

Fines Reform Regulations 2017

S.R. No. ##/2017

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Part 1—Preliminary

1 Objective

The objective of these Regulations is to prescribe—

- (a) details that must be included in a range of documents relating to the enforcement of infringement fines and court fines under the **Fines Reform Act 2014**;
- (b) fees payable under that Act;
- (c) forms of enforcement warrant, statements of financial circumstances and other forms required to be prescribed under that Act;
- (d) procedural matters relating to oral examination, attachment of earnings directions and attachment of debts directions under that Act;
- (e) procedural and administrative matters relating to community work permits issued under that Act;
- (f) other matters required or permitted to be prescribed under that Act.

2 Authorising provision

These Regulations are made under section 185 of the **Fines Reform Act 2014**.

3 Commencement

These Regulations come into operation on 31 December 2017.

4 Definitions

In these Regulations—

ABN has the same meaning as it has in section 41 of the A New Tax System (Australian Business Number) Act 1999 of the Commonwealth;

ACN has the same meaning as it has in section 9 of the Corporations Act;

ARB has the same meaning as it has in section 9 of the Corporations Act;

drug of dependence has the same meaning as it has in the **Drugs, Poisons and Controlled Substances Act 1981**;

Regional Manager has the same meaning as it has in Part 4 of the **Corrections Act 1986**;

the Act means the **Fines Reform Act 2014**.

Part 2—Defined terms for the purposes of the Act

5 Attachment of debts threshold

For the purpose of the definition of *attachment of debts threshold* in section 3(1) of the Act, the prescribed minimum amount is \$100.

6 Attachment of earnings threshold

For the purpose of the definition of *attachment of earnings threshold* in section 3(1) of the Act, the prescribed minimum amount is \$1 000.

7 Criteria for determining homelessness

For the purpose of paragraph (b)(iii) of the definition of *eligible person* in section 3(1) of the Act, the prescribed criteria for determining that a person is homeless is that the person satisfies at least one of the following—

- (a) the person is living in crisis accommodation;
- (b) the person is living in transitional accommodation;
- (c) the person is living in any other accommodation provided under the Supported Accommodation Assistance Act 1994 of the Commonwealth;
- (d) the person has inadequate access to safe and secure housing as defined in section 4(2) of the Supported Accommodation Assistance Act 1994 of the Commonwealth.

8 Collection fee

For the purpose of the definition of *collection fee* in section 3(1) of the Act, the prescribed fee is 9.01 fee units.

9 Enforcement warrant fee

For the purposes of the definition of *enforcement warrant fee* in section 3(1) of the Act, the prescribed fee is 3.94 fee units.

10 Registration fee

- (1) For the purpose of the definition of *registration fee* in section 3(1) of the Act, the prescribed fee for registration of an infringement fine under section 16(3) is 5.21 fee units.
- (2) The following persons are exempt from the registration fee specified in subregulation (1)—
 - (a) a police officer acting in the course of the officer's duty;
 - (b) a person acting for or by authority of the Crown.

Part 3—Management for collection and enforcement of fines by the Director

11 Prescribed minimum infringement fine amount

For the purposes of section 16(1)(b) of the Act, the prescribed minimum infringement fine amount is \$10.

12 Notice of final demand

For the purposes of section 24(1)(d) of the Act, the other prescribed details of a notice of final demand are—

- (a) that it is a notice of final demand; and
 - (b) the name and address of the person on whom the notice of final demand is to be served; and
 - (c) if the person on whom the notice of final demand is to be served is—
 - (i) a natural person, the person's date of birth (if known); or
 - (ii) a body corporate, its ACN, ARBN or ABN (if known); and
 - (d) the date of the notice of final demand; and
 - (e) in the case of a registered court fine—
 - (i) the name of the sentencing court; and
 - (ii) the identifying number assigned by the sentencing court to the proceeding; and
 - (iii) the date of the court hearing; and
 - (iv) the case number; and
 - (f) in the case of a registered infringement fine—
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Part 3—Management for collection and enforcement of fines by the Director

- (i) the name of the enforcement agency;
and
- (ii) the enforcement agency identifying
reference of the infringement notice;
and
- (iii) a brief description of the infringement
offence alleged to have been
committed; and
- (iv) the date, place and, if available, time of
the infringement offence alleged to
have been committed; and
- (v) the number issued by the Director; and
- (g) the amount of the registered fine that is
unpaid; and
- (h) the manner in which the registered fine may
be paid; and
- (i) that an enforcement warrant fee will be
incurred if an enforcement warrant is issued;
and
- (j) a statement that if the person served with
the notice of final demand does not
understand the document, that person
should seek advice from—
 - (i) a lawyer; or
 - (ii) Victoria Legal Aid.

