



Queensland

# **State Penalties Enforcement and Other Legislation Amendment Bill 2006**





Queensland

# State Penalties Enforcement and Other Legislation Amendment Bill 2006

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**2006**

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**A Bill**

for

***An Act to amend the State Penalties Enforcement Act 1999 and other Acts administered by the Attorney-General and Minister for Justice and Women***

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**The Parliament of Queensland enacts—** 1

**Part 1 Preliminary** 2

**Clause 1 Short title** 3

This Act may be cited as the *State Penalties Enforcement and  
Other Legislation Amendment Act 2006*. 4  
5

**Clause 2 Commencement** 6

Parts 2, 3, 5 and 7 commence on a date to be fixed by  
proclamation. 7  
8

**Part 2 Amendment of State Penalties  
Enforcement Act 1999** 9  
10

**Clause 3 Act amended in pt 2** 11

This part amends the *State Penalties Enforcement Act 1999*. 12

**Clause 4 Amendment of s 11 (Management of office)** 13

(1) Section 11(1)— 14

*omit, insert—* 15

‘(1) The registrar may make or issue an enforcement order, fine  
collection notice or warrant under this Act.’. 16  
17

(2) Section 11(2)— 18

*omit.* 19

(3) Section 11(3), ‘and other staff have’— 20

*omit, insert—* 21



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‘has’. 1

(4) Section 11(3) and (4)— 2

*renumber* as section 11(2) and (3). 3

**Clause 5      Amendment of s 15 (Infringement notices)** 4

Section 15(2)(f)(ii)— 5

*omit, insert*— 6

    ‘(ii) make to the administering authority an election to 7  
        have the matter of the offence decided in a 8  
        Magistrates Court; or’. 9

**Clause 6      Amendment of s 22 (Ways alleged offender may deal with 10  
infringement notice)** 11

Section 22(1)(b), ‘give’— 12

*omit, insert*— 13

‘make’. 14

**Clause 7      Amendment of s 23 (Application to pay fine by 15  
instalments)** 16

(1) Section 23(2), ‘in the approved form’— 17

*omit*. 18

(2) Section 23— 19

*insert*— 20

‘(2A) The application must be made in— 21

(a) the approved form; or 22

(b) another way acceptable to the administering authority. 23

*Example of other ways an application may be made that may be 24  
acceptable to the administering authority— 25*

- by telephone 26
- by use of the internet’. 27

(3) Section 23(4)— 28

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*omit, insert—*

- ‘(4) The administering authority must approve the application if—
- (a) the application complies with this section; and
  - (b) the administering authority is satisfied the application was made by the alleged offender.’.

- (4) Section 23(6)—

*omit, insert—*

- ‘(6) The administering authority must, at the time the alleged offender makes the application, inform the alleged offender of the consequences of failing to pay the instalments.’.

- (5) Section 23(7), ‘Subsection (3)’—

*omit, insert—*

‘Subsection (4)’.

- (6) Section 23(2A) to (7)—

*renumber* as section 23(3) to (8).

**Clause 8      Amendment of s 33 (Default by person served with infringement notice)**

- (1) Section 33(1)(c)—

*omit, insert—*

‘(c) made to the administering authority an election to have the matter of the offence decided in a Magistrates Court; or’.

- (2) Section 33—

*insert—*

- ‘(1A) For subsection (1)(c), an election may be made—

- (a) in the approved form; or
- (b) in another way acceptable to the administering authority.

