Western Australia

Sentencing Act 1995

Sentencing Regulations 1996

As at 01 Jul 2026 Official Version
[PCO 04-l0-00] Published on www.legislation.wa.gov.au

Western Australia

Sentencing Regulations 1996

Contents

Part 1 — Preliminary

1. Citation 1
2. Commencement 1
3. Terms used 1

Part 2 — Matters preliminary to sentencing

4. Mediation (s. 27-30) 2

Part 2A — Pre-sentence order

4A. Speciality court 3
4B. Application to amend or cancel a PSO (s. 33M(2)(a) or (b)) 3
4C. Application to amend or cancel a PSO (s. 33M(2)(c)) 4
4D. CEO to be notified when court deals with offender on PSO 4
4E. Lower court procedure on recalling an order imposing a sentence (s. 33O(5)(b)) 5
4F. Superior court procedure on recalling an order imposing a sentence (s. 33O(5)(b)) 5

Part 3 — The sentencing process

5. Correction of sentence (s. 37) 6
5A. Re-sentencing of offender — courts of summary jurisdiction and Children's Court (s. 37A) 7
5B. Re-sentencing of offender — superior courts (s. 37A) 7

6. Imprisonment by justices: magistrate to review (s. 38) 8

Part 3A — Sentencing options

6AA. Offences for which CBO may be imposed (s. 44(1)(a)(ii)) 10

Part 3B — Fines

6A. Application for cancellation of order (s. 57B) 11
6BA. Rate for setting period of imprisonment for unpaid fine (s. 59(3)) 11

Part 3C — Conditional suspended imprisonment

6B. Conditional suspended imprisonment — prescribed courts (s. 81) 12

Part 4 — Orders forming part of a sentence

7. Application for return of passport (s. 108) 13

Part 5 — Reparation orders

8. Application for a reparation order (s. 111) 14
8A. Form of restitution order 14
8B. Recovery of enforcement costs 15
9. Enforcing a restitution order (s. 121) 15

Part 6 — Reviewing, amending and enforcing certain conditional and community orders

9A. Application for review of conditional order (s. 136H) 16
10. Application to amend or cancel conditional suspended imprisonment, conditional release order or community order (s. 84H or 126) 17
11. CEO to be notified when offender dealt with for breach of conditional suspended imprisonment, conditional release order or community order 18

Part 7 — Miscellaneous

12. Service 19
13. Forms 19
14. Warrants issued electronically 20

Schedule 1 — Forms

1. Warrant of commitment 22
2. Warrant of commitment until fine is paid 24
3. Warrant of commitment for not paying a fine 26
3A. Warrant of commitment for breach of compensation order 28
4. Certificate of breach of community order 30
5. Notice alleging commission of offence while subject to sentence 31

Schedule 2 — Offences for which CBO may be imposed under s. 44 of the Act

Acts 33
Subsidiary legislation 34

Notes

Compilation table 35
Other notes 38

Defined terms

Sentencing Regulations 1996

Part 1 — Preliminary

1. Citation

These regulations may be cited as the *Sentencing Regulations 1996*.

2. Commencement

These regulations come into operation on the day on which the *Sentencing Act 1995* comes into operation.

3. Terms used

(1) In these regulations, unless the contrary intention appears —

approved, in relation to a form, means approved by the CEO;

court officer means —

(a) in a superior court — a clerk of arraigns or the manager of the criminal registry;

(b) in the Magistrates Court or the Children's Court — a registrar of the court.

(2) The abbreviations used in these regulations are the same as those used in the Act.

[Regulation 3 amended: Gazette 3 Mar 2000 p. 1015; 12 May 2006 p. 1785.]

Part 2 — Matters preliminary to sentencing

4. Mediation (s. 27-30)

(1) No person is to be compelled to attend or participate in any mediation or attempted mediation.

(2) When a mediator is mediating or attempting to mediate between an offender and a victim, the mediator must at all times act fairly and impartially.

(3) It is not necessary for the purposes of mediating or attempting to mediate between an offender and a victim that both such people be present at the same place at the same time.

Part 2A — Pre-sentence order

[Heading inserted: Gazette 29 Aug 2003 p. 3851.]

4A. Speciality court

For the purposes of the definition of ***speciality court*** in section 4(1) of the Act —

(a) the Magistrates Court is prescribed; and

(b) the central law courts at Perth is prescribed; and

(c) the class of offenders who abuse prohibited drugs or prohibited plants as defined in section 3(1) of the *Misuse of Drugs Act 1981* is prescribed.

[Regulation 4A inserted: Gazette 29 Aug 2003 p. 3851; amended: Gazette 3 Aug 2004 p. 3125; 12 May 2006 p. 1785.]

4B. Application to amend or cancel a PSO (s. 33M(2)(a) or (b))

(1) An application under section 33M(2)(a) or (b) of the Act is to be made in an approved form.

(2) An application may only be made by a CCO with the prior approval of the CEO.

(3) On receiving an application a court officer is to issue a summons (in an approved form) to all parties concerned to a hearing on a date and at a place fixed by the officer.

(4) The hearing date fixed by the court officer is to be at least 7 days after the date of the application.

(5) The summons must be served —

(a) in the case of an application by the offender — by a court officer on the CEO, and the prosecutor; or

(b) in the case of an application by a CCO — by a CCO on the offender.

(6) If satisfied that all parties concerned have been served with a summons issued under this regulation, the court may deal with the application under section 33N of the Act.

(7) The court hearing the application need not be constituted by the same judicial officer that constituted the court that imposed the PSO.

(8) In this regulation —

prosecutor means the DPP or a police prosecutor, as the case requires.

[Regulation 4B inserted: Gazette 29 Aug 2003 p. 3851-2.]

4C. Application to amend or cancel a PSO (s. 33M(2)(c))

(1) This regulation applies to an application under section 33M(2)(c) of the Act.

