

# **MONETARY PENALTIES ENFORCEMENT (CONSEQUENTIAL AMENDMENTS) BILL 2008**

## **Second Reading**

**Mr LLEWELLYN** (Lyons - Attorney-General - 2R) - Mr Speaker, I move

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That the bill be now read the second time.

Mr Speaker, this bill makes some final consequential amendments to allow the commencement of the Monetary Penalties Enforcement Act 2005 on the 28 April.

The Monetary Penalties Enforcement Act (the principal act) will streamline and simplify the collection and enforcement of infringement notice penalties and court fines. The principal act was passed with the unanimous support of all parties more than two years ago, and since that time considerable work has been put into the development of advanced software to enable the new system to operate smoothly.

When the Monetary Penalties Enforcement (Transitional Arrangements and Consequential Amendments) Act 2007 passed through Parliament at the end of last year, amendments to the Local Government (Highways) Act 1982 were not included as there had not been adequate consultation with local government. That consultation has now occurred and this bill makes substantial amendments to Part 7 of that act to replace outdated terminology such as 'forfeits' and 'compositions' with modern expressions such as 'penalties' and infringement notice penalties' and to make the act otherwise consistent with the principal act.

In addition to the amendments to the Local Government (Highways) Act 1982, the bill contains amendments to the Appeal Costs Fund Act 1968 to provide that fees payable under that act which are collected by the Director, Monetary Penalties Enforcement Service (MPES) are remitted to the Registrar of the Supreme Court.

Amendments are also being made to the Victims of Crime Compensation Act 1994 to ensure that payment of a compensation levy may also be enforced by the Director, MPES.

The bill also contains some further amendments to the principal act.

Because of the long lead time before the proclamation of the principal act during which there has been ongoing development of software and administrative processes, there is an unusual opportunity in this bill to improve that act before it commences.

In particular, this bill inserts in the principal act a power for a person authorized to issue an infringement notice (under any act) to require the alleged offender to provide his or her name, address and date of birth.

Experience has shown that an enforcement system only works if adequate data to identify the offender is available.

Many people have the same name, particularly within the same family, and a date of birth is the best way to distinguish which person is the intended recipient of an infringement notice.

As service will be by ordinary post under MPEA, an accurate address is equally important.

The bill also specifically provides for the Director, MPES in consultation with the Director, Community Corrections to revoke a monetary penalties community service order if the person to whom it was issued has been found guilty by a court of a breach of that order.

Other minor amendments to the principal act largely clarify the intent of the act in areas where the original wording was not as clear as it might have been or did not adequately reflect actual administrative processes.

Finally, the bill makes minor amendments to various acts to remove outdated section references et cetera.