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	<i>Examples of other ways an election may be made that may be acceptable to the administering authority—</i>	1
		2
	• by telephone	3
	• by use of the internet’.	4
(3)	Section 33(2), ‘However, a’—	5
	<i>omit, insert—</i>	6
	‘A’.	7
(4)	Section 33(1A) to (6)—	8
	<i>renumber</i> as section 33(2) to (7).	9
<b>Clause 9</b>	<b>Amendment of s 34 (Default in paying fine, penalty or other amount under court order)</b>	10
	Section 34(1) and (2)—	11
	<i>omit, insert—</i>	12
‘(1)	This section applies to any of the following orders made by a court—	13
	(a) an order fining a person for an offence;	14
	(b) an order under the <i>Penalties and Sentences Act 1992</i> , section 33B(1) that an amount be paid on the forfeiture of a recognisance;	15
	(c) an order that a person pay to someone else an amount by way of restitution or compensation under the <i>Penalties and Sentences Act 1992</i> , section 35(1);	16
	(d) an order that a person pay a penalty mentioned in the <i>Penalties and Sentences Act 1992</i> , section 182A or 185;	17
	(e) an order under the <i>Bail Act 1980</i> , 32(1) or 32A(1) that an amount be paid on the forfeiture of an undertaking;	18
	(f) an order under the <i>Justices Act 1886</i> , section 161A that an amount be recoverable by execution or that details of the amount be registered under this Act;	19
	(g) an order made before 27 November 2000 that a person pay an amount under the <i>Crown Proceedings Act 1980</i> , section 13 or 14.	20
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	‘(2) Subsection (1)(a) to (f) applies to an order whether made before or after the commencement of this section.	1 2
	‘(2A) At any time after the order is made, if all or part of the fine or other amount is unpaid, the court registrar may give to SPER, for registration, the prescribed particulars of the unpaid amount.	3 4 5 6
	‘(2B) However, subsection (2A) does not apply to an unpaid amount under an order mentioned in subsection (1)(d) or (f) if, at the time the court makes the order, the court can not order that payment of the unpaid amount can be satisfied by imprisoning the person for a period.’.	7 8 9 10 11
<b>Clause 10</b>	<b>Amendment of s 35 (Effect of registration under this division)</b>	12 13
	Section 35(2)(a)—	14
	<i>omit, insert—</i>	15
	‘(a) if the amount is registered because of a default certificate, the amount unpaid is increased by the amount of the registration fee; and’.	16 17 18
<b>Clause 11</b>	<b>Amendment of s 36 (Default in paying instalment)</b>	19
	Section 36, ‘, on 2 consecutive occasions,’—	20
	<i>omit.</i>	21
<b>Clause 12</b>	<b>Amendment of s 38 (Issue of enforcement order)</b>	22
	(1) Section 38(4)—	23
	<i>omit.</i>	24
	(2) Section 38(5)—	25
	<i>renumber</i> as section 38(4).	26

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<b>Clause 13</b>	<b>Omission of s 39 (Working out period of imprisonment for enforcement order)</b>	1 2
	Section 39—	3
	<i>omit.</i>	4
<b>Clause 14</b>	<b>Amendment of s 41 (Ways enforcement debtor may deal with enforcement order)</b>	5 6
	(1) Section 41(b) and (c)—	7
	<i>omit, insert—</i>	8
	‘(b) apply to SPER, in the approved form or in another way acceptable to SPER, to pay the amount by instalments of not less than the minimum instalment; or’.	9 10 11
	(2) Section 41(e), ‘give’—	12
	<i>omit, insert—</i>	13
	‘make’.	14
	(3) Section 41(d) and (e)—	15
	<i>renumber</i> as section 41(c) and (d).	16
<b>Clause 15</b>	<b>Replacement of s 42 (Application for time to pay)</b>	17
	Section 42—	18
	<i>omit, insert—</i>	19
<b>‘42</b>	<b>Application to pay by instalments</b>	20
	‘(1) Within 28 days after the date of an enforcement order, the enforcement debtor may apply to SPER for approval to pay the amount stated in the order by instalments.	21 22 23
	‘(2) The application must be made—	24
	(a) in the approved form; or	25
	(b) in another way acceptable to SPER.	26
	<i>Examples of other ways an application may be made that may be acceptable to SPER—</i>	27 28
	• by telephone	29
	• by use of the internet	30

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- '(3) The enforcement debtor must, at the time of making the application, be informed by SPER of the consequences of failing to pay the account within the time allowed, including by instalments. 1  
2  
3  
4
- '(4) If the registrar is satisfied the application was made by the enforcement debtor, the registrar may allow the amount to be paid by stated instalments of not less than the minimum instalment. 5  
6  
7  
8
- '(5) Despite subsection (4), the registrar may, if satisfied exceptional circumstances exist, allow the amount to be paid by stated instalments of less than the minimum instalment. 9  
10  
11
- '(6) The registrar must give the enforcement debtor notice of the decision. 12  
13
- '(7) If the registrar decides to allow payment of the amount by instalments, the registrar must also give the enforcement debtor an instalment payment notice for the amount.' 14  
15  
16