(2) An application must be made in accordance with rules of court to the court that imposed the sentence concerned.

(3) If satisfied that all relevant rules of court have been complied with in relation to the application, the court may exercise the powers in section 33N of the Act.

(4) The court hearing the application need not be constituted by the same judicial officer that constituted the court that imposed the PSO.

[Regulation 4C inserted: Gazette 29 Aug 2003 p. 3852.]

4D. CEO to be notified when court deals with offender on PSO

If under section 33N of the Act a court deals with an offender in relation to a PSO, a court officer is to notify the CEO of any orders made by the court.

[Regulation 4D inserted: Gazette 29 Aug 2003 p. 3852.]

4E. Lower court procedure on recalling an order imposing a sentence (s. 33O(5)(b))

(1) When the Children's Court or the Magistrates Court proposes to deal with an offender under section 33O(5)(b) of the Act, a court officer is to issue a summons (in an approved form) to all parties concerned to a hearing on a date and at a place fixed by the officer.

(2) The summons must be served by the prosecutor on the offender.

(3) The court may deal with the offender under section 33O(5)(b) if it is satisfied that all parties concerned have been served with a summons issued under this regulation.

(4) The court dealing with the offender need not be constituted by the same judicial officer that constituted the court that imposed the PSO.

[Regulation 4E inserted: Gazette 29 Aug 2003 p. 3852; amended: Gazette 12 May 2006 p. 1785.]

4F. Superior court procedure on recalling an order imposing a sentence (s. 33O(5)(b))

(1) A superior court may deal with an offender under section 33O(5)(b) if it is satisfied that all relevant rules of court have been complied with in relation to the application.

(2) The court dealing with the offender need not be constituted by the same judicial officer that constituted the court that imposed the PSO.

[Regulation 4F inserted: Gazette 29 Aug 2003 p. 3853.]

Part 3 — The sentencing process

5. Correction of sentence (s. 37)

(1) An application under section 37(2) of the Act must be in an approved form and may be made at any time.

(2) The application must be lodged with the court that imposed the sentence concerned.

(3) On receiving an application, or in a case where a court intends to exercise the powers in section 37(1) of the Act on its own initiative, a court officer is to issue a summons (in an approved form) to all parties concerned to a hearing on a date and at a place fixed by the officer.

(4) The summons must be served —

(a) if the court intends to exercise the powers in section 37(1) of the Act on its own initiative — by a court officer on the offender and the prosecutor;

(b) if the application is made by the offender — by a court officer on the prosecutor;

(c) if the application is made by the prosecutor — by the prosecutor on the offender.

(5) If satisfied that all parties concerned have been served with a summons issued under this regulation, the court may, subject to section 14 of the Act, exercise the powers in section 37(1) of the Act.

(6) The court hearing an application under section 37 of the Act by an offender or a prosecutor need not be constituted by the same judicial officer that constituted the court that imposed the sentence sought to be corrected.

5A. Re-sentencing of offender — courts of summary jurisdiction and Children's Court (s. 37A)

(1) This regulation applies to an application (a ***lower court application***) under section 37A(2) of the Act in relation to a sentence imposed by a court of summary jurisdiction or the Children's Court.

(2) A lower court application must be in an approved form and may be made at any time.

(3) A lower court application must be lodged with the court that imposed the sentence concerned.

(4) On receiving a lower court application, a court officer is to issue a summons (in an approved form) to all parties concerned to a hearing on a date and at a place fixed by the officer.

(5) The summons must be served by the prosecutor on the offender.

(6) If satisfied that all parties concerned have been served with a summons issued under this regulation, the court may, subject to section 14 of the Act, exercise the powers in section 37A(1) of the Act.

(7) The court hearing a lower court application need not be constituted by the same judicial officer that constituted the court that imposed the sentence.

[Regulation 5A inserted: Gazette 3 Mar 2000 p. 1014.]

5B. Re-sentencing of offender — superior courts (s. 37A)

(1) This regulation applies to an application (a ***superior court application***) under section 37A(2) of the Act in relation to a sentence imposed by a superior court.

(2) A superior court application must be made in accordance with rules of court to the court that imposed the sentence concerned.

(3) If satisfied that all relevant rules of court have been complied with in relation to the superior court application, the court may,

subject to section 14 of the Act, exercise the powers in section 37A(1) of the Act.

(4) The court hearing a superior court application need not be constituted by the same judicial officer that constituted the court that imposed the sentence.

[Regulation 5B inserted: Gazette 3 Mar 2000 p. 1014-15.]

6. Imprisonment by justices: magistrate to review (s. 38)

(1) Immediately after a justice or justices in the Magistrates Court impose a sentence referred to in section 38(1) of the Act, a registrar is to send a magistrate the approved form for the review of the decision together with —

(a) the papers that were before the justice or justices including —

(i) the prosecution notice;

(ii) the statement of facts by the prosecutor, or a transcript of it;

(iii) a copy of the offender's criminal record (if any) tendered to the court;

(iv) a pre-sentence report (if any);

and

(b) the written reasons for imposing the sentence.

(2) The form for the review of the decision may relate to more than one charge.

(3) The decision of the magistrate under section 38 of the Act is to be communicated as soon as practicable —

(a) to the court that imposed the sentence; and

(b) if the offender is not in custody, to the offender; and

(c) if the offender is in custody, to the person in charge of the place where the offender is in custody.

(4) If under section 38 of the Act a magistrate cancels the original sentence —

(a) if the offender is not in custody — the magistrate may exercise the powers in section 14(5) of the Act in relation to the offender;

(b) if the offender is in custody — the person in charge of the place where the offender is in custody is to give effect to any order by the magistrate as to bail for, or the remand in custody of, the offender.

[Regulation 6 amended: Gazette 3 Mar 2000 p. 1015; 12 May 2006 p. 1786.]

Part 3A — Sentencing options

[Heading inserted: Gazette 14 May 2004 p. 1448.]

