



Western Australia

Criminal Code (Infringement Notices) Regulations 2015

Compare between:

[04 Jul 2020, 00-b0-00] and [29 Sep 2020, 00-c0-01]

Criminal Code (Infringement Notices) Regulations 2015

1. Citation

These regulations are the *Criminal Code (Infringement Notices) Regulations 2015*.

2. Commencement

These regulations come into operation on the day on which the *Criminal Code Amendment (Infringement Notices) Act 2011*, other than sections 1 and 2, comes into operation.

3. Terms used

In these regulations —

Certificate of Authority has the meaning given in the *Police Force Regulations 1979* regulation 901A;

Commissioner of Police means the person holding or acting in the office of Commissioner of Police under the *Police Act 1892*;

CP Act means the *Criminal Procedure Act 2004*;

Form, followed by a number, means the form of that number in Schedule 2;

senior police officer has the meaning given in the *Criminal Investigation Act 2006* section 3(1).

4. Prescribed offences under *The Criminal Code* and modified penalties

- (1) The offences under *The Criminal Code* that are specified in Schedule 1 are offences for which an infringement notice may be issued under the CP Act Part 2.

- (2) The modified penalty specified opposite an offence in Schedule 1 is the modified penalty for that offence for the purposes of the CP Act section 5(3).

5. When infringement notices cannot be issued (*The Criminal Code* s. 721(3)(b) and (c))

However, an infringement notice cannot be issued under the CP Act Part 2 for an offence specified in Schedule 1 in the following situations —

- (a) if, on the day on which the alleged offence is believed to have been committed, the alleged offender is under 17 years of age;
- (b) if —
 - (i) the alleged offence is under *The Criminal Code* section 378; and
 - (ii) the value of the thing alleged to have been stolen exceeds \$500;
- (c) if —
 - (i) the alleged offence is under *The Criminal Code* section 417(1); and
 - (ii) the value of the thing alleged to have been in the possession of the alleged offender exceeds \$500;
- (d) if —
 - (i) the alleged offence is under *The Criminal Code* section 445; and
 - (ii) the value of the property alleged to have been destroyed or damaged exceeds \$500.

[Regulation 5 amended: SL 2020/110 r. 4.]

6. Authorised officers and approved officers

- (1) Every police officer, other than a senior police officer, is an authorised officer for the purposes of the CP Act Part 2.

- (2) A police officer who is an authorised officer under subregulation (1) can show that he or she is authorised to issue infringement notices by showing his or her Certificate of Authority.
- (3) Every senior police officer is an approved officer for the purposes of the CP Act Part 2.
- (4) The Commissioner of Police may, in writing, appoint a person who is not a police officer to be an approved officer for the purposes of the CP Act Part 2.
- (5) An appointment under subregulation (4) may be made —
 - (a) for the purposes of the CP Act section 9(1)(f)(iii), 14 or 15 or the purposes of 2 or more of those sections; and
 - (b) in respect of a specified person or persons of a specified class.

7. Forms

For the purposes of the CP Act Part 2 —

- (a) Form 1 is the prescribed form for an infringement notice; and
- (b) Form 2 is the prescribed form for the withdrawal of an infringement notice.

Schedule 1 — Prescribed offences and modified penalties

[r. 4]

[Heading inserted: SL 2020/110 r. 5.]

Offences under <i>The Criminal Code</i>			Modified penalty
1.	s. 70A(2)	Trespassing	\$500
2.	s. 74A(2)	Behaving in a disorderly manner — (a) in a public place or in sight or hearing of any person in a public place; or (b) in a police station or lock-up	\$500
3.	s. 172(2)	Obstructing a public officer or person lawfully assisting a public officer	\$500
4.	s. 378	Stealing anything capable of being stolen	\$500
5.	s. 417(1)	Possessing any thing reasonably suspected to be stolen or unlawfully obtained	\$500
6.	s. 445	Destroying or damaging property	\$500

[Schedule 1 inserted: SL 2020/110 r. 5.]