**Clause 16      Amendment of s 46 (Fine option order only for unpaid fine)** 17  
18

- (1) Section 46(a), ‘, excluding an ancillary order,’— 19  
*omit.* 20
- (2) Section 46(a), examples— 21  
*omit.* 22

**Clause 17      Amendment of s 52 (Default after time to pay)** 23

- (1) Section 52(1)(a), ‘or the later time allowed under section 42’— 24  
25  
*omit.* 26
- (2) Section 52(4), from ‘in the same way’— 27  
*omit, insert—* 28  
‘under section 52A.’ 29

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<b>Clause 18</b>	<b>Insertion of new s 52A</b>	1
	After section 52—	2
	<i>insert—</i>	3
<b>‘52A</b>	<b>Working out period of imprisonment for arrest and imprisonment warrant</b>	4
	‘(1) The period of imprisonment that may be stated in an arrest and imprisonment warrant for an amount ordered to be paid by a court must be the period worked out by dividing the amount stated in the warrant, less any enforcement or administrative fees added by SPER, by the relevant cut-out rate for a court order rounded down to the nearest whole number and expressed as a number of days.	6
	‘(2) The period of imprisonment that may be stated in an arrest and imprisonment warrant for an infringement notice offence must be the period worked out by dividing the amount stated in the warrant, less any enforcement or administrative fees added by SPER, by the cut-out rate for an infringement notice offence, rounded down to the nearest whole number and expressed as a number of days.	13
	‘(3) However, the maximum period that may be stated in an arrest and imprisonment warrant for an amount a surety must pay under the <i>Bail Act 1980</i> or the <i>Penalties and Sentences Act 1992</i> must not be more than 2 years.’.	20
<b>Clause 19</b>	<b>Amendment of s 56 (Applications for cancellation of enforcement orders)</b>	24
	(1) Section 56(1)—	26
	<i>insert—</i>	27
	‘(d) the person is applying to a Magistrates Court to hear the matter of the offence to which the relevant enforcement order relates.’.	28
	(2) Section 56—	31
	<i>insert—</i>	32
	‘(2A) Despite subsection (2), an application under subsection (1)(d) may be made after the periods mentioned in subsection (2)	33
		34

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have ended if the registrar is satisfied the applicant has  
reasonable grounds for the delay.’. 1  
2

- (3) Section 56(2A) and (3)— 3  
*renumber* as section 56(3) and (4). 4

- Clause 20 Amendment of s 57 (Decision on application)** 5  
Section 57(4) to (6)— 6  
*omit, insert—* 7
- ‘(4) If the registrar cancels the relevant enforcement order, the 8  
registrar must refer the matter of the offence to the 9  
administering authority. 10
- ‘(5) The administering authority may start a proceeding against 11  
the applicant for the offence. 12
- ‘(6) The registrar must give the applicant notice of the decision in 13  
the approved form.’. 14

- Clause 21 Amendment of s 58 (Appeal against refusal to cancel 15  
enforcement order)** 16
- (1) Section 58(1), ‘section 57(5)’— 17  
*omit, insert—* 18  
‘section 57(6)’. 19
- (2) Section 58(6), ‘referral notice’— 20  
*omit, insert—* 21  
‘notice of the decision under section 57(6)’. 22

- Clause 22 Omission of s 59 (Proceedings for offence if enforcement 23  
order cancelled)** 24
- Section 59— 25  
*omit.* 26



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<b>Clause 23</b>	<b>Amendment of s 61 (Application of pt 5)</b>	1
	Section 61(a)(i), ‘or the further time allowed under section 42’—	2 3
	<i>omit.</i>	4
<b>Clause 24</b>	<b>Amendment of s 63 (Issue of enforcement warrant)</b>	5
	Section 63(3)(c) and (4), ‘3 months’—	6
	<i>omit, insert—</i>	7
	‘6 months’.	8
<b>Clause 25</b>	<b>Amendment of s 104 (Criteria for suspending driver licence)</b>	9 10
	Section 104(5), ‘or a further time allowed under section 42’—	11
	<i>omit.</i>	12
<b>Clause 26</b>	<b>Replacement of s 118 (Good behaviour order when imprisonment not appropriate)</b>	13 14
	Section 118—	15
	<i>insert—</i>	16
<b>‘118</b>	<b>Good behaviour order when imprisonment not appropriate</b>	17 18
	‘(1) This section applies if—	19
	(a) an enforcement warrant or a fine collection notice has been or may be issued for an enforcement debtor for an unpaid amount; and	20 21 22
	(b) the registrar is satisfied that—	23
	(i) the enforcement debtor is not suitable for performing community service under a fine option order; and	24 25 26
	(ii) the enforcement debtor can not pay or continue to pay all or part of the unpaid amount; and	27 28

