

TASMANIA

---

**MONETARY PENALTIES ENFORCEMENT  
(TRANSITIONAL ARRANGEMENTS AND  
CONSEQUENTIAL AMENDMENTS) BILL 2007**

---

**CONTENTS**

1. Short title
  2. Commencement
  3. Consequential Amendments
  4. Effect of certain consequential amendments
- Schedule 1 – Consequential Amendments



**MONETARY PENALTIES ENFORCEMENT  
(TRANSITIONAL ARRANGEMENTS AND  
CONSEQUENTIAL AMENDMENTS) BILL 2007**

*(Brought in by the Minister for Justice and Workplace  
Relations, the Honourable Steven Kons)*

**A BILL FOR**

**An Act to amend the *Monetary Penalties Enforcement Act 2005* and to amend certain Acts and statutory rules consequential on the enactment that Act**

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

**1. Short title**

This Act may be cited as the *Monetary Penalties Enforcement (Transitional Arrangements and Consequential Amendments) Act 2007*.

**2. Commencement**

This Act commences on a day to be proclaimed.

**3. Consequential Amendments**

The legislation specified in Schedule 1 is amended as specified in that Schedule.

*Monetary Penalties Enforcement (Transitional Arrangements  
and Consequential Amendments) Act 2007*  
*Act No. of*

s. 4

---

**4. Effect of certain consequential amendments**

The amendment by this Act of a provision of any regulations, rules or by-laws made under any Act does not prevent that provision or any other provision of those regulations, rules or by-laws from being amended or rescinded by any subsequent regulations, rules or by-laws.

*Monetary Penalties Enforcement (Transitional Arrangements and  
Consequential Amendments) Act 2007*  
*Act No. of*

sch. 1

---

**SCHEDULE 1 – CONSEQUENTIAL AMENDMENTS**

Section 3

*Acts Interpretation Act 1931*

1. Section 38 is amended by inserting after subsection (3) the following subsection:

(4) Where a provision of an Act provides that an infringement notice may be issued for an offence, any such infringement notice is to be dealt with in accordance with the *Monetary Penalties Enforcement Act 2005*.

2. Section 46 is amended by inserting after the definition of “High Court” the following definition:

**“infringement notice”** means an infringement notice within the meaning of the *Monetary Penalties Enforcement Act 2005*;

*Agricultural and Veterinary Chemicals (Control of Use) Act  
1995*

1. Section 46B is repealed and the following section is substituted:

*Monetary Penalties Enforcement (Transitional Arrangements  
and Consequential Amendments) Act 2007*  
*Act No. of*

**sch. 1**

---

**46B. Form of infringement notice**

An infringement notice –

- (a) is not to relate to more than 3 offences; and
  - (b) is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.
2. Sections 46C, 46D, 46E, 46F, 46G and 46H are repealed.
  3. Section 46J is repealed.

***Animal (Brands and Movement) Act 1984***

1. Section 29A is amended by inserting after subsection (2) the following subsection:
  - (3) An infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.
2. Sections 29B, 29C, 29D and 29E are repealed.
3. Sections 29G, 29H and 29I are repealed.

*Monetary Penalties Enforcement (Transitional Arrangements and  
Consequential Amendments) Act 2007*  
*Act No. of*

**sch. 1**

---

***Animal Health Act 1995***

1. Section 91B is repealed and the following section is substituted:

**91B. Infringement notices**

- (1) The Chief Veterinary Officer may serve an infringement notice on a person, other than a person who has not attained the age of 16 years, if the Chief Veterinary Officer is of the opinion that the person has committed a prescribed offence.
  - (2) An infringement notice is not to relate to more than 4 offences.
  - (3) An infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.
2. Sections 91C, 91D, 91E and 91F are repealed.
  3. Sections 91H, 91I, 91J and 91K are repealed.

***Animal Welfare Act 1993***

1. Section 43A is amended by inserting after subsection (2) the following subsection:

*Monetary Penalties Enforcement (Transitional Arrangements  
and Consequential Amendments) Act 2007*  
*Act No. of*

**sch. 1**

---

(3) An infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.

2. Sections 43B, 43C, 43D, 43E, 43F, 43G, 43H and 43I are repealed.

***Building Act 2000***

1. Section 243 is amended by inserting after subsection (2) the following subsection:

(3) An infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.

2. Sections 244, 245, 246 and 247 are repealed.

3. Sections 249 and 250 are repealed.

***Building Regulations 2004***

1. Regulation 35(2) is amended by omitting “under section 244(1)(b)(ii) of the Act”.



*Monetary Penalties Enforcement (Transitional Arrangements and  
Consequential Amendments) Act 2007*  
*Act No. of*

**sch. 1**

---

***Dangerous Goods Act 1998***

1. Section 32 is amended by omitting subsections (2), (3), (4), (5) and (6) and substituting the following subsections:
  - (2) The regulations must specify the offences to which the infringement notice applies.
  - (3) An infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.

