



Western Australia

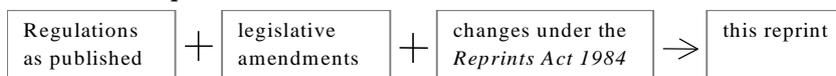
Consumer Affairs Act 1971

Consumer Affairs Regulations 1972

Reprint 2: The regulations as at 3 November 2006

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Reprinted under the
Reprints Act 1984 as
at 3 November 2006

Western Australia

Consumer Affairs Regulations 1972

CONTENTS

1.	Citation	1
2.	Infringement notices	1
3.	Forms	2
4.	Service of notices	2
5.	Personating officers of Department etc.	2

Schedule 1 — Prescribed offences and modified penalties

Schedule 2 — Forms

Notes

Compilation table	8
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Consumer Affairs Act 1971

Consumer Affairs Regulations 1972

1. Citation

These regulations may be cited as the *Consumer Affairs Regulations 1972*¹.

[*Regulation 1 amended in Gazette 11 Dec 1981 p. 5071;*
22 Sep 2006 p. 4085.]

2. Infringement notices

- (1) The offences specified in Schedule 1 are offences for which an infringement notice may be issued under Part 2 of the *Criminal Procedure Act 2004*.
- (2) The modified penalty specified opposite an offence in Schedule 1 is the modified penalty for that offence for the purposes of section 5(3) of the *Criminal Procedure Act 2004*.
- (3) The Commissioner may, in writing, appoint persons or classes of persons to be authorised officers or approved officers for the purposes of Part 2 of the *Criminal Procedure Act 2004*.

- (4) The Commissioner is to issue to each authorised officer a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices.

[Regulation 2 inserted in Gazette 22 Sep 2006 p. 4085.]

3. Forms

The forms set out in Schedule 2 are prescribed in relation to the matters specified in those forms.

[Regulation 3 inserted in Gazette 22 Sep 2006 p. 4085.]

4. Service of notices

Where pursuant to the Act or these regulations a person is required by notice in writing to —

- (a) give any information;
- (b) answer any question; or
- (c) produce any document,

that notice may be served on that person —

- (d) by delivering the notice to him personally;
- (e) by leaving the notice for him at his usual or last known place of abode, or at his usual or last known place of business or employment; or
- (f) by posting the notice as a registered letter addressed to him at his usual or last known place of abode, or at his usual or last known place of business or employment.

5. Personating officers of Department etc.

- (1) A person who —
- (a) forges or counterfeits any warrant or document;
 - (b) makes use of any forged, counterfeited or false warrant or document;
 - (c) personates a person named in a document;

- (d) falsely pretends to be —
 - [(i) deleted]*
 - (ii) the Commissioner; or
 - (iii) an officer of the Department;
- or
- (e) falsely pretends to be acting pursuant to authority conferred by or under the Act,

commits an offence.

Penalty: \$200.

- (2) A reference in this regulation to a warrant or document shall be construed as a reference to a warrant or document of a kind required under section 19(2) of the Act.

[Regulation 5 inserted in Gazette 8 Feb 1974 p. 358; amended in Gazette 11 Dec 1981 p. 5071; 22 Sep 2006 p. 4085.]

Schedule 1 — Prescribed offences and modified penalties

[r. 2]

[Heading inserted in Gazette 22 Sep 2006 p. 4086.]

Offences under <i>Consumer Affairs Act 1971</i>		Modified penalty
s. 21(1)	Failing to supply information, answer question or produce document	\$200
s. 23S	Supplying goods in contravention of order	\$1 000
s. 23V(1), 23W	Supplying goods that do not comply with prescribed safety requirements	\$1 000
s. 23V(2), 23W	Supplying components that do not comply with prescribed safety requirements	\$1 000

[Schedule 1 inserted in Gazette 22 Sep 2006 p. 4086.]

Schedule 2 — Forms

[r. 3]

[Heading inserted in Gazette 22 Sep 2006 p. 4086.]