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- (iii) in the particular circumstances, it may be inappropriate to enforce the payment of the amount by issuing an arrest and imprisonment warrant for the enforcement debtor.
- ‘(2) For subsection (1)(b), in deciding whether the registrar is satisfied of the matters mentioned in that paragraph, the registrar may have regard to any relevant advice, including expert advice, the registrar considers appropriate.
- ‘(3) The registrar may, with the consent of the enforcement debtor, order that the enforcement debtor must be of good behaviour for the period, of not longer than 3 years, stated in the order (the *good behaviour order*) on the conditions the registrar considers appropriate.
- ‘(4) As soon as practicable after making the good behaviour order, the registrar must give a copy of the order to the enforcement debtor.
- ‘(5) The good behaviour order must include information about—
- (a) the enforcement debtor’s right to apply to have the order cancelled or varied; and
  - (b) how the application may be made; and
  - (c) the consequences and enforcement action the registrar may take if the good behaviour order is cancelled.
- ‘(6) The enforcement debtor may apply to SPER to have the good behaviour order cancelled or varied.
- ‘(7) The application must be made—
- (a) in the approved form; or
  - (b) in another way acceptable to SPER.
- Examples of other ways an application may be made that may be acceptable to SPER—*
- by telephone
  - by use of the internet
- ‘(8) If the enforcement debtor applies for the good behaviour order to be cancelled or the registrar is satisfied the enforcement debtor has contravened the good behaviour order, including,

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for example, by incurring a further fine, the registrar may, 1  
without notice to the enforcement debtor, cancel the order. 2

‘(9) If the registrar cancels the good behaviour order— 3

(a) the unpaid amount becomes payable; and 4

(b) the registrar may take any enforcement action the 5  
registrar could have taken if the good behaviour order 6  
had not been made. 7

‘(10) If the period stated in the good behaviour order ends without 8  
the registrar cancelling the order, the unpaid amount is no 9  
longer payable.’. 10

**Clause 27 Amendment of s 119 (Enforcement by imprisonment) 11**

Section 119(4), ‘section 39’— 12

*omit, insert—* 13

‘section 52A’. 14

**Clause 28 Amendment of s 135 (Default certificate for infringement 15  
notice offence) 16**

Section 135(e)(iii)— 17

*omit, insert—* 18

‘(iii) make to the administering authority an election to 19  
have the matter of the offence decided in a 20  
Magistrates Court;’. 21

**Clause 29 Amendment of s 136 (Instalment payment notice) 22**

(1) Section 136— 23

*insert—* 24

‘(ea) if the person has an unpaid amount under an instalment 25  
payment notice (an *earlier instalment payment notice*) 26  
given to the person earlier— 27

(i) the offence to which the earlier instalment payment 28  
notice related; and 29

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- (ii) the unpaid amount under the earlier instalment payment notice; and 1  
2
- (iii) that the amount to be paid for each instalment under this instalment payment notice (the *current instalment payment notice*) includes an amount paid to satisfy the earlier instalment payment notice; and 3  
4  
5  
6  
7
- (iv) that the requirement to pay instalments under the earlier instalment payment notice ends on the giving of the current instalment payment notice to the person;’. 8  
9  
10  
11
- (2) Section 136(ea) to (i)— 12  
*renumber* as section 136(1)(f) to (j). 13
- (3) Section 136— 14  
*insert*— 15
- ‘(2) If a person who has an earlier instalment payment notice is given a current instalment payment notice that states the information mentioned in subsection (1)(f), any previous arrangement to pay instalments under the earlier instalment payment notice ends on the giving of the current instalment payment notice to the person. 16  
17  
18  
19  
20  
21
- ‘(3) For subsection (1)(f) and (2), a reference to an earlier instalment payment notice includes an instalment payment notice given to a person before the commencement of this subsection.’. 22  
23  
24  
25
- Clause 30      Amendment of s 137 (Enforcement order) 26**
- (1) Section 137(1)(e)(ii)— 27  
*omit.* 28
- (2) Section 137(1)(e)(v), ‘give’— 29  
*omit, insert*— 30  
‘make’. 31
- (3) Section 137(1)(e)(iii) to (v)— 32  
*renumber* as section 137(1)(e)(ii) to (iv). 33