Schedule 2 — Forms

[r. 7]

Form 1 — Infringement notice

<i>The Criminal Code</i>		Infringement notice no.
Infringement notice		
Alleged offender	Name: Surname	
	Given names	
	Address	
	Postcode	
Alleged offence	Description of offence	
	<i>The Criminal Code</i> s.	
	Date / /20	Time
	Place	
	Modified penalty \$	
Officer issuing notice	Name	
	Registered number	
	Police station	
Date of issue	/ /20	
Notice to alleged offender	<p>It is alleged that you have committed the above offence.</p> <p>If you do not want to be prosecuted in court for the alleged offence, pay the modified penalty above to an approved officer within 28 days after the date of issue of this notice. See below for how and where to pay the modified penalty.</p>	

	<p>Paying the modified penalty will not be regarded as an admission for the purposes of any civil or criminal court case.</p> <p>If you do not pay the modified penalty within 28 days, you may be prosecuted in court for the alleged offence or enforcement action may be taken under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i> to recover the modified penalty. Under that Act, some or all of the following action may be taken — your driver's licence may be suspended; your vehicle licence may be suspended or cancelled; your details may be published on a website; <u>you may be disqualified from holding or obtaining a driver's licence or vehicle licence,</u> your vehicle may be immobilised or have its number plates removed; <u>your details may be published on a website,</u> <u>your earnings or bank accounts may be garnished,</u> and your property may be seized and sold.</p> <p>If you want this matter to be dealt with by prosecution in court, sign and date here:</p> <p>_____ / ____ / 20____</p> <p>and post this notice to the address below within 28 days after the date of issue of this notice.</p> <p>If you are prosecuted in a court for the alleged offence, and convicted, you will be liable to a penalty and costs.</p>	
<p>How to pay the modified penalty</p>	<p>In person</p>	<p><i>[Details for paying in person]</i></p>
	<p>By post</p>	<p>Post this notice, with a cheque or money order made payable to <i>[payee]</i>, to:</p> <p><i>[Address]</i></p> <p>Do not send cash in the mail.</p>
	<p>Online</p>	<p><i>[Details for online payments]</i></p>
	<p>By telephone</p>	<p><i>[Details for telephone payments]</i></p>

[\[Form 1 amended: SL 2020/162 r. 6.\]](#)

Form 2 — Withdrawal of infringement notice

<i>The Criminal Code</i> Withdrawal of infringement notice	
Alleged offender	Name: Surname
	Given names
	Address
	Postcode
Infringement notice	Infringement notice no.
	Date of issue / /20
Alleged offence	Description of offence
	<i>The Criminal Code</i> s.
	Date / /20 Time
	Place
Officer withdrawing notice	Name
	Registered number
	Police station
Date of withdrawal	/ /20
Withdrawal of infringement notice	<p>The above infringement notice, which was issued for the above alleged offence, has been withdrawn.</p> <p>If you have already paid the modified penalty for the alleged offence in accordance with the infringement notice, the amount will be refunded to you.</p>

Notes

This is a compilation of the *Criminal Code (Infringement Notices) Regulations 2015* and includes amendments made by other written laws. For provisions that have come into operation see the compilation table.

Compilation table

Citation	Published	Commencement
<i>Criminal Code (Infringement Notices) Regulations 2015</i>	3 Mar 2015 p. 801-11	4 Mar 2015 (see r. 2 and <i>Gazette</i> 3 Mar 2015 p. 783)
<i>Criminal Code (Infringement Notices) Amendment Regulations 2020</i>	SL 2020/110 3 Jul 2020	r. 1 and 2: 3 Jul 2020 (see r. 2(a)); Regulations other than r. 1 and 2: 4 Jul 2020 (see r. 2(b))
<i>Attorney General Regulations Amendment (Infringement Notices) Regulations 2020 Pt. 3</i>	SL 2020/162 25 Sep 2020	29 Sep 2020 (see r. 2(b) and SL 2020/159 cl. 2(a))