

LEGISLATIVE COUNCIL

JUSTICE LEGISLATION AMENDMENT (FINES REFORM AND OTHER
MATTERS) BILL 2022

(Amendments and New Clause to be proposed in Committee by Mr BARTON)

NEW CLAUSE

1. Insert the following New Clause to follow clause 37—

'37A Director may decide that enforcement of infringement offence under this Act is not appropriate

- (1) In section 20(1A) of the **Fines Reform Act 2014**—
- (a) in paragraph (b), for "available." **substitute** "available;"
 - (b) after paragraph (b) **insert**—
 - "(c) if a tollway operator has withdrawn a request made to an enforcement agency to serve an infringement notice because the tollway operator considers it appropriate to do so having considered the circumstances of the person."
- (2) In section 20(2)(a) of the **Fines Reform Act 2014**, for "a seven-day" **substitute** "subject to subsection (2A), a seven-day".
- (3) After section 20(2) of the **Fines Reform Act 2014 insert**—
- "(2A) Subsection (2)(a) does not apply to a seven-day notice that has been served in respect of a registered infringement fine if the infringement offence in respect of which the infringement notice was issued is—
- (a) an offence against section 204(1) of the **EastLink Project Act 2004**; or
 - (b) an offence against section 73(1) of the **Melbourne City Link Act 1995**; or
 - (c) an offence against section 69(1) of the **North East Link Act 2020**; or
 - (d) an offence against section 32(1) of the **West Gate Tunnel (Truck Bans and Traffic Management) Act 2019**."

(4) After section 20(4) of the **Fines Reform Act 2014 insert**—

"(5) In this section—

tollway operator means any of the following—

 - (a) the Freeway Corporation within the meaning of the **EastLink Project Act 2004**;

- (b) the relevant corporation within the meaning of the **Melbourne City Link Act 1995**;
 - (c) the relevant North East Link Tolling Corporation within the meaning of the **North East Link Act 2020**;
 - (d) the relevant West Gate Tunnel Corporation within the meaning of the **West Gate Tunnel (Truck Bans and Traffic Management) Act 2019**.".!
2. Clause 99, line 25, omit "may" and insert "must".
 3. Clause 102, line 26, omit "may" and insert "must".
 4. Clause 105, line 31, omit "may" and insert "must".
 5. Clause 109, page 64, line 6, omit "may" and insert "must".