 18 19 20 21
(a) to stop contravening the order; or	22
(b) to give to the QCSC supervisor a reasonable explanation for the contravention within a stated time, of at least 5 days but not more	23 24

SCHEDULE 1 (continued)

than 14 days.	1
‘(2) The notice must—	2
(a) be in the approved form; and	3
(b) set out particulars of the contravention.	4
‘(3) A notice under subsection (1) may relate to 2 or more fine option orders, whether or not the community service that is required to be performed by an offender under any of the orders is to be performed—	5 6 7
(a) at the same time as community service is to be performed by the offender under another of the orders; or	8 9
(b) after community service required to be performed under any of the orders has been performed by the offender.	10 11
‘(4) If the QCSC supervisor is not satisfied with the explanation or no explanation is given within the stated time, the QCSC supervisor may apply to the proper officer for an order under subsection (6).	12 13 14
‘(5) The proper officer may decide the application in the absence of the offender.	15 16
‘(6) If the proper officer decides that the offender failed to comply with a requirement of the fine option order, the proper officer may, by order—	17 18
(a) extend or further extend the 1 year or other time mentioned in section 66(2); or	19 20
(b) revoke all fine option orders made for the offender and issue an a warrant for the arrest and imprisonment of the offender for the term ordered by the court; or	21 22 23
(c) give to the registrar under the <i>Fines Act 1988</i> , for registration, the prescribed particulars under that Act of the unpaid amount of the penalty.’.	24 25 26
14. Section 75—	27
<i>omit.</i>	28

SCHEDULE 1 (continued)

15. Section 76, heading, ‘Court’—	1
<i>omit, insert—</i>	2
‘Proper officer’.	3
16. Section 76, ‘court’—	4
<i>omit, insert—</i>	5
‘proper officer’.	6
17. Section 76, ‘it’—	7
<i>omit, insert—</i>	8
‘the proper officer’.	9
18. Section 77—	10
<i>omit.</i>	11
19. Section 78(2)—	12
<i>omit.</i>	13
20. Section 85(2)(a), ‘25 business days’—	14
<i>omit, insert—</i>	15
‘1 calendar month’.	16
21. Section 88(1)(e), ‘74(4)(b)’—	17
<i>omit, insert—</i>	18
‘74’.	19

SCHEDULE 1 (continued)

22. Section 88(2), definition “fine”—	1
<i>omit.</i>	2
23. Part 4—	3
<i>insert—</i>	4
<i>‘Division 3—Bonded fines</i>	5
‘Court may act under this division whether or not it records conviction	6 7
‘89A. A court may act under this division whether or not it records a conviction.	8 9
‘Court may make bonded fine order	10
‘89B.(1) If a court decides imposing a fine of at least 2 penalty units is the only appropriate penalty for an offence, the court may make an order under this division (a “bonded fine order”) for the offence imposing 1 or more fines subject to the conditions mentioned in section 89D and any other conditions the court considers appropriate.	11 12 13 14 15
‘(2) However, the court may make a bonded fine order only if it is satisfied that the offender—	16 17
(a) has a history of non-payment of fines on at least 3 occasions over a period of 3 years; and	18 19
(b) consents to the making of the order; and	20
(c) no bonded fine order has been made at any time for the offender for any offence.	21 22
‘(3) This section does not prevent the court from making any other order the court may make for the offence under this Act.	23 24

 SCHEDULE 1 (continued)

‘Court must explain effect of bonded fine order	1
‘89C.(1) Before making the bonded fine order, the court must explain, or cause to be explained, to the offender—	2 3
(a) the purpose and effect of the order; and	4
(b) what may follow if the offender contravenes the requirements of the order.	5 6
‘(2) The explanation must be made in language or in a way likely to be readily understood by the offender.	7 8
 ‘Conditions of bonded fine order	 9
‘89D. A bonded fine order must contain conditions that—	10
(a) the offender pay a stated fine within 28 days or the further time, of not longer than the period, of not more than 3 years, stated in the order (“order period”), allowed by the court;	11 12 13
(b) the offender must not commit another offence, including an offence stated in an infringement notice served on the offender under the <i>Fines Act 1998</i> , during the order period; and	14 15 16
(c) the offender must notify the proper officer of every change of the offender’s place of residence or employment within 2 business days after the change happens; and	17 18 19
(d) if the offender commits another offence, including an offence stated in an infringement notice served on the offender under the <i>Fines Act 1998</i> , during the order period, the proper officer will require the person to appear before the court for conviction and sentence for the offence to which the bonded fine order relates; and	20 21 22 23 24 25
(e) the offender may apply for a refund of the fine after complying with the order for the order period.	26 27
 ‘Refund of fine component of bonded fine	 28
‘89E.(1) If the offender complies with a bonded fine order for the order	29