6AA. Offences for which CBO may be imposed (s. 44(1)(a)(ii))

For the purposes of section 44(1)(a)(ii) of the Act the offences the penalties for which are specified in a provision of an Act or Regulations listed in Schedule 2 are prescribed.

[Regulation 6AA inserted: Gazette 14 May 2004 p. 1448-9; amended: Gazette 12 May 2006 p. 1786.]

Part 3B — Fines

[Heading inserted: Gazette 27 Mar 2008 p. 901.]

6A. Application for cancellation of order (s. 57B)

(1) An application under section 57B(2) of the Act is to be made in an approved form.

(2) On receiving an application a court officer is to issue a summons (in an approved form) to the offender to a hearing on a date and at a place fixed by the officer.

(3) The summons must be served by a court officer on the offender.

(4) If satisfied that the offender has been served with a summons, the court may deal with the application.

[Regulation 6A inserted: Gazette 25 Aug 2000 p. 4907.]

6BA. Rate for setting period of imprisonment for unpaid fine (s. 59(3))

The amount prescribed for the purposes of section 59(3)(a) of the Act is $250 per day.

[Regulation 6BA inserted: Gazette 27 Mar 2008 p. 902.]

Part 3C — Conditional suspended imprisonment

[Heading inserted: Gazette 27 Mar 2008 p. 902.]

6B. Conditional suspended imprisonment — prescribed courts (s. 81)

For the purposes of section 81 of the Act the following courts are prescribed —

(a) the Supreme Court;

(b) the District Court;

(c) the Children's Court;

(ca) the Magistrates Court;

(d) a speciality court.

[Regulation 6B inserted: Gazette 12 May 2006 p. 1786; amended: Gazette 29 Sep 2017 p. 4984.]

Part 4 — Orders forming part of a sentence

7. Application for return of passport (s. 108)

An application under section 108(5) of the Act for the return of an Australian passport must be made in an approved form to a court officer of the court that ordered the passport to be surrendered.

Part 5 — Reparation orders

8. Application for a reparation order (s. 111)

(1) An application to a court for a reparation order under Part 16 of the Act must be made —

(a) orally during the relevant sentencing proceedings; or

(b) in writing (in an approved form) during the relevant sentencing proceedings or within 12 months after the date when the offender was sentenced.

(2) On receiving a written application made after the date of sentencing a court officer is to issue a summons (in an approved form) to all parties concerned to a hearing on a date and at a place fixed by the officer.

(3) The summons must be served —

(a) if the court intends to exercise the powers in Part 16 of the Act on its own initiative — by a court officer on the victim, the offender, a prosecutor and, if necessary, on any third party (as defined in section 120(1) of the Act);

(b) if the application is made by the victim — by a court officer on the offender, a prosecutor and, if necessary, on any third party (as defined in section 120(1) of the Act);

(c) if the application is made by the prosecutor — by a prosecutor on the victim, the offender and, if necessary, on any third party (as defined in section 120(1) of the Act).

(4) If satisfied that all parties concerned have been served with a notice issued under this regulation, the court may proceed to deal with the application.

8A. Form of restitution order

A restitution order is to be made in the approved form.

[Regulation 8A inserted: Gazette 29 Dec 2000 p. 7920.]

8B. Recovery of enforcement costs

(1) In this regulation —

non-complying person means a person who has failed to comply with a restitution order;

Sheriff's costs means the reasonable costs incurred by the Sheriff in enforcing, or attempting to enforce, a restitution order.

(2) If under section 120A of the Act the Sheriff seizes, or attempts to seize, property that is the subject of a restitution order, the Sheriff may demand from the non-complying person payment of the Sheriff 's costs.

(3) If the non-complying person does not comply with a demand made under subregulation (2) the Sheriff may recover the Sheriff 's costs from that person in a court of competent jurisdiction as a debt due to the Sheriff.

[Regulation 8B inserted: Gazette 29 Dec 2000 p. 7920.]

9. Enforcing a restitution order (s. 121)

(1) An application under section 121 of the Act to a court is to be made in an approved form.

(2) On receiving an application a court officer is to issue a summons (in an approved form) to the person against whom the restitution order was made to a hearing on a date and at a place fixed by the officer.

(3) The summons must be served by a court officer on the person against whom the restitution order was made.

Part 6 — Reviewing, amending and enforcing certain conditional and community orders

[Heading inserted: Gazette 29 Sep 2017 p. 4984.]

9A. Application for review of conditional order (s. 136H)

(1) An application under section 136H of the Act must be made in an approved form.

(2) On receiving an application a court officer must issue a summons (in an approved form) to all parties concerned to a hearing on a date and at a place fixed by the officer.

(3) The hearing date fixed by the court officer must be at least 7 days after the date of the application.

(4) The summons must be served —

(a) in the case where the application relates to a CRO — by a court officer on the CEO, the prosecutor and the offender; or

(b) in the case where the application relates to a CBO, CSI, ISO or PSO —

(i) by a court officer on the CEO and the prosecutor; and

(ii) by a CCO on the offender.

(5) If satisfied that all parties concerned have been served with a summons issued under this regulation, the court may, subject to section 14 of the Act, deal with the application under section 136I of the Act.

[Regulation 9A inserted: Gazette 29 Sep 2017 p. 4984-5; amended: SL 2020/162 r. 10.]

10. Application to amend or cancel conditional suspended imprisonment, conditional release order or community order (s. 84H or 126)

(1) An application under section 84H or 126 of the Act is to be made in an approved form.

(2) An application may only be made by a CCO with the prior approval of the CEO.

(3) On receiving an application a court officer is to issue a summons (in an approved form) to all parties concerned to a hearing on a date and at a place fixed by the officer.

(4) The hearing date fixed by the court officer is to be at least 7 days after the date of the application.