***Dog Control Act 2000***

1. Section 64 is amended by inserting after subsection (2) the following subsection:
  - (3) An infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.
2. Sections 65, 66, 67, 68, 69 and 70 are repealed.

*Monetary Penalties Enforcement (Transitional Arrangements  
and Consequential Amendments) Act 2007*  
*Act No. of*

**sch. 1**

---

***Environmental Management and Pollution Control  
(Environmental Infringement Notices) Regulations 2006***

1. Regulation 5 is amended by omitting subregulation (2) and substituting the following subregulation:
  - (2) The penalty specified in Schedule 2 in relation to a prescribed offence is the penalty applicable to that offence.

***Environmental Management and Pollution Control Act 1994***

1. Section 67 is amended by omitting subsections (2), (3), (4), (5), (6), (7), (8), (9) and (10) and substituting the following subsection:
  - (2) An environmental infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.
2. Sections 68 and 69 are repealed.
3. Section 70 is amended by omitting subsection (3).
4. Section 71 is repealed and the following section is substituted:

*Monetary Penalties Enforcement (Transitional Arrangements and  
Consequential Amendments) Act 2007*  
*Act No. of*

sch. 1

---

**71. Payments in respect of environmental  
infringement notices**

Any payments in respect of an environmental infringement notice are payable –

- (a) to a council, if the notice was served by a council officer; or
- (b) in any other case, into the Consolidated Fund and then paid from the Consolidated Fund to the Environment Protection Fund without further appropriation than this section.

***Family Violence Act 2004***

1. Section 4 is amended by inserting after the definition of “Chief Clerk of Petty Sessions” the following definition:

**“Director, MPES”** means the Director, Monetary Penalties Enforcement Services appointed under section 8 of the *Monetary Penalties Enforcement Act 2005*;

2. Section 35 is amended by inserting after subsection (4) the following subsection:

*Monetary Penalties Enforcement (Transitional Arrangements  
and Consequential Amendments) Act 2007*  
*Act No. of*

**sch. 1**

---

- (5) If a person who is fined under this section was a party to proceedings in which an order under section 32 was made, the court imposing the fine must advise the Director, MPES of that order at the time of referring the order imposing the fine to the Director, MPES for collection.

***Food Act 2003***

1. Section 118 is amended by inserting after subsection (2) the following subsection:

(3) An infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.
2. Sections 119, 120, 121 and 122 are repealed.
3. Sections 124, 125 and 126 are repealed.

***Food Regulations 2003***

1. Regulation 6(2) is amended by omitting “section 119 of”.

*Monetary Penalties Enforcement (Transitional Arrangements and  
Consequential Amendments) Act 2007*  
Act No. of

sch. 1

---

***Inland Fisheries Act 1995***

1. Section 118 is amended by inserting after subsection (2) the following subsection:

- (3) An infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.

2. Sections 119, 121, 122, 123, 124 and 125 are repealed and the following section is substituted:

**122. Payments in respect of infringement notices**

Half of the payments made in respect of an infringement notice are to be paid into the Consolidated Fund and half to the Director.

***Irrigation Clauses Act 1973***

1. Section 71 is amended as follows:

- (a) by omitting from subsection (1) “a notice” and substituting “an infringement notice”;

- (b) by omitting subsection (2) and substituting the following subsection:

*Monetary Penalties Enforcement (Transitional Arrangements  
and Consequential Amendments) Act 2007*  
*Act No. of*

**sch. 1**

---

- (2) An infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.
  - (c) by omitting from subsection (3) “subsection (2)” and substituting “subsection (1)”;
  - (d) by omitting subsections (4), (5), (6), (7), (8), (9) and (10).
2. Section 72 is repealed and the following section is substituted:

**72. Payment into Consolidated Fund**

Any payments in respect of an infringement notice are payable into the Consolidated Fund.

3. Section 74 is repealed.

***Justices Act 1959***

1. Section 3(1) is amended by inserting after the definition of “defendant” the following definition:

**“Director, MPES”** means the Director, Monetary Penalties Enforcement Service appointed under section 8 of the

*Monetary Penalties Enforcement (Transitional Arrangements and  
Consequential Amendments) Act 2007*  
*Act No. of*

**sch. 1**

---

*Monetary Penalties Enforcement Act  
2005;*

2. Section 106K is amended by inserting after subsection (5) the following subsection:
  - (6) Where publication of the name of any party to proceedings is restricted under this section and the party is the subject of a court order imposing a fine, the Director, MPES must be notified of the restriction at the time the order imposing the fine is referred to him or her for collection and enforcement.
  
