

FACT SHEET

Sentencing Amendment (Fines Without Recording Convictions) Bill 2016

The *Sentencing Amendment (Fines Without Recording Convictions) Bill 2016* (the Bill) amends the *Sentencing Act 1997* and the *Monetary Penalties Enforcement Act 2005*.

At present, if a court finds an offender guilty of an offence but does not record a conviction, the court cannot fine the offender under the *Sentencing Act 1997*. This Bill will allow courts to impose fines on offenders where no conviction is recorded for an offence. It will also allow the Monetary Penalties Enforcement Service (MPES) to enforce fines imposed where no conviction has been recorded.

This Bill amends the *Sentencing Act 1997* by:

- amending the definition of fine to include circumstances where an offender is found guilty but not convicted of an offence;
- allowing courts to impose a fine without recording a conviction against an offender;
- giving courts a power to combine fines without recording a conviction with other sentencing orders;
- allowing courts to impose fines even where another law says that a fine may only be imposed if a person is convicted of an offence.

The Bill also amends the *Monetary Penalties Enforcement Act 2005* by giving MPES the power to enforce fines imposed by courts where no conviction is recorded.