(5) In the case of an application to amend or cancel a CRO, the summons must be served —

(a) in the case of an application by the offender — by a court officer on the prosecutor; or

(b) in the case of an application by a prosecutor — by the prosecutor on the offender.

(6) In the case of an application to amend or cancel a community order or a CSI requirement, the summons must be served —

(a) in the case of an application by the offender — by a court officer on the CEO, and the prosecutor; or

(b) in the case of an application by a CCO — by a CCO on the offender.

(7) If satisfied that all parties concerned have been served with a summons issued under this regulation, the court may, subject to section 14 of the Act, deal with the application.

(8) In this regulation —

prosecutor means the DPP or a police prosecutor, as the case requires.

[Regulation 10 amended: Gazette 12 May 2006 p. 1786-7.]

11. CEO to be notified when offender dealt with for breach of conditional suspended imprisonment, conditional release order or community order

If a court acts under section 84F, 84I, 84K, 84L, 127, 130, 132 or 133 of the Act, a court officer is to notify the CEO of any orders made by the court.

[Regulation 11 inserted: Gazette 12 May 2006 p. 1787.]

Part 7 — Miscellaneous

12. Service

For the purposes of the Act and these regulations a summons may be served —

(a) on an offender by serving it on the offender personally or by sending it by pre-paid post to the offender's last known address;

(b) on a prosecutor by causing it to be delivered to the prosecutor's office;

(c) on the CEO by causing it to be delivered to the CEO's office;

(d) on any other person by serving it on the person personally or by sending it by pre-paid post to the person's last known address.

13. Forms

(1) Subject to this regulation the prescribed forms for the purposes of the Act are those in the Table to this regulation.

(2) The prescribed form for an arrest warrant for the purposes of the Act is Form 1 in the *Criminal Procedure Regulations 2005* Schedule 1.

(3) The prescribed form for a remand warrant for the purposes of the Act is Form 2 in the *Criminal Procedure Regulations 2005* Schedule 1.

(4) The prescribed form for a warrant to commit a person to another court for the purposes of the Act is Form 2 in the *Criminal Procedure Regulations 2005* Schedule 1.

(4a) The prescribed form for a complaint for the purposes of section 84E of the Act is Form 5 in Schedule 1 with such modifications as are necessary.

(5) It is sufficient compliance with the Act if a form substantially in compliance with a prescribed form is used.

Table

Section of the Act	Description of form	Form No in Schedule 1
36	Warrant of commitment	1
58	Warrant of commitment until fine is paid	2
59	Warrant of commitment for not paying a fine	3
119A	Warrant of commitment for breach of compensation order	3A
134	Certificate of breach of community order	4
60D, 79, 129	Notice alleging commission of offence while subject to sentence	5

[Regulation 13 amended: Gazette 29 Dec 2000 p. 7920; 29 Aug 2003 p. 3853; 28 Apr 2005 p. 1764; 24 Jan 2006 p. 430; 12 May 2006 p. 1787; 29 Sep 2017 p. 4985.]

14. Warrants issued electronically

(1) In this regulation —

ECMS means the electronic case management system for the management of proceedings in Western Australian courts and tribunals.

(2) A court may issue a warrant of commitment by means of the ECMS.

(3) The warrant must bear —

(a) the name, or facsimile signature, of the judge or magistrate issuing it; or

(b) the court's seal or a facsimile of the court's seal.

(4) The warrant is authenticated for the purposes of the *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* section 10.

(5) The warrant is given in electronic form for the purposes of the *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* section 12.

[Regulation 14 inserted: Gazette 30 Oct 2018 p. 4333-4; amended: Gazette 31 Dec 2019 p. 4673.]

Form 1

Schedule 1 — Forms

[reg 13]

1. Warrant of commitment

WESTERN AUSTRALIA *Sentencing Act 1995*, s 36 **WARRANT OF COMMITMENT**	❒ Supreme Court ❒ District Court ❒ Court of Summary Jurisdiction ❒ Children's Court At:

To	**All police officers and to all persons authorised to exercise a power set out in clause 2 or 3, as the case requires, of Schedule 2 to the *Court Security and Custodial Services Act 1999*** **Chief executive officer under the *Prisons Act 1981*.**

Offender	Name:	Date of birth:

Reason for issue of warrant **Command**	**The offender has been sentenced to be imprisoned.** **This warrant authorises and commands you to imprison the offender for the term stated below, subject to the *Sentencing Act 1995* and the *Sentence Administration Act 2003.***

Offences and sentences	Charge Indict No	Date of offence	Description of offence	Term imposed	Cumulative Concurrent

Date of sentence		**Date when term is to be taken to have begun**	

Total term		**Parole eligibility order under section 89 of the *Sentencing Act 1995***	❒ Yes ❒ No

Other orders	If life term imposed, minimum period:
	Indefinite imprisonment ❒ Yes ❒ No

Form 1

Sentence imposed by	Name of Judicial Officer:	Date:
Warrant issued by	Signature: Judicial Officer/Clerk of Arraigns	

[Form 1 amended: Gazette 3 Mar 2000 p. 1015; 28 Jul 2000 p. 4012; 29 Aug 2003 p. 3853; 31 Dec 2004 p. 7151.]

[Form 1A deleted: Gazette 28 Apr 2005 p. 1765.]