 SCHEDULE 1 (continued)

- period, the offender may apply to the proper officer for a refund of the fine. 1
- ‘(2) The application may be made at least 3 months but not more than 2
6 months after the order period. 3
- ‘(3) If the proper officer is satisfied the offender has complied with the 4
bonded fine order, the proper officer may refund to the offender the amount 5
of the fine after deducting an amount prescribed under a regulation as the 6
administration fee for the order. 7
- ‘Effect of failure to comply with bonded fine order 8**
- ‘89F.(1) If the offender fails to comply with the bonded fine order any 9
amount paid for the fine is forfeited to the State. 10
- ‘(2) Also, if the failure was because the offender committed another 11
offence, including an offence stated in an infringement notice served on the 12
offender under the *Fines Act 1998*, during the order period, the proper 13
officer must require the person to appear before the court for conviction and 14
sentence for the offence for which the bonded fine order was made. 15
- ‘(3) If the failure was because of the non-payment of the fine, the proper 16
officer must give to the registrar under the *Fines Act 1998* the particulars 17
under that Act the registrar requires for registration of the fine under that 18
Act. 19
- ‘(4) A certificate of conviction is enough proof that the offender has 20
committed another offence. 21
- ‘(5) Also, a certificate of the registrar under the *Fines Act 1998* stating 22
that an enforcement order has been made under that Act and the offender 23
has not taken any action under that order within 28 days after the date of the 24
order is enough proof that the offender has committed an infringement 25
notice offence. 26
- ‘Proper officer may make inquiries 27**
- ‘89G.(1) The proper officer may ask the commissioner of police and the 28
registrar under the *Fines Act 1998* for information about any offences 29
committed by the offender since the making of the bonded fine order, 30

 SCHEDULE 1 (continued)

including an offence stated in an infringement notice served on the offender under the <i>Fines Act 1998</i> .	1 2
‘(2) The commissioner and the registrar must give the information to the proper officer.’.	3 4
24. Section 182B—	5
<i>omit.</i>	6
25. Sections 184—	7
<i>insert—</i>	8
‘(2) If a court orders an offender to be imprisoned under subsection (1), the proper officer of the court must issue a warrant for the arrest and imprisonment of the offender for the term ordered by the court.’.	9 10 11
26. Section 185A—	12
<i>omit, insert—</i>	13
‘Arrest and imprisonment of offender or registration under Fines Act 1998 for non-payment of penalty under ss 182A and 185	14 15
‘ 185A.(1) If the offender does not pay the penalty mentioned in section 182A or 185 immediately or within the time allowed by the court, the proper officer of the court must either—	16 17 18
(a) issue a warrant for the arrest and imprisonment of the offender for the term ordered by the court; or	19 20
(b) give to the registrar under the <i>Fines Act 1998</i> , for registration, the information and particulars the registrar requires under that Act for registration under that Act of the unpaid amount of the penalty.	21 22 23 24
‘(2) A warrant under subsection (1)(a) is to be directed to all police officers.’.	25 26

 SCHEDULE 1 (continued)

27. Section 186(1), from ‘the imprisonment for which’—	1
<i>omit, insert—</i>	2
‘the term for which the offender may be imprisoned is the number of whole days worked out by dividing the balance of the penalty, after taking the reduction into account, by the original amount of the penalty and multiplying the result by the number of original days ordered to be served in default of payment of the penalty.’.	3 4 5 6 7

28. Section 186(2), from ‘the term of’—	8
<i>omit, insert—</i>	9
‘the term of imprisonment the offender is serving is reduced to the number of whole days worked out by dividing the balance of the penalty after taking the payment into account by the original amount of the penalty and multiplying the result by the number of original days ordered to be served in default of payment of the penalty.’.	10 11 12 13 14

REFERENDUMS ACT 1997

1. Section 45(2), definition “proceeding”, ‘Justices Act 1886, part 4A’—	16 17
<i>omit, insert—</i>	18
‘ <i>Fines Act 1998</i> ’.	19

