



Western Australia

Consumer Affairs Regulations 1972

Compare between:

[03 Nov 2006, 02-a0-09] and [22 Oct 2016, 02-b0-02]



Western Australia

Reprinted under the
Reprints Act 1984 as
at 3 November 2006

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>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>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 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><i>[*delete whichever is not applicable]</i></p> <p>* Your refund is enclosed.</p> <p>or</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 style="text-align: right;">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) | | |
| <u>These regulations expired on 22 Oct 2016 (see s. 2B of the Act and proclamation published in Gazette 21 Oct 2016 p. 4781)</u> | | |

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