

CE323*

Travel Agents Act 1985
Criminal Procedure Act 2004

Travel Agents Amendment Regulations 2006

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Travel 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 *Travel Agents Regulations 1986**.

[* Reprinted as at 14 November 2003.

For amendments to 29 May 2006 see *Western Australian Legislation Information Tables for 2005, Table 4, p. 429.*]

4. Regulation 8A replaced

Regulation 8A is repealed and the following regulation is inserted instead —

“

8A. Forms

The forms set out in Schedule 1 are prescribed in relation to the matters specified in those forms.

”

5. Regulation 16 inserted

After regulation 15 the following regulation is inserted —

“

16. Infringement notices

- (1) The offences specified in Schedule 1B 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 1B 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.

”.

6. Schedule 1 amended

- (1) Schedule 1 is amended by deleting “Schedule 1”, “[Regulation 8a]” and “Form of Certificate of Participation of applicant in Compensation Scheme” and inserting instead —

“

Schedule 1 — Forms

[r. 8A]

Form 1 Certificate of Participation of applicant in Compensation Scheme

”.

- (2) At the end of Schedule 1 the following forms are inserted —

“

Form 2 Infringement notice

<i>Travel Agents Act 1985</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>Travel Agents Act 1985</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	<p>It is alleged that you have committed the above offence.</p> <p>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>Travel Agents Act 1985</i>’) to: Approved Officer — <i>Travel Agents Act 1985</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 3 Withdrawal of infringement notice

<i>Travel Agents Act 1985</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>Travel Agents Act 1985 s.</i>	
	Date _____ / _____ /20	Time _____ a.m./p.m.
Officer withdrawing notice	Name _____	
	Signature _____	
	Office _____	
Date	Date of withdrawal _____ / _____ /20	
Withdrawal of infringement notice	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.	
<i>[*delete whichever is not applicable]</i>	* Your refund is enclosed. or	
	* 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>Travel Agents Act 1985</i> Department of Consumer and Employment Protection Locked Bag 14 Cloisters Square Perth WA 6850	
	Signature _____ / _____ /20	

7. **Schedule 1B inserted**

After Schedule 1A the following Schedule is inserted —

“

**Schedule 1B — Prescribed offences and
modified penalties**

[r. 16]

Offences under <i>Travel Agents Act 1985</i>	Modified penalty
s. 9(4) Applicant failing to notify change of particulars	\$200
s. 14(2) Carrying on business as travel agent under unlicensed name	\$1 000
s. 16(1) Failing to notify change of address	\$200
s. 16(2) Failing to notify cessation of business from licensed address	\$200
s. 19(7) Former licensee failing to lodge annual statement ..	\$200
s. 19(8) Licensee failing to notify change of particulars	\$200
s. 22(5) Failure to return cancelled licence	\$200
s. 26 Failing to display particulars at place of business ..	\$200
s. 27 Failing to include name and licence number in advertisement	\$200
s. 28(1) Using business documents not showing licensed name	\$200
s. 29 Failing to employ qualified supervisor	\$200
s. 35 Failing to produce licence for endorsement	\$200
s. 41 Failing to keep records	\$200

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By Command of the Governor,

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