Form 2

2. Warrant of commitment until fine is paid

WESTERN AUSTRALIA *Sentencing Act 1995*, s 58 **WARRANT OF COMMITMENT UNTIL FINE IS PAID**	❒ Supreme Court ❒ District Court ❒ Court of Summary Jurisdiction ❒ Children's Court At:

To	**All police officers and to all persons authorised to exercise a power set out in clause 2 or 3, as the case requires, of Schedule 2 to the *Court Security and Custodial Services Act 1999*** **Chief executive officer under the *Prisons Act 1981*.**

Offender	Name:	Date of birth:

Reason for issue of warrant	**The offender has been convicted of the offence(s) below and has been fined the amount(s), and ordered to pay the costs, set out below.** **In addition, under section 58 of the *Sentencing Act 1995*, this court ordered that the offender be imprisoned until the total of those amounts is paid, but in any event for not longer than the maximum period stated below.**
Command	**This warrant authorises and commands you to take the offender into custody and to imprison the offender in accordance with the above order, unless the amount outstanding is sooner paid.**

Offences	Charge/ Indict No	Date of offence	Description of offence	Fine	Costs	Period of Imp'ment
	Sub-totals					

Date of sentence		**Maximum period of imprisonment**	
		❒ Cumulative ❒ Concurrent	

Amount outstanding	Total amount to be paid (fines + costs)	$
	Less any amount paid	- $
	Amount outstanding	=$
	Revenue: $ Trust: $	

Form 2

Warrant issued by	Signature: Judicial Officer/Clerk of Arraigns	Date:

Note: The offender must either pay the amount outstanding in full or serve the maximum period of imprisonment in full. Reductions of the maximum period due to part payment are not permitted.

[Form 2 amended: Gazette 3 Mar 2000 p. 1015; 28 Jul 2000 p. 4012.]

Form 3

3. Warrant of commitment for not paying a fine

WESTERN AUSTRALIA *Sentencing Act 1995*, s 59 **WARRANT OF COMMITMENT FOR NOT PAYING A FINE**	❒ Supreme Court ❒ District Court At: CWI Warrant No.

To	**All police officers** **Chief executive officer under the *Prisons Act 1981*.**

Offender	Name:	Date of birth:
	Address:	

Reason for issue of warrant	**The offender has been convicted of the offence(s) below and has been fined the amount(s) set out below.** **In addition, under section 59 of the *Sentencing Act 1995*, this court ordered that if the offender did not pay the fine by the date set for payment stated below the offender was to be imprisoned.** **The offender has not paid the fine as ordered.**
Command	**This warrant authorises and commands you to arrest the offender and to imprison the offender in accordance with the above order and section 59 of the *Sentencing Act 1995*.**

Offences	Charge Indict No	Date of offence	Description of offence	Fine	Period of imprisonment

Amount outstanding*	Total fines	$
	Less any amount paid	-$
	Amount outstanding	=$
	Revenue: $ Trust: $	

Date of sentence		**Date set for payment**	

Period of imprisonment †	❒ Set by this court	days
	❒ Determined under s 59(3)	
	❒ Cumulative ❒ Concurrent	

Warrant issued by	Signature: Name: Official title:	Date:

[Form 3 continued]

Execution details	This person arrested on / / at hours	
	at:	
	by:	Regimental No.
	of:	police station/division
	Signature:	Date:

***** **Under s 59(7) this is to be reduced for every day or part of a day served in custody.**

† **Under s 59(6) this is to be reduced if the amount outstanding is partly paid.**
See section 59 for the methods of calculating the reductions.

Form 3A

3A. Warrant of commitment for breach of compensation order

WESTERN AUSTRALIA *Sentencing Act 1995*, s. 119A **WARRANT OF COMMITMENT FOR BREACH OF COMPENSATION ORDER**	❒ Supreme Court ❒ District Court ❒ Children's Court ❒ Court of summary jurisdiction At:
	CWI Warrant No.

To	**All police officers** **Chief executive officer under the *Prisons Act 1981*.**

Offender	Name:	Date of birth:
	Address:	

Reason for issue of warrant	**The offender has been ordered to pay compensation in accordance with a compensation order issued under Part 16 Division 2 of the *Sentencing Act 1995*.** **In addition, under section 119A of the *Sentencing Act 1995*, this court ordered that if the offender did not pay the compensation by the date set for payment stated below the offender was to be imprisoned.** **The offender has not paid the compensation as ordered.**
Command	**This warrant authorises and commands you to arrest and imprison the offender in accordance with the above order and section 119A of the *Sentencing Act 1995*.**

Amount outstanding	Total compensation ordered	$
	Less any amount paid	- $
	Amount outstanding	= $

Date of order		**Date set for payment**	

Period of imprisonment	Until compensation is paid with maximum period — ❒ set by this court at days; or ❒ determined under s. 119A(3) to be days
	❒ Cumulative ❒ Concurrent

Warrant issued by	Signature: Name: Official title:	Date:

Form 3A

Execution details	Offender arrested on	/	/	at hours
	at:			
	by:		Regimental No.	
	of:		police station/division	
	Signature:		Date:	

Under s. 119A(4) service of the term of imprisonment does not reduce or discharge the offender's liability to pay the compensation ordered.

[Form 3A inserted: Gazette 29 Dec 2000 p. 7920-1.]

Form 4

4. Certificate of breach of community order

WESTERN AUSTRALIA
Sentencing Act 1995, s 134

CERTIFICATE OF BREACH OF COMMUNITY ORDER

Offender	Name:	Date of birth:
	Address:	

Community order details	Kind of order: ❒ CBO ❒ ISO	
	Date community order imposed	
	Term of order	
	Order imposed by: court at:	

Particulars of alleged breach of order	

Certificate	I certify that the contents of this certificate are true. Signed: Official position:

5. Notice alleging commission of offence while subject to sentence

WESTERN AUSTRALIA *Sentencing Act 1995*, s. 60D(4), 79, 129 **NOTICE ALLEGING COMMISSION OF OFFENCE WHILE SUBJECT TO *[SENTENCE]*[1]**	No. ❒ Supreme Court ❒ District Court ❒ Magistrates Court ❒ Children's Court At:

Offender	Name:
	Address:
	Date of birth: Male/Female:

Notice to offender	**It is alleged that while you were serving the sentence for the first offence described below you committed another offence.** **You must attend a hearing at the court which sentenced you for the first offence to deal with this allegation.**