TRAFFIC ACT 1949

1. Section 15—	21
<i>insert—</i>	22
‘(1A) A person who commits an offence against subsection (1) while the person’s drivers licence is suspended under the <i>Fines Act 1998</i> is liable to a penalty of not more than 40 penalty units or 1 year imprisonment, unless	23 24 25

 SCHEDULE 1 (continued)

the person proves the person did not receive—	1
(a) the infringement notice; or	2
(b) the enforcement order; or	3
(c) the notice of intention to suspend a drivers licence; or	4
(d) any reminder notice the relevant administering authority sent to the person about the infringement notice;	5
under that Act for the offence for which the person’s licence was suspended.	7
‘(1B) In addition, the person is disqualified from holding or obtaining a drivers licence for 6 months whether or not a conviction is recorded for the offence.’.	8
	9
	10
	11
2. Section 44P, definition “camera-detected offence”, paragraph (a)—	12
<i>omit, insert—</i>	13
‘(a) the infringement notice under the <i>Fines Act 1998</i> ; or’.	14
3. Section 44Q(5)(b)—	15
<i>omit, insert—</i>	16
‘(b) an infringement notice under the <i>Fines Act 1998</i> .’.	17
4. Section 44X—	18
<i>omit, insert—</i>	19
‘Application of the Fines Act 1998	20
‘44X.(1) The <i>Fines Act 1998</i> applies to camera-detected offences subject to this division.	21
	22
(2) If there is any inconsistency between the <i>Fines Act 1998</i> and this division, the provisions of this division prevail.	23
	24
(3) Without limiting subsection (1) or (2), for the <i>Fines Act 1998—</i>	25

 SCHEDULE 1 (continued)

- (a) **“owner”** means the owner as defined in this division; and 1
- (b) a reference to **“person in charge”** or **“user”** is, if the context 2
permits, taken to be a reference to the driver of the vehicle; and 3
- (c) a reference to **“illegal user declaration”**, **“known user 4
declaration”**, **“sold vehicle declaration”** or **“unknown user 5
declaration”** or ‘declaration’ generally is taken to be a reference 6
to the appropriate approved form for section 44Q; and 7
- (d) the *Fines Act 1998* sections 10(2), 11(5), 12(5) and 13(2) are 8
subject to section 44Q and in particular section 44Q(6) applies 9
instead of the *Fines Act 1886*, section 13(2)(b).’. 10
- 5. After section 55B—** 11
- insert—* 12
- ‘Effect of suspension of licence under Fines Act 1998** 13
- ‘55C.(1)** This section applies if a person’s drivers licence is suspended 14
under the *Fines Act 1998*. 15
- ‘(2)** Suspension of the drivers licence under the *Fines Act 1998—* 16
- (a) has, while the licence is suspended, the same effect as if the 17
licence is cancelled under this Act; and 18
- (b) if the period of the suspension ends before the licence would 19
ordinarily expire—does not extend the period during which the 20
licence would, but for the suspension, have remained in force. 21
- ‘(3)** If under this Act, a person must hold a drivers licence for a stated 22
period— 23
- (a) the stated period is extended by the length of the period for which 24
the licence is suspended under the *Fines Act 1998*; and 25
- (b) the period of the suspension does not break the continuous period 26
for which the person must hold the licence. 27
- ‘(4)** If the period of the licence expires before the period of the 28
suspension ends, the person must not apply for or obtain a drivers licence 29
until the person pays the amount stated in the enforcement order under the 30

SCHEDULE 1 (continued)

<i>Fines Act 1998</i> as the amount owing for the offence for which the licence was suspended or the amount is otherwise discharged under that Act.	1 2
Maximum penalty—20 penalty units or 18 months imprisonment.	3
‘(5) A suspension of a drivers licence under the <i>Fines Act 1998</i> also suspends any other driver’s licence authorising the person in question to drive a vehicle.	4 5 6
‘(6) A person must not apply for or obtain a driver’s licence while the person’s licence is suspended under the <i>Fines Act 1998</i> or a corresponding law of another State.	7 8 9
Maximum penalty for subsection (6)—20 penalty units or 18 months imprisonment.’.	10 11
6. Section 57, ‘57.(1) Any person’—	12
<i>omit, insert—</i>	13
‘57.(1) This section does not apply to a licence that is suspended under the <i>Fines Act 1998</i> .	14 15
‘(1AA) A person’.	16
7. Section 64(1), (3) and (4), after ‘commissioner’—	17
<i>insert—</i>	18
‘or the chief executive’.	19
TRANSPORT LEGISLATION AMENDMENT ACT	20
1997	21
1. Section 27, from ‘(b)’—	22
<i>omit, insert—</i>	23
‘(b) an infringement notice, under the <i>Fines Act 1998</i> , for the offence is attached to the vehicle; and’.	24 25