Part 4—Oral examination and production of information

13 Statement of financial circumstances—prescribed form

For the purposes of section 59(a)(i) of the Act, a statement of financial circumstances given by a fine defaulter must be in the form approved by the Director.

14 Statement of financial circumstances—prescribed details

- (1) For the purposes of section 59(a)(i) of the Act, the prescribed details to be contained in a statement of financial circumstances, in the case of a fine defaulter who is a natural person are the following—
 - (a) the name and address and, if known, the date of birth of the fine defaulter;
 - (b) whether the fine defaulter is renting at the address stated;
 - (c) details of any previous names or aliases used over the last 5 years;
 - (d) details of previous residential addresses in the last 5 years;
 - (e) the email address of the fine defaulter (if any);
 - (f) the driver licence number (if any), including state of issue, of the fine defaulter;
 - (g) the employment status of the person, including the name of the fine defaulter's current and previous employer;
 - (h) the number of adult and child dependants in the fine defaulter's care (if any);
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- (i) the income of the fine defaulter after tax and compulsory superannuation is deducted, including any sources of income apart from that person's primary employment;
 - (j) the weekly expenses of the fine defaulter;
 - (k) any land or building that the fine defaulter owns or is buying;
 - (l) any motor vehicle that the fine defaulter owns or is buying;
 - (m) details of any other property or assets held by the fine defaulter;
 - (n) any cash money readily available to the fine defaulter;
 - (o) any money that the fine defaulter is owed;
 - (p) details of any accounts held by the fine defaulter at an ADI or co-operative, and whether those accounts are held jointly with any other person;
 - (q) whether there are any unpaid court orders or fines against the fine defaulter;
 - (r) details of any other sums owed to the fine defaulter;
 - (s) details of any business in which the fine defaulter has an interest.
- (2) For the purposes of section 59(a)(i) of the Act, the prescribed details to be contained in a statement of financial circumstances, in the case of a fine defaulter who is a body corporate are the following—
- (a) the name of the fine defaulter;
 - (b) whether the fine defaulter is registered by the Australian Securities and Investment Commission;
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- (c) the ABN, ACN or ARBN of the fine defaulter;
 - (d) the address of the registered office of the fine defaulter;
 - (e) the address at which the fine defaulter conducts its business;
 - (f) whether the fine defaulter is still trading;
 - (g) the name, address, email address and position held by the officer in the fine defaulter who completed the statement;
 - (h) the nature of the business of the fine defaulter;
 - (i) the fine defaulter's average weekly turnover;
 - (j) any money owed to the fine defaulter;
 - (k) details of any accounts held by the fine defaulter at an ADI or a co-operative;
 - (l) whether there is a registered security interest over the assets of the fine defaulter;
 - (m) whether there are any unpaid court orders or fines against the fine defaulter;
 - (n) details of any other sums of money owed by the fine defaulter;
 - (o) the most recent statement of financial position available for the fine defaulter including details of assets and liabilities;
 - (p) the most recent statement of financial performance available for the fine defaulter, including details of revenue and expenses and details of profit and loss.
- (3) A fine defaulter who is a body corporate is exempt from the requirement to provide the details prescribed under subregulation (2)(o) and (p) in a
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statement of financial circumstances to the extent that the prescribed details are included in financial reports attached to the statement of financial circumstances in accordance with regulation 15(2)(a).