3. Section 144 is amended as follows:
  - (a) by inserting the following paragraph after paragraph (cf) in subsection (4):
    - (cg) the practice and procedure relating to matters arising under the *Monetary Penalties Enforcement Act 2005*;
  
  - (b) by inserting the following subsection after subsection (7):
    - (8) Rules made under subsection (4)(cg) may authorise justices, upon such terms and conditions as they think necessary, to dispense with the

*Monetary Penalties Enforcement (Transitional Arrangements  
and Consequential Amendments) Act 2007*  
*Act No. of*

**sch. 1**

---

need for compliance by a party to proceedings under the *Monetary Penalties Enforcement Act 2005* with the provisions of any such rules.

***Litter Act 2007***

1. Section 17 is amended by inserting after subsection (2) the following subsection:
  - (2A) An infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.
  
2. Sections 18, 19, 20, 21, 22 and 23 are repealed.
  
3. Section 28 is amended by omitting subsections (2), (3) and (4) and substituting the following subsections:
  - (2) If the registered operator alleges within 28 days following the service of an infringement notice under subsection (1) that the offence was committed by another person or that, at the time of the occurrence of the offence –
    - (a) the motor vehicle or trailer was being driven or used without the



*Monetary Penalties Enforcement (Transitional Arrangements and  
Consequential Amendments) Act 2007*  
*Act No. of*

**sch. 1**

---

knowledge or consent of the  
registered operator; or

- (b) the motor vehicle or trailer was in  
the charge of another person; or
- (c) the registered operator had no  
right or interest in the motor  
vehicle or trailer –

the registered operator may provide the  
authorised officer nominated in the  
notice with a statutory declaration giving  
particulars of the allegation and, if it is  
alleged that the offence was committed  
by another person, particulars, so far as  
known to the registered operator, of the  
name and address of that other person.

- (3) A statutory declaration provided in  
accordance with this section is to be  
treated as an application for the  
withdrawal of the infringement notice  
under section 15 or 17 of the *Monetary  
Penalties Enforcement Act 2005*.

***Living Marine Resources Management Act 1995***

- 1. Section 234 is amended by inserting after  
subsection (2) the following subsection:
  - (3) An infringement notice is to be in  
accordance with section 14 of the

*Monetary Penalties Enforcement (Transitional Arrangements  
and Consequential Amendments) Act 2007*  
*Act No. of*

**sch. 1**

---

*Monetary Penalties Enforcement Act  
2005.*

2. Sections 235, 236, 237, 238, 239, 240 and 241 are repealed and the following section is substituted:

**235. Payments into Consolidated Fund**

Any payments in respect of an infringement notice are payable into the Consolidated Fund.

***Local Government Act 1993***

1. Section 3 is amended by inserting after the definition of “Director” the following definition:

**“Director, MPES”** means the Director, Monetary Penalties Enforcement Service appointed under section 8 of the *Monetary Penalties Enforcement Act 2005*;

2. Section 149 is amended as follows:
  - (a) by omitting from subsection (1)(c) “fine” and substituting “monetary penalty”;
  - (b) by omitting from subsection (2) “fine” and substituting “monetary penalty”;

*Monetary Penalties Enforcement (Transitional Arrangements and  
Consequential Amendments) Act 2007*  
Act No. of

sch. 1

---

- (c) by omitting from subsection (3) “fine” first occurring and substituting “monetary penalty”;
- (d) by omitting from subsection (3)(a) “fine” and substituting “monetary penalty”;
- (e) by omitting from subsection (3)(c) “fine” and substituting “monetary penalty”;
- (f) by omitting paragraph (d) from subsection (3) and substituting the following paragraph:
  - (d) the period within which the monetary penalty is to be paid in order to avoid the infringement notice being referred to the Director, MPES.
- (g) by omitting subsection (4) and substituting the following subsection:
  - (4) An infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.

***Marine Farming Planning Act 1995***

1. Section 119 is amended by inserting after subsection (2) the following subsection:
  - (3) An infringement notice is to be in accordance with section 14 of the

*Monetary Penalties Enforcement (Transitional Arrangements  
and Consequential Amendments) Act 2007*  
*Act No. of*

**sch. 1**

---

*Monetary Penalties Enforcement Act  
2005.*

2. Section 120 is repealed and the following section is substituted:

**120. Payments into Consolidated Fund**

Any payments in respect of an infringement notice are payable into the Consolidated Fund.

*Marine and Safety Authority Act 1997*

1. Section 45 is amended by inserting after subsection (2) the following subsection:

(3) An infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.