First offence[2]	Offence:
	[Prosecution notice/Indictment] No.:
	Dates: offence committed: ___/____/_____ convicted: ___/____/_____ sentenced: ___/____/_____
	Sentence:

Offence[2] **committed while subject to *[sentence]***[1]	Offence:
	Court: at:
	[Prosecution notice/Indictment] No.:
	Dates: offence committed: ___/____/_____ convicted: ___/____/_____ sentenced: ___/____/_____
	Sentence:

Form 5

Notice of application for order to pay[3]	**A term of your sentence was that you would *[pay/forfeit]* $_____ if you committed an offence during the term of the sentence. An application will be made to the court for an order that this amount must now be *[paid/forfeited]*.**

Notice issued by	Name:
	Official title:
	Address:
	Phone No.: Date: ___/____/_____
	Signature:
	Witness: _____ JP/Prescribed court officer

Notes to Form 5

1. Insert type of sentence e.g. CRO, suspended fine, CBO, ISO, suspended imprisonment.
2. If more than one offence, modify notice as required and give details of all offences.
3. Delete if not applicable.
   Modify notice as required if a surety gave an undertaking, or deposited an amount, and the order is to be sought in respect of the surety as well as, or instead of, the offender.

[Form 5 inserted: Gazette 24 Jan 2006 p. 430-1; amended: Gazette 29 Sep 2017 p. 4985.]

Schedule 2 — Offences for which CBO may be imposed under s. 44 of the Act

[r. 6AA]

Acts

Bail Act 1982 s. 20(4), 50D(2), 50O(2), 60
Biological Control Act 1986 s. 41, 43
Botanic Gardens and Parks Authority Act 1998 s. 30
Business Names Act 1962 s. 5A(2)
Cemeteries Act 1986 s. 62
Conservation and Land Management Act 1984 s. 105(1), 106
Conspiracy and Protection of Property Act 1900 s. 6
Co-operative and Provident Societies Act 1903 s. 36, 55 [2]
Credit (Administration) Act 1984 s. 37, 38, 39(4), 39(6) [3]
The Criminal Code [4] s. 74A, 95, 97, 105, 106, 108, 110, 111, 151 (summary conviction), 208 (summary conviction), 426(4), 426A(3), 429, 430, 431, 434, 435, 557H, 557I
Criminal Investigation (Extra-territorial Offences) Act 1987 s. 6
Criminal Procedure Act 2004 Sch. 2 cl. 5
Dangerous Goods (Transport) Act 1998 s. 19, 29(6) [5]
Debt Collectors Licensing Act 1964 s. 5(2)
Electoral Act 1907 s. 77(4), 188(2), 190 (Fraudulently putting any ballot or other paper into the ballot box. Fraudulently taking any ballot paper out of any place to vote. Supplying ballot papers without authority.), 191A(1), 191A(2), 199A(1)
Electricity Transmission and Distribution Systems (Access) Act 1994 [6] Sch. 2 cl. 12(1) [7]
Explosives and Dangerous Goods Act 1961 s. 54A(6) [8]
Family Court Act 1997 s. 243(6) [9]
Fire Brigades Act 1942 s. 33A(12), 59
Fish Resources Management Act 1994 s. 49, 171(1), 196(1)
Freedom of Information Act 1992 s. 83, 109, 110
Fuel, Energy and Power Resources Act 1972 s. 49(3)
Gaming and Wagering Commission Act 1987 s. 20(3), 35, 42(4), 45(3), 45(4), 58(4)
Government Railways Act 1904 s. 34(1), 45, 51(2)
Graffiti Vandalism Act 2016 s. 6(1)
Growers Charge Act 1940 s. 6
Guardianship and Administration Act 1990 s. 49(4), 113(1), Sch. 1 Part B cl. 12(6) [10]

Health (Miscellaneous Provisions) Act 1911 s. 360(1)(e), 360(1)(f)
Housing Societies Act 1976 s. 29D(9), 79(a) [11]
Information Commissioner Act 2024 s. 33(1)
Juries Act 1957 s. 56B(1), 56C(1), 56D(1)
Local Government (Miscellaneous Provisions) Act 1960 s. 474(7), 482(3)
Mental Health Act 2014 s. 342(1), 468(10), 471(2), 576(2)
Nuclear Activities Regulation Act 1978 s. 9(7)
Police Act 1892 [12] s. 16A(1), 31, 54, 54A(3), 59, 65, 66, 76F(3)(a), 82B(1), 82B(3), 97, 107, 124, 125, 128
Prisons Act 1981 s. 49(2)
Privacy and Responsible Information Sharing Act 2024 s. 117(1), 208(2), 215
Prostitution Act 2000 s. 12 (first offence), 19(1)
Real Estate and Business Agents Act 1978 s. 64(1), 64(2)
Referendums Act 1983 s. 45(1), 48(2), 48(3)
Rights in Water and Irrigation Act 1914 s. 71
Road Traffic Act 1974 s. 90
Rottnest Island Authority Act 1987 s. 32
School Curriculum and Standards Authority Act 1997 Sch. 1 cl. 16(1) [13]
School Education Act 1999 s. 15, 35, 120(2), 240(3), 242(1)
Street Collections (Regulation) Act 1940 s. 3(1), 6
Swan River Trust Act 1988 s. 64(6) [14]
Transport Co-ordination Act 1966 s. 49(3)
Unclaimed Money Act 1990 s. 22(2)
Zoological Parks Authority Act 2001 s. 31

Subsidiary legislation

Aboriginal Communities Act 1979 — all offences in by-laws in force under s. 7 of that Act
Navigable Waters Regulations 1958 r. 40, 53(1) [15]

[Schedule 2 inserted: Gazette 14 May 2004 p. 1449-51; amended: Gazette 12 May 2006 p. 1787; 21 Apr 2009 p. 1369; 6 Mar 2012 p. 894; 5 Feb 2013 p. 838; 14 Nov 2013 p. 5065; 29 Dec 2015 p. 5179; 11 Oct 2016 p. 4537; 10 Jan 2017 p. 176; 17 Jan 2017 p. 418; 24 Jan 2017 p. 745; 28 Dec 2018 p. 4884; 24 Dec 2019 p. 4421; SL 2021/136 r. 8; SL 2024/129 r. 4; SL 2024/252 r. 10; SL 2025/82 r. 7; SL 2025/117 r. 6; SL 2026/130 r. 4.]