15 Statement of financial circumstances—attachment of prescribed information

- (1) For the purposes of section 59(a)(ii) of the Act, the prescribed information to be attached to a statement of financial circumstances, in the case of a fine defaulter who is a natural person is the following—
 - (a) the most recent pay slip that substantiates a fine defaulter’s employment and income;
 - (b) the most recent statement that substantiates the existence and balance of each account held by the fine defaulter at an ADI or co-operative;
 - (c) any documents that substantiate the existence and amount of each debt owed to the fine defaulter;
 - (d) the most recent rates notice that substantiates the title details of real property owned by a fine defaulter.
 - (2) For the purposes of section 59(a)(ii) of the Act, the prescribed information to be attached to a statement of financial circumstances, in the case of a fine defaulter who is a body corporate is the following—
 - (a) the most recent financial reports of the body corporate prepared in accordance with the requirements of the Corporations Act, the Co-operatives National Law (Victoria) or the **Associations Incorporation Reform Act 2012** (as the case may be) including—
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- (i) a statement of financial position showing details of assets and liabilities;
- (ii) a statement of financial performance showing details of revenue and expenses and details of profit or loss;
- (b) the most recent statement that substantiates the existence and balance of each account held by the fine defaulter at an ADI or co-operative;
- (c) any documents that substantiate the existence and amount of each debt owed to the fine defaulter;
- (d) the most recent rates notice that substantiates the title details of real property owned by a fine defaulter.

16 Summons for oral examination and production of information written statement—prescribed details

- (1) For the purposes of section 63(2)(d) of the Act, the prescribed details to be contained in a statement of financial circumstances, in the case of a natural person are the following—
 - (a) the name and address and, if known, the date of birth of the person;
 - (b) whether the person is renting at the address stated;
 - (c) details of any previous names or aliases used over the last 5 years;
 - (d) details of previous residential addresses in the last 5 years;
 - (e) the email address of the person (if any);
 - (f) the driver licence number (if any), including state of issue, of the person;
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- (g) the employment status of the person, including the name of the person's current and previous employer;
 - (h) the number of adult and child dependants in the person's care (if any);
 - (i) the income of the person after tax and compulsory superannuation is deducted, including any sources of income apart from that person's primary employment;
 - (j) the weekly expenses of the person;
 - (k) any land or building that the person owns or is buying;
 - (l) any motor vehicle that the person owns or is buying;
 - (m) details of any other property or assets held by the person;
 - (n) any cash money readily available to the person;
 - (o) any money that the person is owed;
 - (p) details of any accounts held by the person at an ADI or co-operative, and whether those accounts are held jointly with any other person;
 - (q) whether there are any unpaid court orders or fines against the person;
 - (r) details of any other sums owed to the person;
 - (s) details of any business in which the person has an interest.
- (2) For the purposes of section 63(2)(d) of the Act, the prescribed details to be contained in a statement of financial circumstances, in the case of a body corporate are the following—
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- (a) the name of the body corporate;
 - (b) whether the body corporate is registered by the Australian Securities and Investment Commission;
 - (c) the ABN, ACN or ARBN of the body corporate;
 - (d) the address of the registered office of the body corporate;
 - (e) the address at which the body corporate conducts its business;
 - (f) whether the body corporate is still trading;
 - (g) the name, address, email address and position held by the officer in the body corporate who completed the statement;
 - (h) the nature of the business of the body corporate;
 - (i) the body corporate's average weekly turnover;
 - (j) any money owed to the body corporate;
 - (k) details of any accounts held by the body corporate at an ADI or a co-operative;
 - (l) whether there is a registered security interest over the assets of the body corporate;
 - (m) whether there are any unpaid court orders or fines against the body corporate;
 - (n) details of any other sums of money owed by the body corporate;
 - (o) the most recent statement of financial position available for the body corporate including details of assets and liabilities;
 - (p) the most recent statement of financial performance available for the body
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corporate, including details of revenue and expenses and details of profit and loss.

17 Summons for oral examination and production of information written statement—prescribed details

For the purposes of section 63(2)(e) of the Act, the other prescribed details to be contained in a summons are the following—

- (a) the name and address of the fine defaulter being summoned;
- (b) the reference number issued by the Director;
- (c) in the case of each registered court fine to which the summons relates, the venue of the sentencing court and the identifying number assigned by the sentencing court to the proceeding;
- (d) in the case of each registered infringement fine to which the summons relates, the enforcement agency identifying reference of the infringement notice;
- (e) any amounts paid by the person in relation to each fine, and the amount that remains outstanding;
- (f) the date of issue of the summons.

Part 5—Attachment of earnings directions

18 Protected level of income

- (1) For the purposes of section 68(2)(b) of the Act, the prescribed protected level of income is the weekly rate for a year commencing on 1 January that is 75% of the maximum fortnightly basic rate of Newstart Allowance payable on 1 January in that year to a person who—
 - (a) is partnered; and
 - (b) has turned 21 years of age; and
 - (c) is without dependent children.