2. Sections 46, 47, 48, 49, 50, 51 and 52 are repealed and the following section is substituted:

**46. Payments into Consolidated Fund**

Any payments in respect of an infringement notice are payable into the Consolidated Fund.

*Monetary Penalties Enforcement (Transitional Arrangements and  
Consequential Amendments) Act 2007*  
*Act No. of*

**sch. 1**

---

***Monetary Penalties Enforcement Act 2005***

1. Section 122 is amended by inserting after subsection (1) the following subsections:
  - (1A) For the purposes of subsection (1), an undertaking to pay a prescribed penalty contained in an infringement notice that was lodged with a designated clerk of petty sessions before the commencement of this Act is taken to be an order imposing a fine made by a court before the commencement of this Act.
  - (1B) A person who has been served with an infringement notice that was issued on or after 1 December 2007 and has not been withdrawn may be served with a notice from the Director advising the person that the infringement notice is to be enforced under this Act.
  - (1C) When a person is served with a notice from the Director under subsection (1B), the infringement notice becomes enforceable under this Act.
  - (1D) A notice from the Director under subsection (1B) must contain the following information:
    - (a) the date of issue of the infringement notice to which the notice relates;

*Monetary Penalties Enforcement (Transitional Arrangements  
and Consequential Amendments) Act 2007*  
*Act No. of*

**sch. 1**

---

- (b) the total amount of the penalty or penalties on that infringement notice which remains outstanding;
  - (c) the methods by which payment of that amount may be made;
  - (d) a statement that, if the person on whom the notice is served wishes to have the offence or offences to which the infringement notice relates heard and determined by a court, he or she must lodge a notice of election in accordance with this Act within 28 days of the service of the notice;
  - (e) a statement that, if the person on whom the notice is served does not lodge a notice of election within 28 days of the service of the notice, he or she will be taken to be convicted of the offence or offences set out in the infringement notice and the amount outstanding under the infringement notice may be recovered under this Act.
- (1E) Where an infringement notice becomes enforceable under this Act by the operation of subsection (1C), any time limit imposed by another Act for taking action in respect of the offence or

*Monetary Penalties Enforcement (Transitional Arrangements and  
Consequential Amendments) Act 2007*  
*Act No. of*

**sch. 1**

---

offences to which the infringement notice  
relates is to be extended by 3 months.

*National Parks and Reserves Management Act 2002*

1. Part 5 is amended by omitting “**AND VEHICLE INFRINGEMENT NOTICES**” from the heading to that Part.
  
2. Section 75 is amended as follows:
  - (a) by omitting the definitions of “approved” and “infringement notice” from subsection (1);
  - (b) by omitting “notice;” from the definition of “specified penalty” in subsection (1) and substituting “notice.”;
  - (c) by omitting the definitions of “vehicle infringement notice” and “withdrawal notice” from subsection (1);
  - (d) by omitting subsection (2).
  
3. Section 76 is amended as follows:
  - (a) by omitting from subsection (2) “a vehicle” first occurring and substituting “an”;

*Monetary Penalties Enforcement (Transitional Arrangements  
and Consequential Amendments) Act 2007*  
*Act No. of*

**sch. 1**

---

(b) by omitting subsections (3), (4), (5), (6), (7), (8), (9), (10) and (11) and substituting the following subsection:

(3) An infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.

**4.** Sections 77 and 78 are repealed.

**5.** Section 79 is amended as follows:

(a) by omitting from subsection (2) “A vehicle” and substituting “An”;

(b) by omitting from subsection (3) “a vehicle” first occurring and substituting “an”;

(c) by omitting subsection (5).

**6.** Section 80 is repealed and the following section is substituted:

**80. Payments into Consolidated Fund**

Any payments in respect of an infringement notice are payable into the Consolidated Fund.



*Monetary Penalties Enforcement (Transitional Arrangements and  
Consequential Amendments) Act 2007*  
*Act No. of*

**sch. 1**

---

***Nature Conservation Act 2002***

1. Sections 62, 63, 64, 65, 66 and 67 are repealed and the following sections are substituted:

**62. Infringement notices**

- (1) An authorised officer may serve an infringement notice on a person if of the opinion that the person has committed a prescribed offence.
- (2) An infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.

**63. Payments into Consolidated Fund**

Any payments in respect of an infringement notice are payable into the Consolidated Fund.

***Occupational Licensing Act 2005***

1. Section 62 is amended by inserting after subsection (2) the following subsections:
  - (3) An infringement notice is to specify the number of demerit points, if any, in respect of the offence or offences to which the notice relates.

*Monetary Penalties Enforcement (Transitional Arrangements  
and Consequential Amendments) Act 2007*  
*Act No. of*

**sch. 1**

---

(4) An infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.