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<b>Clause 31</b>	<b>Amendment of s 147 (Effect of notices, orders and warrants)</b>	1 2
	Section 147, ‘or staff of the registry mentioned in section 11’ and footnote—	3 4
	<i>omit.</i>	5
 <b>Clause 32</b>	 <b>Insertion of new ss 150A and 150B</b>	 6
	After section 150—	7
	<i>insert—</i>	8
	<b>‘150A Registrar may write off unpaid fine or other amount</b>	9
	‘(1) The registrar may write off all or part of a fine or another amount payable by a person under this Act, whether or not any part of the fine or other amount is payable to someone other than the State—	10 11 12 13
	(a) if the person dies; or	14
	(b) if the person is a corporation that has been deregistered; or	15 16
	(c) if there is insufficient information to establish the identity of the person liable to pay the fine or other amount; or	17 18 19
	(d) in other circumstances permitted under a guideline issued by the Minister under section 150B.	20 21
	‘(2) The fine or other amount stops being payable from the time it is written off.	22 23
	<b>‘150B Guidelines</b>	24
	‘(1) The Minister may issue guidelines about the writing off of fines and other amounts payable by persons under this Act.	25 26
	‘(2) A guideline issued under subsection (1) must not be made available to members of the public.’.	27 28

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<b>Clause 33</b>	<b>Amendment of s 152 (Information from entities other than police service)</b>	1 2
	(1) Section 152(1)—	3
	<i>omit, insert—</i>	4
	‘(1) For enforcing this Act, the registrar may ask a relevant entity for relevant information about a stated person as shown in any records kept by the relevant entity.’.	5 6 7
	(2) Section 152(2), ‘entity or local government’—	8
	<i>omit, insert—</i>	9
	‘relevant entity’.	10
	(3) Section 152(2), (4) and (5), ‘information’—	11
	<i>omit, insert—</i>	12
	‘relevant information’.	13
	(4) Section 152(9)—	14
	<i>insert—</i>	15
	<b>‘relevant entity’—</b>	16
	(a) means—	17
	(i) an administering authority; or	18
	(ii) an authorised person; or	19
	(iii) a local government; or	20
	(iv) a State entity; or	21
	(v) the Royal Society for the Prevention of Cruelty to Animals Queensland Incorporated; but	22 23
	(b) does not include the Queensland Police Service.	24
	<b>relevant information</b> , about a person, means information about the following—	25 26
	(a) the person’s current and any previous address;	27
	(b) the person’s date of birth;	28
	(c) the person’s telephone number;	29
	(d) any bank account held by the person;	30

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- (e) the person's employer; 1
- (f) any property in which the person has a legal or 2  
beneficial interest.'. 3

**Clause 34 Replacement of pt 10, div 1, hdg** 4

Part 10, division 1, heading— 5

*omit, insert—* 6

**'Division 1 Transitional provisions for Act No. 70 of 1999'.** 7  
8

**Clause 35 Insertion of new pt 10, div 3** 9

After section 174— 10

*insert—* 11

**'Division 3 Transitional provisions for State Penalties Enforcement and Other Legislation Amendment Act 2006** 12  
13  
14

**'175 Definition for div 3** 15

'In this division— 16

*amendment Act* means the *State Penalties Enforcement and Other Legislation Amendment Act 2006*. 17  
18

**'176 Transitional provision about management of office** 19

'(1) This section applies if, immediately before the 20  
commencement of the amendment provision, an enforcement 21  
order, warrant or fine collection notice properly made or 22  
issued by a member of the staff of the registry was still in 23  
force. 24

'(2) The order, warrant or notice continues in force according to its 25  
terms as if the amendment provision had not commenced. 26

'(3) A member of the staff of the registry continues to have the 27  
same immunities and protections in relation to making or 28