Notes

This is a compilation of the *Sentencing Regulations 1996* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table.

Compilation table

Citation	Published	Commencement
Sentencing Regulations 1996	4 Oct 1996 p. 5281-96	4 Nov 1996 (see r. 2 and *Gazette* 25 Oct 1996 p. 5632)
Sentencing Amendment Regulations 2000 Pt. 2	3 Mar 2000 p. 1013-15	3 Mar 2000
Sentencing Amendment Regulations (No. 4) 2000	28 Jul 2000 p. 4012	28 Jul 2000
Sentencing Amendment Regulations (No. 3) 2000	25 Aug 2000 p. 4906-7	25 Aug 2000 (see r. 2 and *Gazette* 25 Aug 2000 p. 4903)
Sentencing Amendment Regulations (No. 2) 2000	29 Dec 2000 p. 7919-21	8 Jan 2001 (see r. 2 and *Gazette* 29 Dec 2000 p. 7903)
Reprint of the *Sentencing Regulations 1996* as at 3 Sep 2002 (includes amendments listed above)		
Sentencing Amendment Regulations 2003	29 Aug 2003 p. 3850-4	31 Aug 2003 (see r. 2 and *Gazette* 29 Aug 2003 p. 3833)
Sentencing Amendment Regulations (No. 2) 2004	14 May 2004 p. 1448-51	15 May 2004 (see r. 2 and *Gazette* 14 May 2004 p. 1445)
Sentencing Amendment Regulations 2004	3 Aug 2004 p. 3125	3 Aug 2004
Sentencing Amendment Regulations (No. 3) 2004	31 Dec 2004 p. 7150-1	31 Dec 2004
Sentencing Amendment Regulations 2005	28 Apr 2005 p. 1764-5	2 May 2005 (see r. 2)
Sentencing Amendment Regulations (No. 2) 2005	24 Jan 2006 p. 429-31	24 Jan 2006
Sentencing Amendment Regulations 2006	12 May 2006 p. 1785-7	31 May 2006 (see r. 2 and *Gazette* 30 May 2006 p. 1965)
Reprint 2: The *Sentencing Regulations 1996* as at 25 Aug 2006 (includes amendments listed above)		

Citation	Published	Commencement
Sentencing Amendment Regulations 2008	27 Mar 2008 p. 901-2	r. 1 and 2: 27 Mar 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 28 Mar 2008 (see r. 2(b) and *Gazette* 27 Mar 2008 p. 899)
Sentencing Amendment Regulations 2009	21 Apr 2009 p. 1369	r. 1 and 2: 21 Apr 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 22 Apr 2009 (see r. 2(b))
Sentencing Amendment Regulations 2012	6 Mar 2012 p. 893-4	r. 1 and 2: 6 Mar 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 7 Mar 2012 (see r. 2(b))
Sentencing Amendment Regulations 2013	5 Feb 2013 p. 837-8	r. 1 and 2: 5 Feb 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 1 May 2013 (see r. 2(b)(i) and *Gazette* 5 Feb 2013 p. 823)
Reprint 3: The *Sentencing Regulations 1996* as at 12 Jul 2013 (includes amendments listed above)		
Sentencing Amendment Regulations (No. 2) 2013	14 Nov 2013 p. 5065	r. 1 and 2: 14 Nov 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 18 Nov 2013 (see r. 2(b) and *Gazette* 14 Nov 2013 p. 5027)
Sentencing Amendment Regulations (No. 2) 2015	29 Dec 2015 p. 5179	r. 1 and 2: 29 Dec 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 30 Dec 2015 (see r. 2(b))
Sentencing Amendment Regulations 2016	11 Oct 2016 p. 4537	r. 1 and 2: 11 Oct 2016 (see r. 2(a)) Regulations other than r. 1 and 2: 12 Oct 2016 (see r. 2(b))
Attorney General Regulations Amendment (Public Health) Regulations 2016 Pt. 4	10 Jan 2017 p. 173-6	24 Jan 2017 (see r. 2(b) and *Gazette* 10 Jan 2017 p. 165)
Sentencing Amendment Regulations (No. 2) 2016	17 Jan 2017 p. 418	r. 1 and 2: 17 Jan 2017 (see r. 2(a)); Regulations other than r. 1 and 2: 30 Jan 2017 (see r. 2(b) and *Gazette* 17 Jan 2017 p. 403)

