

Emergency Management Act 2005

Emergency Management Amendment Regulations (No. 2) 2020

SL 2020/31

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Emergency Management Amendment Regulations (No. 2) 2020*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Emergency Management Regulations 2006*.

4. Part 6 inserted

After regulation 32 insert:

Part 6 — Infringement notices

33. Prescribed offence and modified penalty

- (1) The offence under section 86(1) of the Act is prescribed as an offence for which an infringement

notice may be issued under the *Criminal Procedure Act 2004* Part 2.

- (2) For the purposes of the *Criminal Procedure Act 2004* section 5(3), the modified penalty for the offence is —
 - (a) if the alleged offender is an individual — \$1 000; or
 - (b) if the alleged offender is a body corporate — \$5 000.

34. Approved officers and authorised officers

- (1) The State Emergency Coordinator may, in writing, appoint persons, or classes of persons, to be approved officers for the purposes of the *Criminal Procedure Act 2004* Part 2 in relation to infringement notices issued under that Part for the offence prescribed under regulation 33(1).
- (2) The State Emergency Coordinator may, in writing, appoint police officers, or classes of police officers, to be authorised officers for the purposes of the *Criminal Procedure Act 2004* Part 2 in relation to infringement notices issued under that Part for the offence prescribed under regulation 33(1).
- (3) A police officer who is appointed to be an authorised officer may show that the officer is authorised to issue infringement notices for the offence prescribed under regulation 33(1) by showing the officer's Certificate of Authority (as defined in the *Police Force Regulations 1979* regulation 901A).

35. Forms

For the purposes of the *Criminal Procedure Act 2004* Part 2, the forms set out in Schedule 1 are prescribed.

5. Schedule 1 inserted

At the end of the regulations insert:

Schedule 1 — Forms

[r. 35]

Form 1 — Infringement notice

| |
|--|
| Infringement notice <i>Emergency Management Act 2005</i> |
|--|

| | | |
|----------|------------------|----------------------|
| To: | Infringement no. | <input type="text"/> |
| Address: | Date of notice | <input type="text"/> |
| | Modified penalty | <input type="text"/> |
| | Due date | <input type="text"/> |

Part A: Offence details

Alleged offender:

Alleged offence: Failure to comply with a direction
Emergency Management Act 2005 s. 86(1)

Location:

Offence date: Offence time: Modified penalty:

Issuing officer:

Part B: Take notice

It is alleged you have committed the above offence.

If you do not want to be prosecuted in court for the offence, pay the modified penalty using one of the options shown in Part C below within 28 days after the date of this notice.

If you want this matter to be dealt with by prosecution in court, complete and return the election in Part D below within 28 days after the date of this notice.

If you do not pay the modified penalty within 28 days after the date of this notice, you may be prosecuted or enforcement action may be taken under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*. Under that Act, some or all of the following actions 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; your vehicle may be immobilised or have its number plates removed; your property may be seized and sold.

Part C: Payment slip

If paying by post, send this slip with your payment to: *[insert details]*.

Cheques and money orders are to be made payable to *[insert details]*. Do not send cash in the mail.

Payment must be made in full within 28 days after the date of this notice. No part-payments will be accepted.

Infringement no.

Due date

Amount due

Online and phone payment options

[insert details for paying online or by telephone]

Part D: Court election

I, _____ of _____ elect to have this matter dealt with by a court. I understand I may receive a summons in due course.

Signature: _____ Date: _____

Email: _____ Phone no: _____

Once you have completed the details above, return this form within 28 days after the date of this notice, using one of the following options:

[insert options]

Form 2 — Withdrawal of infringement notice

| | |
|--|----------------|
| <i>Emergency Management Act 2005</i> Withdrawal of infringement notice | Withdrawal no. |
|--|----------------|

| | | | |
|--|--|-------------|--|
| Alleged offender | Name | | |
| | | | |
| | Address | | |
| | | | |
| Details of infringement notice | Infringement no. | | |
| | Date of issue | | |
| Alleged offence | <i>Emergency Management Act 2005 s. 86(1)</i> | | |
| | Date | | |
| | Location | | |
| | Details of offence | | |
| Approved Officer withdrawing notice | Name | | |
| | Office | | |
| | Signature | | |
| Date | Date of withdrawal | | |
| Withdrawal of infringement notice <i>[*Delete whichever is not applicable]</i> | <p>The above infringement notice issued against you for the above alleged offence has been withdrawn.</p> <p>If you have already paid the modified penalty for the alleged offence, you are entitled to a refund.</p> <p>* Your refund is enclosed.</p> <p><i>or</i></p> <p>* If you have paid the modified penalty but a refund is not enclosed, you may claim your refund by signing and dating this notice and posting it to:</p> <p>Approved Officer — <i>Emergency Management Act 2005</i></p> <p><i>[Insert address]</i></p> | | |
| Your signature | | Date | |

N. HAGLEY, Clerk of the Executive Council.
