

3 March 2020

Dr Adam Tomison
Director General
Department of Justice
GPO Box F317
PERTH WA 6841

Dear Dr Tomison

**REVIEW OF AMOUNT PRESCRIBED AS MINOR PUNISHMENT UNDER THE
*SPENT CONVICTIONS REGULATIONS 1992 (WA)***

Thank you for your letter dated 10 January 2020 in relation to the above.

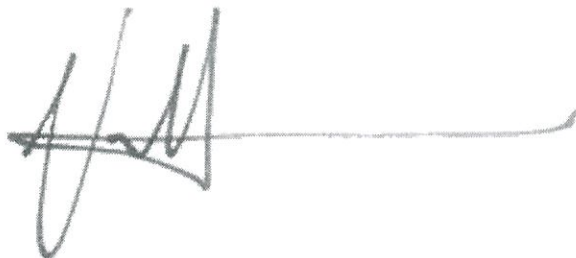
The Law Society of Western Australia supports in principle the increase of the amount prescribed as minor punishment under the *Spent Convictions Regulations 1992 (WA)* (**Regulations**).

The Law Society does not have statistics that may assist in determining what would be an appropriate increase to the prescribed amount (e.g. statistics relating to the increase of fine amounts in the last 15 years). That said, a significant increase to the current prescribed amount should be considered given that 15 years has passed since the prescribed amount was last amended.

Finally, the Law Society notes that an impecunious person will be impecunious no matter what the maximum fine for an offence may be. Though an offence may attract a fine that is less than the amount prescribed as minor punishment under the Regulations, an impecunious person may instead seek, and the court may order, a different disposition such as, for example, a community based order, which does not fall within the definition of minor punishment.

If you would like to discuss the above further, please do not hesitate to contact me.

Yours sincerely



Nicholas van Hattem
President