SCHEDULE 1 (continued)

**TRANSPORT OPERATIONS (MARINE SAFETY) ACT
1994**

1. Section 61—

insert—

‘(4) A person who commits an offence against subsection (1) or (3) while the person’s drivers licence⁵⁰ is suspended under the *Fines Act 1998* is liable to a penalty of not more than 40 penalty units or 1 year’s imprisonment, unless the person proves the person did not receive—

- (a) the infringement notice; or
- (b) the enforcement order; or
- (c) the notice of intention to suspend a drivers licence; or
- (d) any reminder notice the relevant administering authority sent to the person about the infringement notice;

under that Act for the offence for which the person’s licence was suspended.

‘(5) In addition, the person is disqualified from holding or obtaining a licence to operate a ship as its master or to have the conduct of a ship as its pilot for 6 months whether or not a conviction is recorded for the offence.’.

2. After section 63—

insert—

‘Effect of suspension of licence under *Fines Act 1998*

‘**63A.(1)** This section applies if a person’s licence to operate a ship as its master or to have the conduct of a ship as its pilot is suspended under the

⁵⁰ *Fines Act 1998*, definition “**drivers licence**” means a licence under—

- (a) the *Traffic Act 1949* to drive a motor vehicle; or
- (b) the *Transport Operations (Marine Safety) Act 1994* to drive a ship.

SCHEDULE 1 (continued)

<i>Fines Act 1998.</i>	1
‘(2) Suspension of the licence under the <i>Fines Act 1998</i> —	2
(a) has, while the licence is suspended, the same effect as if the licence is cancelled under this Act; and	3 4
(b) if the period of the suspension ends before the licence would ordinarily expire—does not extend the period during which the licence would, but for the suspension, have remained in force.	5 6 7
‘(3) If under this Act, a person must hold a licence for a stated period—	8
(a) the stated period is extended by the length of the period for which the licence is suspended under the <i>Fines Act 1998</i> ; and	9 10
(b) the period of the suspension does not break the continuous period for which the person must hold the licence.	11 12
‘(4) If the period of the licence expires before the period of the suspension ends, the person must not apply for or obtain a licence to operate a ship as its master or to have the conduct of a ship as its pilot until—	13 14 15 16
(a) the person pays the amount stated in the enforcement order under the <i>Fines Act 1998</i> as the amount owing for the offence for which the licence was suspended; or	17 18 19
(b) the amount is otherwise discharged under that Act.	20
Maximum penalty—20 penalty units or 18 months imprisonment.	21
‘(5) A person must not apply for or obtain a licence to operate a ship as its master or to have the conduct of a ship as its pilot while the person’s licence is suspended under the <i>Fines Act 1998</i> or a corresponding law of another State.	22 23 24 25
Maximum penalty for subsection (5)—20 penalty units or 18 months imprisonment.’.	26 27

SCHEDULE 2

1

REGULATIONS AMENDED

2

section 115

3

**AMENDMENT OF NATURE CONSERVATION
REGULATION 1994**

4

5

1. Section 257(1), ‘Justices Act 1886’—

6

omit, insert—

7

‘Fines Act 1998’.

8

AMENDMENT OF TRAFFIC REGULATION 1962

9

1. Section 68(8), ‘Justices Act 1886, part 4A for’—

10

omit, insert—

11

‘Fines Act 1998 for’.

12

2. Section 108B(2)(b)(i)—

13

omit, insert—

14

‘(i) the *Fines Act 1998*, section 39⁵¹ for an offence mentioned in
schedule 2; or’.