- (2) In this regulation—

dependent children has the same meaning as it has in the Social Security Act 1991 of the Commonwealth;

Newstart Allowance has the same meaning as it has in the Social Security Act 1991 of the Commonwealth;

partnered has the same meaning as it has in the Social Security Act 1991 of the Commonwealth.

19 Employer obligations in respect of an attachment of earnings direction

For the purposes of section 69(2) of the Act, the prescribed form is in the form of Form 1 of Schedule 1.

Part 6—Charges over and sale of real property

20 Prescribed land charge threshold

For the purposes of section 95(1) of the Act, the prescribed land charge threshold is \$2 000.

21 Notice of intention to charge land

For the purposes of section 95(3)(a) of the Act, the prescribed particulars to be contained in a notice of intention to charge land are the following—

- (a) in the case of a natural person, the name and address and, if known, the date of birth of the fine defaulter whose land is to be subject to a land charge;
- (b) in the case of a body corporate, the name, address and ABN, ACN or ARBN of the fine defaulter whose land is to be subject to a land charge;
- (c) a statement which includes the following—
 - (i) the address of the land to be charged;
 - (ii) details of land ownership and title details;
 - (iii) the nature of the interest of the fine defaulter;
- (d) in the case of a registered infringement fine, the number issued by the Director in respect of the registered fine;
- (e) in the case of a registered court fine, the case number;
- (f) a statement that if the land remains charged for more than 28 days, the Director may give

the fine defaulter notice of the Director's intention to sell the charged land and seek an order from the Supreme Court to sell the land.

22 Notice of intention to sell charged land

For the purposes of section 101(2)(a) of the Act, the prescribed particulars to be contained in a notice of intention to sell charged land are the following—

- (a) in the case of a natural person, the name and address and, if known, the date of birth of the fine defaulter;
- (b) in the case of a body corporate, the name, address and ABN, ACN or ARBN of the fine defaulter;
- (c) a statement which includes the following—
 - (i) the address of the land to be sold;
 - (ii) details of land ownership and title details;
 - (iii) the nature of the interest of the fine defaulter;
- (d) in the case of a registered infringement fine, the number issued by the Director in respect of the registered fine;
- (e) in the case of a registered court fine, the case number.

Part 7—Enforcement warrants

23 Enforcement warrant—prescribed form

For the purposes of section 114 of the Act, an enforcement warrant against—

- (a) a natural person must be in the form of Form 2 of Schedule 1; and
- (b) a body corporate must be in the form of Form 3 of Schedule 1.

24 Electronic enforcement warrant

For the purposes of section 115(3)(b) of the Act, the prescribed information to be entered by the registrar in the register are—

- (a) the name of the registrar who issued the enforcement warrant;
- (b) any endorsement for bail;
- (c) the amount outstanding under the enforcement warrant, including the lawful costs of execution.

25 Seven-day notice—prescribed details

For the purposes of section 119(1)(a) of the Act, the prescribed details that a seven-day notice must contain are the following—

- (a) that it is a seven-day notice;
 - (b) the date of service of the seven-day notice;
 - (c) the manner in which the outstanding amount of the fine may be paid;
 - (d) the manner in which a fine defaulter may apply for a payment arrangement;
 - (e) the manner in which a fine defaulter may apply for enforcement review (if applicable);
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- (f) a statement that if the person served with the seven-day notice does not understand the document, the person should seek advice from—
 - (i) a lawyer; or
 - (ii) Victoria Legal Aid.

26 Consent to seizure of personal property

For the purposes of section 123(3)(a) of the Act, the prescribed details to be contained in a written statement are the following—

- (a) the name and address of the fine defaulter against whom the enforcement warrant is issued;
- (b) the enforcement warrant number;
- (c) a statement that if the proceeds of the sale are insufficient to satisfy the amount outstanding under the enforcement warrant, a further demand for payment may be made on the fine defaulter, and if payment is not made or additional personal property is not provided to satisfy the debt, the fine defaulter may be arrested, and issued a community work permit or brought before a court.

**Part 8—Detention, immobilisation
and sale of motor vehicles**

**27 Recovery of motor vehicle by registered operator—
prescribed period**

For the purposes of section 131(1) of the Act, the prescribed period is 7 days.

28 Vehicle seizure and sale—prescribed period

For the purposes of section 132(1) of the Act, the prescribed period is 7 days.