2. Sections 63, 64, 65, 66, 67, 68 and 69 are repealed.

***Plant Quarantine Act 1997***

1. Section 89 is amended by inserting after subsection (2) the following subsection:

(3) An infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.

2. Sections 90, 91 and 92 are repealed.

3. Section 93 is amended by omitting subsections (1), (2), (3) and (4).

4. Sections 94, 95 and 96 are repealed.

*Monetary Penalties Enforcement (Transitional Arrangements and  
Consequential Amendments) Act 2007*  
*Act No. of*

**sch. 1**

---

***Plumbing Regulations 2004***

1. Regulation 47(2) is amended by omitting “under section 244(1)(b)(ii) of the Act”.

***Police Offences (Liquor) Regulations 2005***

1. Regulation 3 is amended by omitting “section 61(2)” and substituting “section 61”.

***Police Offences Act 1935***

1. Section 3(1) is amended as follows:
  - (a) by omitting “vehicle;” from the definition of “vehicle” and substituting “vehicle.”;
  - (b) by omitting the definition of “withdrawal notice”.
2. Section 61 is amended as follows:
  - (a) by omitting from subsection (1) “a notice” and substituting “liquor infringement notice”;
  - (b) by omitting subsections (2), (3), (4), (5), (6), (7), (8) and (9) and substituting the following subsection:

*Monetary Penalties Enforcement (Transitional Arrangements  
and Consequential Amendments) Act 2007*  
*Act No. of*

**sch. 1**

---

(2) A liquor infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.

**3.** Sections 62 and 63 are repealed and the following section is substituted:

**62. Payments into Consolidated Fund**

Any payments in respect of an infringement notice are payable into the Consolidated Fund.

***Public Health Act 1997***

**1.** Section 169 is amended by inserting after subsection (3) the following subsection:

(4) An infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.

**2.** Sections 170, 171, 172 and 173 are repealed.

**3.** Sections 175, 176 and 177 are repealed.

*Monetary Penalties Enforcement (Transitional Arrangements and  
Consequential Amendments) Act 2007*  
Act No. of

sch. 1

---

***Radiation Protection Regulations 2006***

1. Regulation 53 is amended by inserting after subregulation (3) the following subregulation:
  - (4) An infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.
2. Regulations 54, 55, 56, 57, 58, 59 and 60 are rescinded.

***Road Safety (Alcohol and Drugs) Act 1970***

1. Section 2(1) is amended by inserting after the definition of “breath test” the following definition:

**“Director, MPES”** means the Director, Monetary Penalties Enforcement Service appointed under section 8 of the *Monetary Penalties Enforcement Act 2005*;
2. Section 18A is amended by omitting subsections (3) and (4) and substituting the following subsections:

*Monetary Penalties Enforcement (Transitional Arrangements  
and Consequential Amendments) Act 2007*  
Act No. of

**sch. 1**

---

- (3) Where, in accordance with section 20 of the *Monetary Penalties Enforcement Act 2005*, a person is taken to have been convicted of an offence referred to in subsection (1) in respect of which a traffic infringement notice was issued –
- (a) the period of 3 months disqualification from driving starts from the date specified in a notice of disqualification served on the person by the Registrar; and
  - (b) the person's Australian driver licence is cancelled from that date.
- (4) A traffic infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.

***Security and Investigations Agents Act 2002***

1. Section 35D is amended by inserting after subsection (2) the following subsection:
  - (3) An infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.

*Monetary Penalties Enforcement (Transitional Arrangements and  
Consequential Amendments) Act 2007*  
*Act No. of*

sch. 1

---

2. Sections 35E, 35F, 35G, 35H, 35I, 35J and 35K are repealed.

*Sentencing Act 1997*

1. Section 4 is amended as follows:
  - (a) by inserting the following definition after the definition of “DCS”:

**“Director, MPES”** means the Director, Monetary Penalties Enforcement Service appointed under section 8 of the *Monetary Penalties Enforcement Act 2005*;
  - (b) by inserting the following definition after the definition of “enactment”:

**“enforcement debtor”** means a person to whom an enforcement order has been issued under Part 5 of the *Monetary Penalties Enforcement Act 2005*;
  - (c) by inserting the following definition after the definition of “mental illness”:

**“monetary penalty”** means a monetary penalty as defined in section 3 of the *Monetary Penalties Enforcement Act 2005*;
  - (d) by inserting the following definition after the definition of “motor vehicle”:

*Monetary Penalties Enforcement (Transitional Arrangements  
and Consequential Amendments) Act 2007*  
*Act No. of*

**sch. 1**

---

**“MPCSO”** means a Monetary Penalty  
Community Service Order issued  
under section 33 of the *Monetary  
Penalties Enforcement Act 2005*;

2. Section 31(4) is amended by omitting “a community service order made under section 47(2)(a)” and substituting “an MPCSO”.
3. Section 36 is amended by omitting subsection (10).
4. Section 44 is repealed and the following section is substituted:

**44. Period for payment of fine**

- (1) Subject to subsection (2), a court that orders an offender to pay a fine must also order that the fine be paid within 28 days.
- (2) In special and unusual circumstances, a court may order that the fine be paid within a period of less than 28 days.
- (3) A court is not to impose any condition of payment other than the period within which payment is to be made.