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	issuing the relevant document as the staff member would have had if the amendment provision had not commenced.	1 2
‘(4)	In this section— <i>amendment provision</i> means section 4 of the amendment Act.	3 4
<b>‘177</b>	<b>Transitional provision for extension of time to pay an amount stated in an enforcement order</b>	5 6
‘(1)	This section applies if, immediately before the commencement of this section, an application for an extension of time to pay an amount stated in an enforcement order has been made under repealed section 41(b) or 42(1)(a) but not decided.	7 8 9 10 11
‘(2)	On the commencement, the application is taken to be cancelled.	12 13
‘(3)	In this section— <i>repealed section 41(a) or 42(1)(a)</i> means section 41(a) or 42(1)(a) as in force before the commencement of section 15 of the amendment Act.	14 15 16 17
<b>‘178</b>	<b>Transitional provision for cancellation of enforcement order</b>	18 19
‘(1)	This section applies if, immediately before the commencement of this section, the registrar had cancelled an enforcement order under previous section 57 but had not referred the matter of the offence to a Magistrates Court.	20 21 22 23
‘(2)	On the commencement—	24
	(a) the registrar must not refer the matter of the offence to a Magistrates Court; and	25 26
	(b) new section 57 applies to the cancellation of the enforcement order as if the cancellation had happened after the commencement.	27 28 29
‘(3)	In this section— <i>new section 57</i> means section 57 as amended by the amendment Act.	30 31 32



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*previous section 57* means section 57 as in force before the commencement of section 20 of the amendment Act. 1  
2

**‘179 Transitional provision for good behaviour order** 3

‘(1) After the commencement of this section, a good behaviour order may be made under the new section 118 in relation to an enforcement warrant or a fine collection notice issued or that could have been issued before the commencement as if the enforcement warrant or fine collection notice was issued after the commencement. 4  
5  
6  
7  
8  
9

‘(2) In this section— 10  
*new section 118* means section 118 as in force after the commencement of section 26 of the amendment Act.’. 11  
12

**Clause 36 Amendment of sch 2 (Dictionary)** 13

(1) Schedule 2, definition *cut-out rate*, paragraph (b), ‘\$60’— 14  
*omit, insert—* 15  
‘\$75’. 16

(2) Schedule 2, definition *cut-out rate*, paragraphs (d) and (e)— 17  
*renumber* as paragraphs (e) and (f). 18

(3) Schedule 2, definition *cut-out rate—* 19  
*insert—* 20

‘(d) for a court order under which a surety is not required to serve a term of imprisonment for failing to pay an amount under the *Bail Act 1980* or the *Penalties and Sentences Act 1992*—the amount prescribed under a regulation for this paragraph or, if no amount is prescribed, \$75; or’. 21  
22  
23  
24  
25  
26

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	<b>Part 3</b>	<b>1</b>
	<b>Amendment of Bail Act 1980</b>	
<b>Clause 37</b>	<b>Act amended in pt 3</b>	<b>2</b>
	This part amends the <i>Bail Act 1980</i> .	3
<b>Clause 38</b>	<b>Amendment of s 6 (Definitions)</b>	<b>4</b>
	Section 6—	5
	<i>insert—</i>	6
	‘ <i>SPER</i> means the State Penalties Enforcement Registry established under the <i>State Penalties Enforcement Act 1999</i> .’.	7 8
<b>Clause 39</b>	<b>Replacement of s 32A (Order for payment of amount under forfeited undertaking)</b>	<b>9</b> <b>10</b>
	Section 32A—	11
	<i>omit, insert—</i>	12
<b>‘32A</b>	<b>Order for payment of amount under forfeited undertaking</b>	<b>13</b> <b>14</b>
	‘(1) A court that orders the payment of a deposit of money or other security (the <i>amount</i> ) under section 32 for which there is a surety must also order—	15 16 17
	(a) that the surety pay the amount to the proper officer of the court immediately or within the time or by the instalments stated in the order; or	18 19 20
	(b) that the proper officer of the court is to give the prescribed particulars of the amount to SPER for registration under the <i>State Penalties Enforcement Act 1999</i> , section 34.	21 22 23 24
	‘(2) If the court makes an order under subsection (1)(a), the court may also order that the surety be imprisoned for the term, of not more than 2 years, stated in the order if the surety defaults in paying the amount.’.	25 26 27 28