15

16

3. Section 108B—

17

insert—

18

⁵¹ Section 39 (Issue of enforcement order)

SCHEDULE 2 (continued)

‘(8) Subsection (7) does not apply to the suspension of a drivers licence under the *Fines Act 1998*.’ 1
2

4. Section 134B— 3

insert— 4

‘(5) This section applies to a licence suspended under the *Fines Act 1998* as if a superintendent had suspended the licence.’ 5
6

SCHEDULE 3	1
DICTIONARY	2
section 3	3
“account” , for a financial institution, includes a withdrawable share account.	4 5
“address” , for an application made under this Act, means the full address of the place where the person lives or works.	6 7
“administering authority” , for an infringement notice or infringement notice offence, means the entity prescribed under a regulation as the administering authority for the notice or offence.	8 9 10
“alleged offender” , for an infringement notice, means the person on whom the notice is served.	11 12
“appropriately qualified” , for a person to whom a power under this Act may be delegated, includes having the qualifications, experience or standing appropriate to exercise the power.	13 14 15
“authorised commission officer” see the <i>Penalties and Sentences Act 1992</i> , section 4A.	16 17
“authorised person” means—	18
(a) for an infringement notice—a person who, under a regulation, may serve the infringement notice; or	19 20
(b) for a withdrawal from acting under this Act—a person who, under a regulation, may effect the withdrawal.	21 22
“commercial agent” see the <i>Auctioneers and Agents Act 1971</i> , section 2, definition “commercial agent”.	23 24
“community service” see the <i>Corrective Services Act 1988</i> , section 10, definition “community service”.	25 26
“community service order” see the <i>Penalties and Sentences Act 1992</i> , section 4, definition “community service order”.	27 28

 SCHEDULE 3 (continued)

“ conviction ” see section 93.	1
“ cut-out rate ”, for a fine or unpaid amount, means—	2
(a) for a court order under which an offender is required to serve a term of imprisonment for failing to pay a penalty under the <i>Penalties and Sentences Act 1992</i> —the rate worked out by dividing the penalty by the number of days of imprisonment ordered, expressed in dollars for each day; or	3 4 5 6 7
(b) for a fine option order—	8
(i) if the fine option order relates to a penalty imposed by a court—10 hours for each penalty unit, or part of a penalty unit, that was imposed as a fine under the original order; ⁵² or	9 10 11
(ii) otherwise—the amount prescribed under a regulation; or	12
(c) for an infringement notice offence—the amount prescribed under a regulation.	13 14
“ drivers licence ” means a licence under—	15
(a) the <i>Traffic Act 1949</i> to drive a motor vehicle; or	16
(b) the <i>Transport Operations (Marine Safety) Act 1994</i> to drive a ship.	17 18
“ earnings ”, of an enforcement debtor, means wages, salary, fees, bonuses, commission, overtime pay or other compensation for services or profit arising from office or employment, a pension, benefit or similar payment, an annuity or an amount payable instead of leave or retirement benefit owing or accruing to the enforcement debtor.	19 20 21 22 23
“ employer ”, of an enforcement debtor, means a person (including the State) who, as principal, rather than as a servant or agent, pays, or is likely to pay, earnings to the enforcement debtor.	24 25 26
“ enforcement certificate ” see sections 77 and 78.	27
“ enforcement debtor ” see section 39.	28

⁵² This is the maximum rate for court ordered fines under the *Penalties and Sentences Act 1992*.

 SCHEDULE 3 (continued)

“enforcement officer” means sheriff, deputy sheriff or bailiff of a court, and includes—	1 2
(a) a police officer; and	3
(b) a person, engaged by the registrar, who holds a commercial agents licence.	4 5
“enforcement order” see section 39.	6
“enforcement warrant” see section 48.	7
“executive officer” , of a corporation, means a person, by whatever name called and whether or not the person is a director of the corporation, who is concerned with, or takes part in, the management of the corporation.	8 9 10 11
“FINDER” means—	12
(a) the Fines, Infringement Notices and other Debts Enforcement Registration system; or	13 14
(b) if the context permits, means the office established under part 7.	15
“FINDER charter” see section 99.	16
“fine” includes—	17
(a) an amount stated in an infringement notice as the fine for a stated infringement notice offence and, in relation to a particular infringement notice, the fine stated in the infringement notice; and	18 19 20
(b) any amount payable under an ancillary order of a court in relation to an offence for which a fine is imposed; and	21 22
(c) for part 6—see section 93.	23
<i>Examples of ancillary orders—</i>	24
1. Professional fees, witnesses expenses and interpreters’ allowances.	25
2. Royalties or another similar amount, including conservation value payable under the <i>Nature Conservation Act 1992</i> .	26 27
“fine option order” means an order converting the unpaid amount of a fine under an infringement notice to hours of unpaid community service.	28 29
“illegal user declaration” , for an offence involving a vehicle, means a	30