5. The following heading is inserted after section 45:

**PART 6A – WARRANT OF COMMITMENT FOR  
NON-PAYMENT OF MONETARY PENALTY**

6. Sections 46, 47, 48, 49 and 50 are repealed and the following sections are substituted:

**46. Warrant of commitment for non-payment of  
monetary penalty**

- (1) On application by the Director, MPES for a warrant of commitment against an enforcement debtor for non-payment of a monetary penalty, a magistrate may issue, or decline to issue, the warrant.
- (2) If a warrant of commitment is to be issued, it may be issued in chambers *ex parte*.
- (3) A warrant of commitment against an enforcement debtor is to be issued for a term of imprisonment calculated in accordance with section 48.
- (4) A decision on whether or not to issue a warrant of commitment is to be made within 28 days after the application is made.
- (5) If a magistrate declines to issue a warrant of commitment, he or she is to forward a written report to the Attorney-General

*Monetary Penalties Enforcement (Transitional Arrangements  
and Consequential Amendments) Act 2007*  
*Act No. of*

**sch. 1**

---

detailing the reasons why the warrant was not issued.

- (6) A term of imprisonment to which an offender is sentenced under this section is not to be served concurrently with any other term of imprisonment to which the offender has been, or is liable to be, sentenced.
- (7) The DCS may execute a warrant of commitment issued under this section.

**47. Failure of defendant outside jurisdiction to pay monetary penalty**

- (1) If –
  - (a) an enforcement debtor is in default in payment of a monetary penalty; and
  - (b) a magistrate is satisfied that the enforcement debtor is no longer in Tasmania or that the usual place of residence of the enforcement debtor is outside Tasmania –

the magistrate may, on the application of the Director, MPES, issue a warrant of commitment against the enforcement debtor for a term of imprisonment for a period calculated in accordance with section 48 in respect of the outstanding amount of the monetary penalty.

*Monetary Penalties Enforcement (Transitional Arrangements and  
Consequential Amendments) Act 2007*  
*Act No. of*

**sch. 1**

---

(2) Section 46(4), (5) and (6) apply in respect of a warrant of commitment issued under this section.

(3) Section 26 of the *Justices Act 1959* does not apply to the issue of a warrant of commitment under this section.

**48. Calculation of prison term for default in payment of monetary penalty**

(1) A term of imprisonment to which an offender is sentenced under section 46 or 47 is to be calculated at the rate of one day of imprisonment for each prescribed unit or part prescribed unit of the monetary penalty outstanding.

(2) Subject to subsection (3), the maximum term of imprisonment to which a person may be sentenced under section 46 or 47 is 12 months.

(3) The maximum term of imprisonment to which a person convicted of an offence under the *Living Marine Resources Management Act 1995* in respect of which a special penalty under section 267 of that Act has been imposed and remains outstanding, is 12 months for a first offence and 2 years for a subsequent offence.

7. Section 51 is amended as follows:

*Monetary Penalties Enforcement (Transitional Arrangements  
and Consequential Amendments) Act 2007*  
*Act No. of*

**sch. 1**

---

(a) by omitting from subsection (4) “appropriate clerk of petty sessions” and substituting “Director, MPES”;

(b) by inserting the following subsection after subsection (4):

(4A) Where an offender is received into prison under a warrant of commitment issued under this Part, the DCS must notify the Director, MPES of that fact within 5 days of that receipt into prison.

8. Section 52(b) is amended by omitting “a clerk of petty sessions” and substituting “the Director, MPES”.

9. Section 54 is repealed.

***Trade Measurement (Tasmania) Administration Act 1999***

1. Section 8 is amended by inserting after subsection (2) the following subsection:

(3) An infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.

