

TASMANIA

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**MONETARY PENALTIES ENFORCEMENT  
REGULATIONS 2018**

**STATUTORY RULES 2018, No. 12**

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**CONTENTS**

1. Short title
  2. Commencement
  3. Interpretation
  4. Form of Infringement Notice
  5. Fee for referral of infringement notice to Director
  6. Seizure of prescribed items
  7. Maximum uncollectable amount
  8. Circumstances in which monetary penalty may be deemed uncollectable
  9. Prescribed amounts payable
  10. Legislation rescinded
- Schedule 1 – Prescribed Amounts Payable
- Schedule 2 – Legislation rescinded



## **MONETARY PENALTIES ENFORCEMENT REGULATIONS 2018**

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Monetary Penalties Enforcement Act 2005*.

Dated 27 March 2018.

C. WARNER  
Governor

By Her Excellency's Command,

ELISE ARCHER  
Minister for Justice

### **1. Short title**

These regulations may be cited as the *Monetary Penalties Enforcement Regulations 2018*.

### **2. Commencement**

These regulations take effect on the day on which their making is notified in the *Gazette*.

### **3. Interpretation**

In these regulations –

*Act* means the *Monetary Penalties Enforcement Act 2005*.

### **4. Form of Infringement Notice**

For the purposes of section 14(1)(a)(v) of the Act, an infringement notice is to include a contact telephone number for the issuing authority.

### **5. Fee for referral of infringement notice to Director**

For the purposes of section 18(2)(c) of the Act, the prescribed amount is 30 fee units.

### **6. Seizure of prescribed items**

For the purposes of section 80 of the Act, the following are prescribed items:

- (a) household property of the enforcement debtor that is reasonably necessary for the domestic use of his or her household, having regard to current social standards;
- (b) the enforcement debtor's tools of trade;
- (c) any property for which the cost of seizure, storage and sale would be likely to exceed the sale price.

**7. Maximum uncollectable amount**

For the purposes of section 109(2) of the Act, the maximum amount of a monetary penalty that the Director may deem to be uncollectable is \$10,000.

**8. Circumstances in which monetary penalty may be deemed uncollectable**

For the purposes of section 109(4) of the Act, the following are circumstances in which the Director may deem a monetary penalty to be uncollectable:

- (a) where a fine imposed prior to the commencement of the Act is subject to conditions stipulating when payment, or a payment instalment, is due and the Director is unable to ascertain if the conditions have been met;
- (b) where the Director is satisfied that the whereabouts of the offender or enforcement debtor are unknown and cannot be discovered by reasonable inquiry;
- (c) where sufficient information to enable the positive identification of the offender or enforcement debtor has not been provided to the Director by the issuing authority or the court;
- (d) where a current residential or business address for the offender or enforcement

*Monetary Penalties Enforcement Regulations 2018*  
*Statutory Rules 2018, No. 12*

r. 9

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debtor has not been provided to the Director by the issuing authority or the court;

- (e) where the offender or enforcement debtor is deceased;
- (f) where the offender or enforcement debtor is a corporation that is being, or has been, liquidated;
- (g) where the offender or enforcement debtor resides outside Australia and has no identifiable assets in Australia;
- (h) where the amount of the outstanding monetary penalty is less than \$10 and the cost of enforcing payment is likely to be more than \$10;
- (i) where, because of the length of time since the monetary penalty was incurred or other similar circumstances, the Director is satisfied that the monetary penalty may have been paid, or for other reasons should not be enforced.

**9. Prescribed amounts payable**

The amounts specified in Schedule 1 are prescribed as the amounts payable under the Act in respect of the matters to which they relate.

*Monetary Penalties Enforcement Regulations 2018*  
*Statutory Rules 2018, No. 12*

**r. 10**

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**10. Legislation rescinded**

The legislation specified in Schedule 2 is rescinded.

*Monetary Penalties Enforcement Regulations 2018*  
*Statutory Rules 2018, No. 12*

**sch. 1**

**SCHEDULE 1 – PRESCRIBED AMOUNTS PAYABLE**

		Regulation 9
	Item	Penalty units
1.	On the issue of an enforcement order under Part 5 of the Act	0.5
2.	On directing that an enforcement debtor's driver licence be suspended or that an enforcement debtor be ineligible to be issued with a driver licence under section 54(1)(a) or (d) of the Act	0.3
3.	On directing that an enforcement debtor's vehicle registration be suspended or that an enforcement debtor be ineligible to be the registered operator of a vehicle under section 54(1)(c) or (e) of the Act	0.3
4.	On directing that an enforcement debtor's prescribed licence be suspended under section 54(1)(b) of the Act	0.3
5.	On publication of an enforcement debtor's name under section 54(1)(g) of the Act	0.3
6.	On the issue of an enforcement warrant imposing a charge on land under section 68(1) of the Act	1.0
7.	On the issue of an enforcement warrant to enable seizure and sale of property under section 73(1) of the Act	1.0
8.	On the issue of an order for redirection of money owing under section 84(1) of the Act	1.0
9.	On the application by the Director for a warrant of commitment under section 103 of the Act	0.5

*Monetary Penalties Enforcement Regulations 2018*  
*Statutory Rules 2018, No. 12*

**sch. 2**

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**SCHEDULE 2 – LEGISLATION RESCINDED**

Regulation 10

*Monetary Penalties Enforcement Amendment Regulations (No. 2) 2008* (No. 133 of 2008)

*Monetary Penalties Enforcement Amendment Regulations (No. 3) 2008* (No. 152 of 2008)

*Monetary Penalties Enforcement Amendment Regulations 2008* (No. 85 of 2008)

*Monetary Penalties Enforcement Regulations 2008* (No. 33 of 2008)

*Monetary Penalties Enforcement Regulations 2018*  
*Statutory Rules 2018, No. 12*

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 27 March 2018.

**EXPLANATORY NOTE**

*(This note is not part of the regulations)*

These regulations prescribe the following for the purposes of the *Monetary Penalties Enforcement Act 2005* and replace the *Monetary Penalties Enforcement Regulations 2008*:

- (a) additional details to be contained in an infringement notice;
- (b) the items that must not be seized in executing an enforcement warrant or a search warrant;
- (c) the maximum amount of a monetary penalty that the Director may deem to be uncollectable;
- (d) the circumstances in which the Director may deem a monetary penalty to be uncollectable;
- (e) various amounts payable for certain matters under the Act.