

Western Australia

**Fines, Penalties and Infringement Notices
Enforcement Amendment (Compensation)
Bill 2008**

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Western Australia

LEGISLATIVE ASSEMBLY

**Fines, Penalties and Infringement Notices
Enforcement Amendment (Compensation)
Bill 2008**

A Bill for

**An Act to amend the *Fines, Penalties and Infringement Notices
Enforcement Act 1994*.**

The Parliament of Western Australia enacts as follows:

s. 1

1. Short title

This is the *Fines, Penalties and Infringement Notices Enforcement Amendment (Compensation) Act 2008*.

2. Commencement

5 This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation.

3. Act amended

10 This Act amends the *Fines, Penalties and Infringement Notices Enforcement Act 1994*.

4. Section 108A inserted

After section 107 insert:

15 **108A. Credit for punishment served in error**

(1) This section applies if, because of an error in administering this Act, a person (the *offender*) liable to punishment described in subsection (2) is punished for longer than is provided for by law.

20 (2) The punishment referred to in subsection (1) is —

- (a) imprisonment under a warrant of commitment issued under section 53; or
 - (b) community corrections activities done under a work and development order made under
- 25 section 48.

(3) This section applies whether the error was made, or the person was punished, before or after the day on which the *Fines, Penalties and Infringement Notices Enforcement Amendment (Compensation) Act 2008* section 4 comes into operation.

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- 5 (4) The Registrar may credit the offender with an amount of money calculated at the rate that, when the amount is credited, applies for working out the time for which an offender is to be imprisoned or do community corrections activities.
- 10 (5) The Registrar may —
- (a) pay the amount credited to the offender; or
 - (b) offset the whole or any part of it against any amount that the offender owes for, or because of, a fine registered under section 41(1); or
 - 15 (c) in circumstances described in subsection (6), apply the whole or any part of it to payment of the whole or any part of the modified penalty and enforcement fees payable in respect of an infringement notice registered under section 16.
- 20 (6) The Registrar may apply an amount in accordance with subsection (5)(c) if —
- (a) under section 18(1), the Registrar could, in respect of the infringement notice, issue a notice of intention to suspend licences; or
 - (b) the Registrar has issued a notice of that kind and the alleged offender has not made an election under section 21.
- 25 (7) Whether or not the Registrar gives the offender a credit under this section, the State is not liable in respect of punishment inflicted as a result of the error.
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