Part 9—Infringement offender community work permits

29 Matters to be specified in community work permit

- (1) In addition to the matters required by section 151(2) of the Act, a community work permit must specify the following matters—
 - (a) that it is a community work permit;
 - (b) the name and address of the infringement offender, and, if known—
 - (i) the infringement offender's date of birth; and
 - (ii) if the infringement offender has a driver licence, the infringement offender's driver licence number;
 - (c) the date on which the community work permit is issued;
 - (d) the date on which the community work permit commences;
 - (e) a statement to the effect that the community work permit was issued because the infringement offender consented to perform unpaid community work in respect of outstanding registered infringement fines under one or more enforcement warrants;
 - (f) that the infringement offender must report to the community corrections centre specified in the community work permit by the time and on the date specified in the community work permit;
 - (g) the total number of outstanding enforcement warrants to which the community work permit applies;

- (h) a summary of the conditions that apply to a community work permit under section 152 of the Act.
- (2) An infringement offender must be given a document that summarises the obligations in regulation 30.
- (3) The infringement offender must sign the statement referred to in subregulation (1)(e) if the infringement offender consents to perform unpaid community work in respect of the outstanding registered infringement fines specified in the community work permit.

30 Obligations of infringement offenders subject to community work permit

An infringement offender who is required under a community work permit to attend a community corrections centre or other place to perform unpaid community work must—

- (a) obey all lawful instructions and directions of the Regional Manager of the community corrections centre; and
 - (b) not consume any alcoholic substance or drug of dependence—
 - (i) for at least 8 hours before attending the community corrections centre or other place; and
 - (ii) while attending the community corrections centre or other place; and
 - (iii) while performing unpaid community work; and
 - (c) not bring any alcoholic substance or drug of dependence to any place where—
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- (i) an educational or other program is provided under the community work permit; or
 - (ii) unpaid community work is to be performed under the community work permit; and
 - (d) not leave any place where the infringement offender is performing unpaid community work under the community work permit without the permission of—
 - (i) the Regional Manager; or
 - (ii) the community corrections officer to whom the infringement offender is required to report under the community work permit; and
 - (e) if the infringement offender is unable to attend the community corrections centre or as otherwise directed on any occasion required under the community work permit, notify the Regional Manager or a community corrections officer at the community corrections centre concerned as soon as practicable; and
 - (f) if the infringement offender is delayed in attending the community corrections centre or as otherwise directed on any occasion required under the community work permit, notify the Regional Manager or a community corrections officer at the community corrections centre concerned as soon as practicable; and
 - (g) if, as a result of illness, the infringement offender does not attend the community corrections centre or as otherwise directed on any occasion required under the community
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work permit, produce a medical certificate signed by a doctor when next attending the community corrections centre; and

- (h) not enter the administrative offices of a community corrections centre without first obtaining permission from the Regional Manager or a community corrections officer.

31 Commencement of community work permit

- (1) A community work permit commences on the day it is issued.
- (2) On the day a community work permit is issued, the sheriff must give a copy of that permit to—
 - (a) the infringement offender; and
 - (b) the Regional Manager of the community corrections centre where the infringement offender is to carry out the unpaid community work under the community work permit.

32 Regional Manager to keep records

For the purposes of Part 13 of the Act, the Regional Manager of a region in which a community corrections centre is located must keep accurate records of—

- (a) the dates on and times at which each infringement offender who is subject to a community work permit—
 - (i) has satisfactorily performed unpaid community work; or
 - (ii) has not satisfactorily performed unpaid community work; and
 - (b) the times at which each infringement offender who is subject to a community work permit attends the community corrections
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centre or other places that the infringement offender is required by the Regional Manager to attend.

33 How registered infringement fines on community work permit can be paid

- (1) A person may pay a registered infringement fine in respect of which a community work permit is in force—
 - (a) in person at a community corrections centre between 10.00 a.m. and 4.00 p.m. on any Monday to Friday other than a public holiday, in cash; or
 - (b) by an electronic funds transfer, or by a credit card, to an ADI; or
 - (c) by posting to a community corrections centre a bank cheque (marked "not negotiable") or money order made payable to the Department of Justice and Regulation.
- (2) A payment under subregulation (1)(c) by bank cheque is not made until the cheque is honoured on presentation to the relevant bank.
- (3) In this regulation—
 - (a) *electronic funds transfer* does not include—
 - (a) a transfer of money over the Internet; or
 - (b) a withdrawal or transfer of money carried out by telephone banking;

public holiday, in relation to a community corrections centre, means a day appointed as a public holiday or declared as a bank holiday under the **Public Holidays Act 1993** in the place in which the community corrections centre is located.

