

CE310*

Debt Collectors Licensing Act 1964
Criminal Procedure Act 2004

Debt Collectors Licensing Amendment Regulations 2006

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Debt Collectors Licensing Amendment Regulations 2006*.

2. Commencement

These regulations come into operation on the later of —

- (a) the day on which they are published in the *Gazette*; and
- (b) the day on which the *Criminal Procedure Amendment Regulations (No. 2) 2006* come into operation.

3. The regulations amended

The amendments in these regulations are to the *Debt Collectors Licensing Regulations 1964**.

[* Reprinted as at 9 March 2001.

For amendments to 26 May 2006 see *Western Australian Legislation Information Tables for 2005, Table 4, p. 89.*]

4. Regulation 5 amended

Regulation 5(2)(c) is deleted and the following paragraph is inserted instead —

“

(c) the fee prescribed under regulation 4;

”.

5. Regulation 16 inserted

After regulation 15 the following regulation is inserted —

“

16. Infringement notices

- (1) The offences specified in the Third Schedule 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 the Third Schedule 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.

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6. First Schedule amended

The First Schedule is amended as follows:

- (a) in Form 5 by deleting “sum of \$15.00, being the prescribed fee.” and inserting instead —
“ prescribed fee of \$_____. ”;
- (b) in Form 6 by deleting “sum of \$30.00, being the prescribed fee for the transfer.” and inserting instead —
“ prescribed fee of \$_____. ”;

(c) after Form 6 by inserting the following forms —

“

Form 7

<i>Debt Collectors Licensing Act 1964</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>Debt Collectors Licensing Act 1964 s.</i>	
	<i>Debt Collectors Licensing Regulations 1964 r.</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>By post: Send a cheque or money order (payable to ‘Approved Officer — <i>Debt Collectors Licensing Act 1964</i>’) to: Approved Officer — <i>Debt Collectors Licensing Act 1964</i> Department of Consumer and Employment Protection Locked Bag 14 Cloisters Square Perth WA 6850</p>	
	<p>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>	

Form 8

<i>Debt Collectors Licensing Act 1964</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>Debt Collectors Licensing Act 1964 s. Debt Collectors Licensing Regulations 1964 r.</i>
	Date / /20 Time a.m./p.m.
Officer withdrawing notice	Name _____
	Signature _____
	Office _____
Date	Date of withdrawal / /20
Withdrawal of infringement notice <i>[*delete whichever is not applicable]</i>	The above infringement notice issued against you has been withdrawn. If you have already paid the modified penalty for the alleged offence you are entitled to a refund. * Your refund is enclosed. <i>or</i>
	* If you have paid the modified penalty but a refund is not enclosed, to claim your refund sign this notice and post it to: Approved Officer — <i>Debt Collectors Licensing Act 1964</i> Department of Consumer and Employment Protection Locked Bag 14 Cloisters Square Perth WA 6850 Signature _____ / /20

7. Second Schedule amended

The Second Schedule is amended by deleting the words “Form 7”.

8. Third Schedule inserted

After the Second Schedule the following Schedule is inserted —

“

Third Schedule — Prescribed offences and modified penalties

[r. 16]

Offences under <i>Debt Collectors Licensing Act 1964</i>		Modified penalty
s. 5	Unlicensed person carrying on business as a debt collector	\$40
s. 15(4)	Failing to notify Commissioner of opening or change of name of trust account	\$40
Offences under <i>Debt Collectors Licensing Regulations 1964</i>		Modified penalty
r. 11	Using vehicle identifying person as debt collector	\$40
r. 12	Failing to notify Commissioner of change of address	\$40

”.

By Command of the Governor,

G. M. PIKE, Clerk of the Executive Council.