CLAUSE NOTES

Monetary Penalties Enforcement (Consequential Amendments) Bill 2008

Clause 1:   Short Title

Clause 2:   Commencement date

Clause 3:   Provides that the legislation referred to in Schedule 1 is amended as specified in the Schedule.

Clause 4:   Provides that subordinate legislation amended by this Act may be amended by subsequent subordinate legislation.

Schedule:

The Schedule amends the Appeal Costs Fund Act 1968 to reflect the fact that the Director, MPES will collect the prescribed fee levied when a fine is imposed, and will send those fees to the Registrar.

The Schedule amends the Local Government (Highways) Act 1982 (Highways Act) to update the language of the Act by changing all references to "forfeit" to "penalty" and replacing section 100, which referred to a "composition for contravention" with a standard infringement notice provision. The intent and substance of the Act remains unchanged, but the Act is now compatible with the Principal Act.

The Schedule makes amendments to the Principal Act to give a person authorized to issue an infringement notice (under any Act) the power to require the alleged offender to provide his or her name, address and date of birth.

The Principal Act is also amended to insert a penalty for the offence of breaching a Monetary Penalty Community Service Order (MPCSO) and to allow the Director, MPES, after consultation with the Director of Community Corrections to revoke the MPCSO of a person found guilty of breaching that order.

The Schedule also inserts in the Principal Act a new section 112A to make it quite clear that if enforcement action is required, the monetary penalty will increase by the prescribed amount.

The Schedule also clarifies that if an application to is made to vary a penalty the Court must set aside the total original penalty imposed and substitute a new total penalty. This amendment reflects what is required by the software supporting the new enforcement system.

The Schedule makes minor amendments to various Acts to remove outdated section references etc