34 Variation or cancellation of community work permits

- (1) For the purposes of section 159(1)(b) of the Act, a prescribed class of person is a person who is a community corrections officer.
- (2) For the purpose of section 159(2), a community corrections officer is a prescribed person.

35 Contravention of community work permit

For the purposes of section 160(3) of the Act, a prescribed class of person is a person who is a community corrections officer.

Part 10—General

36 Specified enforcement information agencies

For the purposes of section 178(4) of the Act, a person or body described or specified in Schedule 2 is prescribed as a specified enforcement information agency.

37 Service

For the purposes of section 179(1)(d) of the Act, subject to any specific requirement to the contrary in the Act, a prescribed manner by which a document required or permitted by the Act to be given or served may be served is by leaving it at the last or most usual place of residence or business of the person to be served, with a person—

- (a) who apparently resides at or works at the residence or business, as the case may be; and
- (b) who appears to be not less than 18 years of age.

Schedule 1—Forms

FORM 1—NOTICE OF CESSATION OF EMPLOYMENT

Regulation 19

I, *[insert name of person making statement]* of *[insert name of employer (if different from person making statement), address, ABN/ACN/ARBN and contact telephone number]* am writing to advise that *[insert name and address of former employee]* ceased to be employed by *[insert name of employer]* on *[insert date on which employment ceased]*.

Name

Signature

Date

FORM 2—ENFORCEMENT WARRANT—INDIVIDUAL

Regulation 23(a)

ENFORCEMENT WARRANT

(against a natural person)

Fines Reform Act 2014

Case Number:

Name:

Address:

Date of Birth:

* Gender:

* Driver licence: [*insert driver licence number and state*]

This enforcement warrant is issued under section 106 of the **Fines Reform Act 2014** because the fine defaulter named above:

* has failed to comply with a notice of final demand by:

- defaulting in the payment of a registered fine specified in the notice;
or
- not taking any other action specified in the notice within the time specified in the notice.

* defaulted in the payment of a payment arrangement.

* failed to report as required under section 152(b) of the **Fines Reform Act 2014** to the community corrections centre specified in the community work permit imposed on the fine defaulter.

* is the subject of an unsatisfied enforcement warrant.

DETAILS OF REGISTERED FINE

*Infringement offence/*Offence:

*Infringement offence/*Offence date:

Time of *infringement offence/*offence:

Place of *infringement offence/*offence:

* Registration number of vehicle used in *infringement offence/*offence: [*insert registration number and state*]

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Schedule 1—Forms

* Enforcement agency/*Name and venue of sentencing court:

AMOUNT SPECIFIED

Outstanding amount of fine: \$ [*insert the outstanding amount of fine*]

* Penalty reminder notice fee: \$ [*insert the penalty reminder notice fee amount prescribed under the **Infringements Act 2006***]

Collection fee: \$ [*insert the collection fee amount*]

Enforcement warrant fee: \$ [*insert the enforcement warrant fee amount*]

Amount specified: \$ [*insert total amount*]

AUTHORITY AND DIRECTIONS

To—

* the sheriff

* [*insert name and rank*], a named police officer

* all police officers

* the Commissioner within the meaning of the **Corrections Act 1986**

* [*insert name*], a person authorised by law to execute an enforcement warrant [*specify person and authority*].

You are to demand payment of the amount specified from the fine defaulter named in this enforcement warrant.

If the amount specified is paid, you must forward the amount received to the Director, Fines Victoria without delay.

If the amount specified is not paid in full

Partial payment

If part of the amount specified is paid, you must reduce the amount specified by the amount paid, amend the execution copy of the enforcement warrant, receive payment, forward it to the Director, Fines Victoria without delay and notify the registrar.

Seizure and sale of property

You are—

- (i) authorised to break, enter and search any residential or business premises occupied by the fine defaulter named in the enforcement warrant for any personal property of that fine defaulter; and
- (ii) directed and authorised to seize the personal property of the fine defaulter named in the enforcement warrant; and
- (iii) if the amount specified together with all lawful costs of execution are not paid, directed and authorised to sell the personal property seized.