Citation	Published	Commencement
Attorney General Regulations Amendment (Travel Agents) Regulations 2016 Pt. 4	24 Jan 2017 p. 744-5	25 Jan 2017 (see r. 2(b) and *Gazette* 24 Jan 2017 p. 741)
Sentencing Amendment Regulations (No. 2) 2017	29 Sep 2017 p. 4983-5	r. 1 and 2: 29 Sep 2017 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Oct 2017 (see r. 2(b) and *Gazette* 29 Sep 2017 p. 4983)
Reprint 4: The *Sentencing Regulations 1996* as at 21 Sep 2018 (includes amendments listed above)		
Sentencing Amendment Regulations (No. 2) 2018	30 Oct 2018 p. 4333-4	r. 1 and 2: 30 Oct 2018 (see r. 2(a)); Regulations other than r. 1 and 2: 31 Oct 2018 (see r. 2(b))
Sentencing Amendment Regulations 2018	28 Dec 2018 p. 4883-4	r. 1 and 2: 28 Dec 2018 (see r. 2(a)); Regulations other than r. 1 and 2: 29 Dec 2018 (see r. 2(b) and *Gazette* 28 Dec 2018 p. 4879)
Sentencing Amendment Regulations 2019	24 Dec 2019 p. 4421	r. 1 and 2: 24 Dec 2019 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2020 (see r. 2(b) and *Gazette* 24 Dec 2019 p. 4415)
Attorney General Regulations Amendment (Case Management System) Regulations 2019 Pt. 6	31 Dec 2019 p. 4669-73	1 Jan 2020 (see r. 2(b))
Attorney General Regulations Amendment (Infringement Notices) Regulations 2020 Pt. 5	SL 2020/162 25 Sep 2020	29 Sep 2020 (see r. 2(b) and SL 2020/159 cl. 2(a))
Attorney General Regulations Amendment (Sunday Entertainments) Regulations 2021 Pt. 4	SL 2021/136 30 Jul 2021	31 Jul 2021 (see r. 2(b))
Sentencing Amendment Regulations 2024	SL 2024/129 26 Jun 2024	r. 1 and 2: 26 Jun 2024 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2024 (see r. 2(b))
Attorney General Regulations Amendment (Family Violence Reform) Regulations 2024 Pt. 4	SL 2024/252 11 Dec 2024	18 Dec 2024 (see r. 2(b))

Citation	Published	Commencement
Attorney General Regulations Amendment (Births, Deaths and Marriages) Regulations 2025 Pt. 3	SL 2025/82 28 May 2025	30 May 2025 (see r. 2(b))
Attorney General Regulations Amendment Regulations 2025 Pt. 3	SL 2025/117 25 Jun 2025	1 Jul 2025 (see r. 2(b))
Sentencing Amendment (Privacy and Responsible Information Sharing) Regulations 2026	SL 2026/130 24 Jun 2026	r. 1 and 2: 24 Jun 2026 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2026 (see r. 2(b))

Other notes

[1] Footnote no longer required.

[2] The *Co-operatives and Provident Societies Act 1903* was repealed by the *Co-operatives Act 2009*.

[3] The *Credit (Administration) Act 1984* s. 37, 38, 39(4) and (6) were deleted by the *Credit (Commonwealth Powers) (Transitional and Consequential Provisions) Act 2010* s. 29.

[4] The following sections of *The Criminal Code* have been deleted:

s. 108, 110 and 111 by the *Criminal Law Amendment (Simple Offences) Act 2004*;

s. 208 by the *Criminal Code Amendment Act 2004* s. 17;

s. 426A(3) by the *Criminal Code Amendment Act 2004* s. 34;

s. 430, 431, 434 and 435 by the *Criminal Law Amendment (Simple Offences) Act 2004* s. 28.

[5] The *Dangerous Goods (Transport) Act 1998* was repealed by the *Dangerous Goods Safety Act 2004.*

[6] Formerly referred to the *Electricity Corporation Act 1994*, the short title of which was changed to the *Electricity Transmission and Distribution Systems (Access) Act 1994* by the *Electricity Corporations Act 2005* s. 139. The reference was changed under the *Reprints Act 1984* s. 7(3)(gb).

[7] Sch. 2 was deleted by the *Electricity Corporations Act 2005* s. 139.

[8] The *Explosives and Dangerous Goods Act 1961* was repealed by the *Dangerous Goods Safety Act 2004.*

[9] The *Family Court Act 1997* s. 243(6) was deleted by the *Criminal Code Amendment Act 2004* s.58.

[10] The *Guardianship and Administration Act 1990* Sch. 1 Pt. B cl. 12(6) was deleted by the *Sentencing Legislation Amendment and Repeal Act 2003* s. 70. (There is no longer a Pt. B).

[11] The *Housing Societies Act 1976* was repealed by the *Housing Societies Repeal Act 2005.*

[12] The following sections of the *Police Act 1892* have been deleted:

s. 54, 54A(3), 59, 65 and 66 by the *Criminal Law Amendment (Simple Offences) Act 2004* s. 57;

s. 76F(3)(a), 82B(1) and 82B(3) by the *Criminal Law Amendment (Simple Offences) Act 2004* s. 63;

s. 97 and 107 by the *Criminal Law Amendment (Simple Offences) Act 2004* s. 68;

s. 124 by the *Criminal Investigation (Consequential Provisions) Act 2006* s. 67;

s. 125 by the *Criminal Law Amendment (Simple Offences) Act 2004* s. 70;

s. 128 by the *Courts Legislation Amendment and Repeal Act 2004* s. 141.

[13] Formerly referred to the *Curriculum Council Act 1997*, the short title of which was changed to *School Curriculum and Standards Authority Act 1997* by the *Curriculum Council Amendment Act 2011* s. 5. The reference was changed under the *Reprints Act 1984* s. 7(3)(gb).

[14] Repealed by the *Swan and Canning Rivers (Consequential and Transitional Provisions) Act 2006.*

[15] Formerly referred to the *Navigable Waters Regulations*, the citation of which was changed to the *Navigable Waters Regulations 1958* by the *Navigable Waters Amendment Regulations (No. 2) 2005*. The reference was changed under the *Reprints Act 1984* s. 7(3)(gb).

Defined terms

[This is a list of terms defined and the provisions where they are defined. The list is not part of the law.]

Defined term	Provision(s)
approved	3(1)
court officer	3(1)
ECMS	14(1)
lower court application	5A(1)
non-complying person	8B(1)
prosecutor	4B(8), 10(8)
Sheriff's costs	8B(1)
superior court application	5B(1)

© State of Western Australia 2026.
This work is licensed under a Creative Commons Attribution 4.0 International Licence (CC BY 4.0).
To view relevant information and for a link to a copy of the licence, visit www.legislation.wa.gov.au.
Attribute work as: © State of Western Australia 2026.

By Authority: ANDREW JONES, Government Printer