Form 1 — Infringement notice

<i>Consumer Affairs Act 1971</i>		Infringement notice no.
Infringement notice		
Alleged offender	Name: Family name _____	
	Given names _____	
	or Company name _____	
	ACN _____	
Address _____		Postcode _____
Alleged offence	Description of offence _____	
	<i>Consumer Affairs Act 1971 s.</i>	
	Date / /20	Time a.m./p.m.
	Modified penalty \$ _____	
Officer issuing notice	Name _____	
	Signature _____	
	Office _____	
Date	Date of notice / /20	
Notice to alleged offender	<p>It is alleged that you have committed the above offence. If you do not want to be prosecuted in court for the offence, pay the modified penalty within 28 days after the date of this notice.</p> <p>How to pay</p> <p style="padding-left: 20px;">By post: Send a cheque or money order (payable to ‘Approved Officer — <i>Consumer Affairs Act 1971</i>’) to: Approved Officer — <i>Consumer Affairs Act 1971</i> Department of Consumer and Employment Protection Locked Bag 14 Cloisters Square Perth WA 6850</p> <p style="padding-left: 20px;">In person: Pay the cashier at: Department of Consumer and Employment Protection 219 St George’s Terrace, Perth WA</p>	

	<p>If you do not pay the modified penalty within 28 days, you may be prosecuted or enforcement action may be taken under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>. Under that Act your driver's licence and/or vehicle licence may be suspended.</p> <p>If you need more time to pay the modified penalty, you can apply for an extension of time by writing to the Approved Officer at the above postal address.</p> <p>If you want this matter to be dealt with by prosecution in court, sign here _____ and post this notice to the Approved Officer at the above postal address within 28 days after the date of this notice.</p>
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[Form 1 inserted in Gazette 22 Sep 2006 p. 4086-7.]

Form 2 — Withdrawal of infringement notice

<i>Consumer Affairs Act 1971</i>		Withdrawal no. _____
Withdrawal of infringement notice		
Alleged offender	Name: Family name _____	
	Given names _____	
	or Company name _____	
	ACN _____	
Address _____		Postcode _____
Infringement notice	Infringement notice no. _____	
	Date of issue / /20	
Alleged offence	Description of offence _____	
	<i>Consumer Affairs Act 1971 s.</i> _____	
	Date / /20	Time a.m./p.m.
Officer withdrawing notice	Name _____	
	Signature _____	
	Office _____	
Date	Date of withdrawal / /20	
Withdrawal of infringement notice	<p>The above infringement notice issued against you 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, to claim your refund sign this notice and post it to:</p> <p style="text-align: center;">Approved Officer — <i>Consumer Affairs Act 1971</i> Department of Consumer and Employment Protection Locked Bag 14 Cloisters Square Perth WA 6850</p> <p>Signature _____ / /20</p>	

[Form 2 inserted in Gazette 22 Sep 2006 p. 4087.]

Notes

- ¹ This reprint is a compilation as at 3 November 2006 of the *Consumer Affairs Regulations 1972* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Consumer Protection Act Regulations</i> ²	15 Dec 1972 p. 4718	15 Dec 1972
Untitled regulations	8 Feb 1974 p. 358	8 Feb 1974
<i>Consumer Affairs Amendment Regulations 1981</i>	11 Dec 1981 p. 5071	11 Dec 1981 (see r. 2 and <i>Gazette</i> 11 Dec 1981 p. 5053)
Reprint 1: The Consumer Affairs Act Regulations as at 20 Aug 2004 (includes amendments listed above)		
<i>Consumer Affairs Amendment Regulations 2006</i>	22 Sep 2006 p. 4084-7	22 Sep 2006 (see r. 2(a))
Reprint 2: The Consumer Affairs Regulations 1972 as at 3 Nov 2006 (includes amendments listed above)		

- ² Now known as the *Consumer Affairs Regulations 1972*; citation changed (see note under r. 1).