Arrest

You are—

- (i) authorised to break, enter and search for the fine defaulter named in the enforcement warrant in any place where the fine defaulter named is suspected to be, and
- (ii) subject to any endorsement as to bail below, directed and authorised to arrest the fine defaulter if you cannot find sufficient personal property of the fine defaulter named in the enforcement warrant on which to satisfy the amount specified together with all lawful costs of execution.

PROCEDURE AFTER ARREST

** Execution of enforcement warrant: registered infringement fines, other than a fine defaulter in contravention of community work permit*

Subject to any endorsement as to bail below, if you arrest the fine defaulter named in this enforcement warrant, you must cause that fine defaulter in respect of any registered infringement fine—

- (i) to be released on a community work permit in accordance with Part 13 of the **Fines Reform Act 2014** if appropriate; or
- (ii) if the fine defaulter refuses to enter into an undertaking of bail or cannot be dealt with under Part 13 of the **Fines Reform Act 2014**, to be taken or safely conveyed to a prison or police gaol and deliver the fine defaulter to the officer in charge of the prison or police gaol for the purposes of being dealt with under Part 14 of the **Fines Reform Act 2014**; or
- (iii) if the fine defaulter is not dealt with under paragraphs (i) or (ii), to be brought before the Magistrates' Court within 24 hours of being arrested to be dealt with according to law; or
- (iv) if it is not practicable to bring the fine defaulter before the Magistrates' Court within 24 hours of being arrested, to be released

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on bail in accordance with the endorsement on this enforcement warrant.

** Execution of enforcement warrant: registered court fines*

Subject to any endorsement as to bail below, if you arrest the fine defaulter named in this enforcement warrant, you must cause that fine defaulter in respect of any registered court fine made in respect of an outstanding registered court fine—

- (i) to be brought before the sentencing court within 24 hours of being arrested to be dealt with under Part 3B of the **Sentencing Act 1991**; or
- (ii) if it is not practicable to bring the fine defaulter before the sentencing court within 24 hours of being arrested, to be released on bail in accordance with the endorsement on this enforcement warrant.

** Execution of enforcement warrant: contravention of community work permit*

Subject to any endorsement as to bail below, if the fine defaulter named in this enforcement warrant failed to report as required under section 152(b) of the **Fines Reform Act 2014** to a community corrections centre specified in a community work permit, you must cause that fine defaulter—

- (i) to be brought before the Magistrates' Court within 24 hours of being arrested to be dealt with according to law; or
- (ii) if it is not practicable to bring the fine defaulter before the Magistrates' Court within 24 hours of being arrested, to be released on bail in accordance with the endorsement on this enforcement warrant; or
- (iii) if it is not practicable to bring the fine defaulter before the Magistrates' Court within 24 hours of being arrested and the fine defaulter refuses to enter into an undertaking of bail, to be taken or safely conveyed to a prison or police gaol and deliver the fine defaulter to the officer in charge of the prison or police gaol for the purposes of being dealt with under Part 14 of the **Fines Reform Act 2014**.

Issued at: on:

Issued by: [name]

REGISTRAR

**ENDORSEMENT AS TO BAIL UNDER SECTION 106(4) OF THE
FINES REFORM ACT 2014**

Bail is granted on the following conditions:

The fine defaulter named may be released on entering an undertaking of bail to appear at [*insert the name and venue of the court at which the fine defaulter must appear*] on the following conditions:

REGISTRAR

Date

* Delete if inapplicable.

FORM 3—ENFORCEMENT WARRANT—BODY CORPORATE

Regulation 23(b)

ENFORCEMENT WARRANT

(against a body corporate)

Fines Reform Act 2014

Case Number:

Name:

Registered address:

ACN, ARBN or ABN:

This enforcement warrant is issued under section 106 of the **Fines Reform Act 2014** because the fine defaulter named above:

- * has failed to comply with a notice of final demand by defaulting in the payment of a registered fine specified in the notice.
- * has failed to comply with a notice of final demand by not taking action specified in the notice within the time specified in the notice.
- * defaulted in the payment of a payment arrangement.
- * is the subject of an unsatisfied enforcement warrant.