 SCHEDULE 3 (continued)

statutory declaration stating facts establishing the vehicle was stolen or illegally taken at the relevant time.	1 2
“infringement notice” means a notice under section 6.	3
“infringement notice fine” , for an infringement notice offence, means the amount prescribed under a regulation to be the fine payable for the offence under an infringement notice.	4 5 6
“infringement notice offence” means an offence (other than an indictable offence or offence against the person) prescribed under a regulation to be an offence to which this Act applies.	7 8 9
“instalment” , of a fine under an infringement notice, means the amount prescribed under a regulation as the minimum amount payable as an instalment of the fine.	10 11 12
“instalment payment notice” see section 76.	13
“known user declaration” , for an offence involving a vehicle, means a statutory declaration stating—	14 15
(a) if—	16
(i) the owner is an individual—the owner was not in charge of the vehicle at the relevant time; or	17 18
(ii) the owner is a corporation—the vehicle was not being used for the corporation at the relevant time; and	19 20
(b) the name and address of the person who was in charge of the vehicle at the relevant time.	21 22
“money value” , of hours of unpaid community service, means the value worked out by multiplying the number of hours by the cut-out rate prescribed under a regulation.	23 24 25
“offence” , in relation to a particular infringement notice, means the offence stated in the notice.	26 27
“offence involving a vehicle” is an offence in which an offender and a vehicle are involved, regardless of the extent to which the vehicle is actually involved in the offence.	28 29 30
“offender” , other than for part 2, includes alleged offender.	31

 SCHEDULE 3 (continued)

“ officer ”, of a corporation, includes a former officer of the corporation.	1
“ owner ”, of a vehicle, includes the person registered as the owner of the vehicle under the relevant registration Act.	2 3
“ partner ” includes a former partner.	4
“ premises ” includes any structure, building, aircraft, vehicle, vessel or place, whether built on or not.	5 6
“ prescribed particulars ”, for part 3, means particulars prescribed under a regulation.	7 8
“ QCSC ” means the Queensland Corrective Services Commission.	9
“ Queensland fine ” see section 93.	10
“ reasonably believe ” means believe on grounds that are reasonable in the circumstances.	11 12
“ reciprocating court ” see section 93.	13
“ registrar ” means—	14
(a) for FINDER—the person for the time being performing FINDER registration and enforcement duties under this Act; or	15 16
(b) for a Magistrates Court—the clerk of the court.	17
“ registration Act ” means—	18
(a) the <i>Transport Infrastructure (Roads) Act 1991</i> or another Act prescribed under a regulation; or	19 20
(b) a law of another State that deals generally with the same subject matter as an Act mentioned in paragraph (a).	21 22
“ registration fee ” means the fee prescribed under a regulation for registering an unpaid amount under this Act.	23 24
“ relevant person ”, for part 4, see section 30.	25
“ relevant time ” for an offence involving a vehicle means the time and date specified in the infringement notice as the time and date of the offence.	26 27
“ relevant officer ” see section 93.	28
“ responsible operator ”, of a vehicle, means a person nominated as a	29

 SCHEDULE 3 (continued)

responsible operator for the vehicle under the <i>Transport Infrastructure (Roads) Act 1991</i> , section 9.17A.	1 2
“search warrant” see section 61.	3
“sold vehicle declaration” , for an offence involving a vehicle, means a statutory declaration stating facts establishing the owner had sold or otherwise disposed of the vehicle before the relevant time, including—	4 5 6
(a) the name and address of the person to whom the vehicle was sold or disposed of; and	7 8
(b) the date and, if relevant, time of the sale or disposal; and	9
(c) if an agent made the sale or disposal for the owner—the name and address of the agent.	10 11
“third person” means a person (including the State) from whom a debt—	12
(a) is payable to the enforcement debtor; or	13
(b) is likely to become payable to the enforcement debtor.	14
“unknown user declaration” , for an offence involving a vehicle, means a statutory declaration stating—	15 16
(a) if—	17
(i) the owner is an individual—the owner was not in charge of the vehicle at the relevant time; or	18 19
(ii) the owner is a corporation—the vehicle was not being used for the corporation at the relevant time; and	20 21
(b) the declarant has not been able to find out who was in charge of the vehicle at the relevant time; and	22 23
(c) the nature of the inquiries made to find out the name and address of the person in charge of the vehicle at the relevant time.	24 25

SCHEDULE 3 (continued)

“**vehicle**” includes a boat and anything declared under a regulation to be a vehicle.

1
2