

LEGISLATIVE COUNCIL

FINES REFORM AND INFRINGEMENTS ACTS AMENDMENT BILL 2016

(Amendments to be proposed in Committee by Ms PENNICUIK)

1. Clause 4, line 23, after "hardship;" insert "or".
2. Clause 4, after line 23 insert—

"(v) is the victim of family violence within the meaning of section 5 of the **Family Violence Protection Act 2008**;"
3. Clause 6, page 9, after line 18 insert—

"(3) An application may be made under subsection (1) despite an eligible person having been the subject of one or more work and development permits cancelled under section 10E."
4. Clause 6, page 9, line 19, omit "(3)" and insert "(4)".
5. Clause 6, page 10, line 7, omit "(4)" and insert "(5)".
6. Clause 6, page 11, after line 25 insert—

"(5) Despite subsections (3) and (4), if a work and development permit is varied by suspension for a period under section 10E, for the period of that suspension, action under the **Infringements Act 2006** or enforcement action under this Act, must not be taken."
7. Clause 6, page 11, line 28, after "vary" insert "(including by suspension)".
8. Clause 6, page 12, after line 8 insert—

"(3) The Director may vary a work and development permit under subsection (1) by suspending it for a specified period if—

  - (a) the person who is subject to the work and development permit is ill;  
or
  - (b) other exceptional circumstances exist."
9. Clause 61, page 59, line 2, after "hardship;" insert "or".
10. Clause 61, page 59, after line 2 insert—

"(v) is the victim of family violence within the meaning of section 5 of the **Family Violence Protection Act 2008**;"
11. Clause 61, page 59, after line 29 insert—

'( ) In section 3(1) of the **Infringements Act 2006**, in the definition of *special circumstances*—

- (a) for "results in" (where three times occurring) **substitute** "contributes to";
- (b) in paragraph (c), for "offence;" **substitute** "offence; or";
- (c) after paragraph (c) **insert**—
  - "(d) family violence within the meaning of section 5 of the **Family Violence Protection Act 2008** where the person is a victim of family violence and the family violence contributes to the person being unable to control conduct which constitutes an offence;".

12. Clause 67, page 66, after line 15 insert—

"(3) An application may be made under subsection (1) despite an eligible person having been the subject of one or more work and development permits cancelled under section 27E."

13. Clause 67, page 66, line 16, omit "(3)" and insert "(4)".

14. Clause 67, page 67, line 3, omit "(4)" and insert "(5)".

15. Clause 67, page 68, after line 25 insert—

"(5) Despite subsections (3) and (4), if a work and development permit is varied by suspension for a period under section 27E, for the period of that suspension, action under this Act must not be taken."

16. Clause 67, page 68, line 28, after "vary" insert "(including by suspension)".

17. Clause 67, page 69, after line 8 insert—

- "(3) The Secretary may vary a work and development permit under subsection (1) by suspending it for a specified period if—
  - (a) the person who is subject to the work and development permit is ill; or
  - (b) other exceptional circumstances exist."