DETAILS OF REGISTERED FINE

*Infringement offence/*Offence:

*Infringement offence/*Offence date:

Time of *infringement offence/*offence:

Place of *infringement offence/*offence:

* Registration number of vehicle used in *infringement offence/*offence: [*insert registration number and state*]

* Enforcement agency/*Name and venue of sentencing court:

AMOUNT SPECIFIED

Outstanding amount of fine: \$ [*insert the outstanding amount of fine*]

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* Penalty reminder notice fee: \$ [*insert the penalty reminder notice fee amount prescribed under the **Infringements Act 2006***]

Collection fee: \$ [*insert the collection fee amount*]

Enforcement warrant fee: \$ [*insert the enforcement warrant fee amount*]

Amount specified: \$ [*insert total amount*]

AUTHORITY AND DIRECTIONS

To the sheriff:

You are to demand payment of the amount specified from the fine defaulter named in this enforcement warrant.

If the amount specified is paid, you must forward it to the Director, Fines Victoria without delay.

If the amount specified is not paid in full

Partial payment

If part of the amount specified is paid, you must reduce the amount specified in this enforcement warrant by the amount paid, amend the execution copy of the enforcement warrant, receive payment, forward that payment to the Director, Fines Victoria without delay and notify the registrar.

Seizure and sale of property

You are authorised to break, enter and search any residential or business premises occupied by the fine defaulter named in the enforcement warrant for any personal property of that fine defaulter.

You are further directed and authorised—

- (i) to seize the personal property of the fine defaulter named in the enforcement warrant; and
- (ii) if the amount specified together with all lawful costs of execution are not paid, to sell the personal property seized.

Issued at: on:

Issued by: [*name*]

REGISTRAR

**Schedule 2—Specified enforcement
information agencies for the purposes of
section 178**

Regulation 36

<i>No.</i>	<i>Agency name</i>
1	Ararat Rural City Council
2	Ballarat City Council
3	Banyule City Council
4	Baw Baw Shire Council
5	Bayside City Council
6	Benalla Rural City Council
7	Boroondara City Council
8	Borough of Queenscliffe
9	Brimbank City Council
10	Buloke Shire Council
11	Central Goldfields Shire Council
12	City of Greater Bendigo
13	City of Melbourne
14	City of Whittlesea
15	Colac–Otway Shire Council
16	Corangamite Shire Council
17	Darebin City Council
18	Department of Environment, Land, Water and Planning
19	Director of Consumer Affairs Victoria
20	East Gippsland Shire Council
21	Environment Protection Authority
22	Frankston City Council
23	Gannawarra Shire Council

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Schedule 2—Specified enforcement information agencies for the purposes of
section 178

<i>No.</i>	<i>Agency name</i>
24	Glen Eira City Council
25	Glenelg Shire Council
26	Golden Plains Shire Council
27	Greater Dandenong City Council
28	Greater Geelong City Council
29	Greater Shepparton City Council
30	Hepburn Shire Council
31	Hobsons Bay City Council
32	Horsham Rural City Council
33	Hume City Council
34	Indigo Shire Council
35	Kingston City Council
36	Knox City Council
37	Latrobe City Council
38	Loddon Shire Council
39	Macedon Ranges Shire Council
40	Manningham City Council
41	Mansfield Shire Council
42	Maribyrnong City Council
43	Maroondah City Council
44	Mildura Rural City Council
45	Moira Shire Council
46	Monash City Council
47	Moonee Valley City Council
48	Moorabool Shire Council
49	Mornington Peninsula Shire
50	Mount Alexander Shire Council
51	Moyne Shire Council
52	Nillumbik Shire Council

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Schedule 2—Specified enforcement information agencies for the purposes of
section 178

<i>No.</i>	<i>Agency name</i>
53	Northern Grampians Shire Council
54	Port Phillip City Council
55	Pyrenees Shire Council
56	Shire of Campaspe
57	South Gippsland Shire Council
58	Southern Grampians Shire Council
59	Stonnington City Council
60	Strathbogie Shire Council
61	Surf Coast Shire Council
62	Swan Hill Rural City Council
63	Taxi Services Commission
64	Towong Shire Council
65	Wangaratta Rural City Council
66	Warrnambool City Council
67	Wellington Shire Council
68	West Wimmera Shire Council
69	Whitehorse City Council
70	Wodonga City Council
71	Wyndham City Council
72	Yarra City Council
73	Yarra Ranges Shire Council
74	Yarriambiack Shire Council