*Monetary Penalties Enforcement (Transitional Arrangements and  
Consequential Amendments) Act 2007*  
*Act No. of*

**sch. 1**

---

2. Sections 9 and 10 are repealed.

3. Sections 12 and 13 are repealed.

*Trade Measurement (Tasmania) Administration Regulations  
2000*

1. Regulation 5 is rescinded.

2. Schedule 3 is rescinded.

*Traffic (Compliance and Enforcement) Regulations 2001*

1. Regulation 4 is rescinded.

*Traffic Act 1925*

1. Section 3(1) is amended by inserting after the definition of “council clerk” the following definition:

“**Director, MPES**” means the Director,  
Monetary Penalties Enforcement Service  
appointed under section 8 of the  
*Monetary Penalties Enforcement Act  
2005*;

2. Section 43H is amended as follows:

*Monetary Penalties Enforcement (Transitional Arrangements  
and Consequential Amendments) Act 2007*  
Act No. of

**sch. 1**

---

- (a) by omitting subsections (2), (3), (4), (4A), (5), (5A), (5B) and (6) and substituting the following subsections:
- (2) Where proceedings under section 39(2) of the *Monetary Penalties Enforcement Act 2005* are brought against a person for an offence set out in a traffic infringement notice, he or she is not entitled to dispute the date of service of the notice unless, within 21 days after the date of service of the complaint and summons, he or she has submitted a defence to the complaint and summons including notice of his or her intention to dispute that date.
  - (3) A traffic infringement notice is to specify the number of demerit points, if any, in respect of the offence or offences to which the notice relates.
  - (4) A traffic infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.
- (b) by omitting subsections (7) and (8).

*Monetary Penalties Enforcement (Transitional Arrangements and  
Consequential Amendments) Act 2007*  
*Act No. of*

**sch. 1**

---

3. Section 43HA is repealed and the following section is substituted:

**43HA. Notification of driver by statutory declaration**

- (1) Where a person on whom a traffic infringement notice has been served under section 43H provides, within 28 days following service of the notice, a statutory declaration to the relevant police officer or authorised officer stating the name and address of the person who was in charge of the vehicle at all relevant times relating to the alleged offence, the statutory declaration, if produced in any proceedings against the person named in the declaration and in respect of the offence to which the declaration relates, is evidence –
- (a) in the case of a parking offence, that the person named in the declaration was in charge of the vehicle at all times relevant to that offence; or
  - (b) in the case of any other prescribed offence, that the person named in the declaration was the driver of the vehicle at the time when the offence occurred.

*Monetary Penalties Enforcement (Transitional Arrangements  
and Consequential Amendments) Act 2007*  
*Act No. of*

**sch. 1**

---

- (2) A statutory declaration made in accordance with this section is to be treated as an application for withdrawal of the traffic infringement notice under section 23(1)(a) or 24(1)(a) of the *Monetary Penalties Enforcement Act 2005*.
4. Sections 43J and 43K are repealed.
5. Section 43L is amended by omitting subsection (3).
6. Section 43M is amended as follows:
- (a) by omitting from subsection (1) “a clerk of petty sessions” and substituting “the Director, MPES”;
  - (b) by omitting from subsection (2) “a clerk of petty sessions” and substituting “the Director, MPES”.
7. Section 54 is amended by inserting after subsection (2) the following subsection:
- (2A) If a person wishes to rely on a defence under subsection (2), he or she must –



*Monetary Penalties Enforcement (Transitional Arrangements and  
Consequential Amendments) Act 2007*  
*Act No. of*

**sch. 1**

---

- (a) lodge with the Director, MPES a notice of election to have the matter heard in court; or
- (b) provide a statutory declaration under section 43HA.

*Vehicle and Traffic (Driver Licensing and Vehicle  
Registration) Regulations 2000*

1. Regulation 3(1) is amended by inserting after the definition of “dealer” the following definition:

**“Director, MPES”** means the Director, Monetary Penalties Enforcement Service appointed under section 8 of the *Monetary Penalties Enforcement Act 2005*;

2. Regulation 64(1) is amended as follows:

- (a) by omitting from paragraph (k) “vehicle.” and substituting “vehicle; or”;
- (b) by inserting the following paragraph after paragraph (k):
  - (l) the Registrar is directed to do so by the Director, MPES.

*Monetary Penalties Enforcement (Transitional Arrangements  
and Consequential Amendments) Act 2007*  
*Act No. of*

**sch. 1**

---

***Vehicle and Traffic Act 1999***

**1.** Section 19A is amended as follows:

(a) by omitting subsection (1) and substituting the following subsection:

(1) If a person who commits an excessive speeding offence is taken to have been convicted of that offence in accordance with section 20 of the *Monetary Penalties Enforcement Act 2005* –

(a) the person is, by that conviction, disqualified from driving for a period starting and ending on the dates specified in a notice of disqualification served on the person by the Registrar; and

(b) if the person holds an Australian driver licence, the licence is suspended for the period of the disqualification.

(b) by omitting subsection (4).