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	<b>Part 4</b>	<b>Amendment of Guardianship and Administration Act 2000</b>	1 2
<b>Clause 40</b>	<b>Act amended in pt 4</b>		3
		This part amends the <i>Guardianship and Administration Act 2000</i> .	4 5
<b>Clause 41</b>	<b>Amendment of s 200 (Selection)</b>		6
		Section 200—	7
		<i>insert—</i>	8
		‘(3) Subsections (1) and (2) do not apply to the reappointment of a person as the adult guardian.’	9 10
<b>Clause 42</b>	<b>Amendment of s 214 (Selection)</b>		11
		Section 214—	12
		<i>insert—</i>	13
		‘(3) Subsections (1) and (2) do not apply to the reappointment of a person as the public advocate.’	14 15
	<b>Part 5</b>	<b>Amendment of Justices Act 1886</b>	16 17
<b>Clause 43</b>	<b>Act amended in pt 5</b>		18
		This part amends the <i>Justices Act 1886</i> .	19
<b>Clause 44</b>	<b>Amendment of s 161A (Mode of levying penalties, moneys or costs)</b>		20 21
		(1) Section 161A, ‘When’—	22
		<i>omit, insert—</i>	23

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- ‘(1) This section applies if’. 1
- (2) Section 161A, ‘execution and also when’— 2  
*omit, insert—* 3  
‘execution. 4
- ‘(2) This section also applies if’. 5
- (3) Section 161A, from ‘execution, then the amount’— 6  
*omit, insert—* 7  
‘execution. 8
- ‘(3) The justices may order that— 9
- (a) the amount to be paid or levied may be recovered by 10  
execution against the goods and chattels of the person 11  
liable to make the payment under a warrant of execution 12  
issued by the adjudicating justices; or 13
- (b) the clerk of the court may, under the *State Penalties 14  
Enforcement Act 1999*, section 34, give particulars of the 15  
amount to be paid or levied to the State Penalties 16  
Enforcement Registry for registration under that 17  
section.’. 18

**Part 6** **Amendment of Land and Resources Tribunal Act 1999** 19  
20

- Clause 45** **Act amended in pt 6** 21  
This part amends the *Land and Resources Tribunal Act 1999*. 22
- Clause 46** **Amendment of s 7 (Presiding members)** 23  
Section 7(1)(b)— 24  
*omit, insert—* 25  
‘(b) 1 or more deputy presidents.’. 26

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<b>Part 7</b>	<b>Amendment of Penalties and Sentences Act 1992</b>	1 2
<b>Clause 47</b>	<b>Act amended in pt 7</b>  This part amends the <i>Penalties and Sentences Act 1992</i> .	3 4
<b>Clause 48</b>	<b>Amendment of s 4 (Definitions)</b>  Section 4— <i>insert—</i>  ‘ <i>SPER</i> means the State Penalties Enforcement Registry established under the <i>State Penalties Enforcement Act 1999</i> .’.	5 6 7 8 9
<b>Clause 49</b>	<b>Replacement of s 33B (Order for payment of amount under forfeited recognisance)</b>  Section 33B— <i>omit, insert—</i>	10 11 12 13
<b>‘33B</b>	<b>Order for payment of amount under forfeited recognisance</b>	14 15
	‘(1) A court must, on the forfeiture of a recognisance, order—	16
	(a) that the offender or surety liable to pay an amount stated in the recognisance pay the amount to the proper officer of the court immediately or within the time or by the instalments stated in the order; or	17 18 19 20
	(b) that the proper officer of the court is, under the <i>State Penalties Enforcement Act 1999</i> , section 34, to give particulars of the amount undertaken by the surety to be paid on the forfeiture of the recognisance to SPER for registration under that section.	21 22 23 24 25
	‘(2) If the court makes an order under subsection (1)(a), the court may also order that the offender or surety be imprisoned for the term, of not more than 2 years, stated in the order if the offender or surety defaults in paying the amount.’.	26 27 28 29

