

CE319*

Settlement Agents Act 1981
Criminal Procedure Act 2004

Settlement Agents Amendment Regulations 2006

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Settlement Agents 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 *Settlement Agents Regulations 1982**.

[* Reprint 3 as at 18 March 2005.]

4. Regulations 15 and 16 inserted

After regulation 14 the following regulations are inserted —

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15. Infringement notices

- (1) The offences specified in Schedule 5 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 5 is the modified penalty for that offence for the purposes of section 5(3) of the *Criminal Procedure Act 2004*.
- (3) The Board 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 Board is to issue to each authorised officer a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices.

16. Forms

The forms set out in Schedule 6 are prescribed in relation to the matters specified in those forms.

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5. Schedules 5 and 6 inserted

After Schedule 4 the following Schedules are inserted —

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Schedule 5 — Prescribed offences and modified penalties

[r. 15]

Offences under <i>Settlement Agents Act 1981</i>	Modified penalty
s. 51(1), 65 Failing to have trust accounts audited	\$600
s. 51(3)(a), 65 Auditor failing to deliver report to Board	\$600

Schedule 6 — Forms

[r. 16]

Form 1 — Infringement notice

<i>Settlement Agents Act 1981</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>Settlement Agents Act 1981</i> s. _____	
	Date _____ / _____ /20	Time _____ a.m./p.m.
	Modified penalty \$ _____	
Officer issuing notice	Name _____	
	Signature _____	
	Office _____	
Date	Date of notice _____ / _____ /20	
Notice to alleged offender	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>How to pay</p> <p>By post: Send a cheque or money order (payable to ‘Approved Officer — <i>Settlement Agents Act 1981</i>’) to: Approved Officer — <i>Settlement Agents Act 1981</i> Settlement Agents Supervisory Board Locked Bag 14 Cloisters Square Perth WA 6850</p> <p>In person: Pay the cashier at: Settlement Agents Supervisory Board 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 2 — Withdrawal of infringement notice

<i>Settlement Agents Act 1981</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>Settlement Agents Act 1981 s.</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>Settlement Agents Act 1981</i> Settlement Agents Supervisory Board Locked Bag 14 Cloisters Square Perth WA 6850
	Signature _____ / _____ /20

By Command of the Governor,

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