**2.** Section 22 is amended as follows:

*Monetary Penalties Enforcement (Transitional Arrangements and  
Consequential Amendments) Act 2007*  
*Act No. of*

**sch. 1**

---

(a) by omitting paragraph (b) from subsection (1) and substituting the following paragraph:

(b) the person is taken to have been convicted of that offence in accordance with section 20 of the *Monetary Penalties Enforcement Act 2005* –

(b) by omitting paragraph (c) from subsection (2) and substituting the following paragraph:

(c) the person is taken to have been convicted of that offence in accordance with section 20 of the *Monetary Penalties Enforcement Act 2005* –

(c) by omitting from subsection (3) “accepting the traffic infringement notice” and substituting “being taken to have been convicted of that offence in accordance with section 20 of the *Monetary Penalties Enforcement Act 2005*”.

***Water Efficiency Labelling and Standards Act 2005***

**1.** Section 40 is amended by inserting after subsection (3) the following subsection:

*Monetary Penalties Enforcement (Transitional Arrangements  
and Consequential Amendments) Act 2007*  
*Act No. of*

**sch. 1**

---

- (4) An infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.
2. Sections 40A, 40B, 40C, 40D, 40E, 40F and 40G are repealed.

***Water Management Act 1999***

1. Section 3(1) is amended as follows:
- (a) by inserting the following definition after the definition of “infrastructure”:
- “infringement notice”** means an infringement notice served under Division 1 of Part 13;
- (b) by omitting the definition of “water infringement notice”.
2. Section 64(c)(ii) is amended by omitting “a water infringement notice” and substituting “an infringement notice”.
3. Section 98(1)(d) is amended by omitting “a water infringement notice” and substituting “an infringement notice”.

*Monetary Penalties Enforcement (Transitional Arrangements and  
Consequential Amendments) Act 2007*  
Act No. of

sch. 1

---

4. Division 1 of Part 13 is repealed and the following Division is substituted:

***Division 1 – Infringement notices***

**252. Infringement notices**

- (1) Where an authorised officer is satisfied that a person has committed an offence or offences against this Act, he or she may serve on that person an infringement notice in respect of that offence or those offences by delivering it to that person or by sending it to that person by post.
  - (2) An infringement notice is to specify the number of demerit points, if any, applicable in respect of the offence or offences to which the notice relates.
  - (3) An infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.
5. Section 257 is amended by omitting “of an offence against this Act or accepts a water infringement notice” and substituting “, or taken to have been convicted in accordance with section 20 of the *Monetary Penalties Enforcement Act 2005*, of an offence against this Act”.

*Monetary Penalties Enforcement (Transitional Arrangements  
and Consequential Amendments) Act 2007*  
*Act No. of*

**sch. 1**

---

6. Section 294(2) is amended by omitting “a water infringement notice” and substituting “an infringement notice”.

***Water Management Regulations 1999***

1. Regulation 4(4) is amended by omitting “a water” and substituting “an”.
2. Regulation 15 is amended by omitting “a water” and substituting “an”.
3. Regulation 16(1) is amended by omitting “accepts a water infringement notice” and substituting “is taken to have been convicted of an offence specified in an infringement notice under section 20 of the *Monetary Penalties Enforcement Act 2005*”.

***Weed Management Act 1999***

1. Section 61 is amended by inserting after subsection (2) the following subsection:
  - (3) An infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.

*Monetary Penalties Enforcement (Transitional Arrangements and  
Consequential Amendments) Act 2007*  
*Act No. of*

**sch. 1**

---

2. Sections 62, 63, 64 and 65 are repealed.
3. Sections 67, 68 and 69 are repealed.

***Wellington Park Act 1993***

1. Section 71A is amended by inserting after subsection (2) the following subsection:
  - (3) An infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.
2. Sections 71B, 71C, 71D, 71E, 71F and 71G are repealed.

***Workers Rehabilitation and Compensation Act 1988***

1. Section 148A is amended by inserting after subsection (2) the following subsection:
  - (3) An infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.
2. Sections 148B, 148C, 148D and 148E are repealed.

*Monetary Penalties Enforcement (Transitional Arrangements  
and Consequential Amendments) Act 2007*  
Act No. of

**sch. 1**

---

3. Sections 148G, 148H and 148I are repealed.

***Workers Rehabilitation and Compensation Regulations 2001***

1. Regulation 26 is rescinded.

***Workplace Health and Safety Act 1995***

1. Section 46A is amended by inserting after subsection (2) the following subsection:

(3) An infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.

2. Sections 46B, 46C, 46D, 46E, 46F, 46G, 46H and 46I are repealed and the following section is substituted:

**46B. Payments to Board**

Any payments in respect of an infringement notice are payable to the Board.

***Workplace Health and Safety Regulations 1998***

1. Regulation 128A is amended by omitting “and section 46B(1)(b)(ii)”.