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<b>Clause 50</b>	<b>Amendment of s 36 (What order may state)</b>	1
	Section 36(1)(c) and (d)—	2
	<i>omit, insert—</i>	3
	‘(c) the time within which the restitution is to be made or the compensation is to be paid or, alternatively, that the proper officer of the court is, under the <i>State Penalties Enforcement Act 1999</i> , section 34, to give particulars of the amount of the restitution or compensation to SPER for registration under that section; and	4 5 6 7 8 9
	(d) if the order states the time within which the restitution is to be made or the compensation is to be paid—the way in which the restitution is to be made or the compensation is to be paid.’.	10 11 12 13
 <b>Clause 51</b>	 <b>Amendment of s 38 (Extension of time)</b>	 14
	(1) Section 38(1)(c)—	15
	<i>omit.</i>	16
	(2) Section 38(2), ‘or officer’—	17
	<i>omit.</i>	18
 <b>Clause 52</b>	 <b>Replacement of ss 50 and 51</b>	 19
	Sections 50 and 51—	20
	<i>omit, insert—</i>	21
<b>‘50</b>	<b>Instalment order</b>	22
	‘If a court fines an offender, it may order that—	23
	(a) the fine be paid by instalments; or	24
	(b) the proper officer give, under the <i>State Penalties Enforcement Act 1999</i> , section 34, particulars of the fine to SPER for registration under that section.	25 26 27

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<b>'51</b>	<b>Payment of fine</b>	1
	‘If a court does not make an instalment order under section 50(a), it must, at the time of imposing the fine order that—	2 3
	(a) the offender be allowed time to pay the fine; or	4
	(b) the proper officer give, under the <i>State Penalties Enforcement Act</i> , section 34, particulars of the fine to SPER for registration under that section.’.	5 6 7
 <b>Clause 53</b>	 <b>Amendment of s 94 (Additional requirements of probation order)</b>	 8 9
	Section 94(1)(c) to (e) and (2) and (3)—	10
	<i>omit.</i>	11
 <b>Clause 54</b>	 <b>Omission of s 104 (Requirements relating to restitution and compensation)</b>	 12 13
	Section 104—	14
	<i>omit.</i>	15
 <b>Clause 55</b>	 <b>Amendment of s 115 (Additional requirements of intensive correction order)</b>	 16 17
	Section 115(1)(c) to (e) and (2) and (3)—	18
	<i>omit.</i>	19
 <b>Clause 56</b>	 <b>Amendment of s 182A (Court may make order for default payment of penalty)</b>	 20 21
	Section 182A(1), from ‘calculated’—	22
	<i>omit, insert—</i>	23
	‘calculated—	24
	(a) under subsection (2)(a); or	25
	(b) by dividing the amount of the penalty by the cut-out rate mentioned in the <i>State Penalties Enforcement Act 1999</i> , schedule 2, definition <i>cut-out rate</i> , paragraph (a),	26 27 28

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	rounded down to the nearest whole number and expressed as a number of days.’.	1 2
<b>Clause 57</b>	<b>Amendment of s 185A (If offender does not pay penalty under s 185)</b> Section 185A, heading, ‘s 185’— <i>omit, insert—</i> ‘ss 182A or 185’.	3 4 5 6 7
<b>Clause 58</b>	<b>Amendment of s 185B (Power of proper officer to postpone warrant)</b> (1) Section 185B— <i>insert—</i> (1A) The postponement of the warrant may be subject to the reasonable conditions the proper officer considers necessary in the circumstances.’. (2) Section 185B— <i>insert—</i> (3) If the offender fails to comply with a condition to which the postponement is subject, the proper officer must deal with the offender under section 185A(1)(a) or (b) as if the offender had only just failed to pay the penalty mentioned in section 182A or 185.’. (3) Section 185B(1A) to (3)— <i>renumber</i> as section 185B(2) to (4).	8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23
<b>Clause 59</b>	<b>Insertion of new s 215</b> After section 214— <i>insert—</i>	24 25 26



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<b>'215</b>	<b>Transitional provision for State Penalties Enforcement and Other Legislation Amendment Act 2006</b>	1 2 3
(1)	This section applies if, immediately before the commencement of this section—	4 5
(a)	a probation order was subject to requirements under section 94(1)(c), (d) or (e); or	6 7
(b)	a community service order was subject to requirements under section 104; or	8 9
(c)	an intensive correction order was subject to requirements under section 115(1)(c), (d) or (e).	10 11
(2)	On the commencement, the probation order, community service order or intensive correction order continues to be subject to the requirements as if the amendment Act had not commenced.’.	12 13 14 15