



Western Australia

Fair Trading (Infringement Notices) Regulations 2006

Compare between:

[20 Feb 2007, 00-c0-10] and [22 Oct 2016, 00-d0-00]

Western Australia

Fair Trading Act 1987

Fair Trading (Infringement Notices) Regulations 2006

1. Citation

These regulations are the *Fair Trading (Infringement Notices) Regulations 2006*.

2. Prescribed offences and modified penalties

- (1) The offences specified in Schedule 1 are offences for which an infringement notice may be issued under section 73 of the Act.
- (2) The modified penalty to be specified in an infringement notice issued for an offence is the modified penalty set out for that offence in Schedule 1.

3. Forms

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

Schedule 1 — Prescribed offences and modified penalties

[r. 2]

| Offences under Fair Trading Act 1987 | Modified penalty |
|--|-------------------------|
| s. 12(1), 69 Making a false representation in connection with supply of goods or services | \$2 000 |
| s. 12(2), 69 Making a false representation in connection with disposal of land | \$2 000 |
| s. 12(4), 69 Publishing, or causing to be published, a false representation | \$2 000 |
| s. 14(1), 69 Engaging in misleading conduct in connection with offer of employment | \$2 000 |
| s. 15, 69 Failing to specify cash price when making representations as to partial consideration for goods or services | \$2 000 |
| s. 17, 69 Engaging in misleading conduct as to nature, manufacture, characteristics, suitability or quantity of goods | \$2 000 |
| s. 18, 69 Engaging in misleading conduct as to nature, characteristics, suitability or quantity of services ... | \$2 000 |
| s. 19(2), 69 Failing to supply goods, services or land as advertised | \$2 000 |
| s. 20, 69 Inducing consumer to acquire goods or services by representation that the customer will receive a benefit for supplying names of prospective customers | \$2 000 |
| s. 28(1), 69 Sending unsolicited debit or credit card | \$2 000 |
| s. 28(3), 69 Enabling a person to use a credit card or debit card without written request | \$2 000 |
| s. 29(5) Requesting goods, services or directory entry on behalf of another person without authority | \$200 |
| s. 51(1), 69 Supplying goods that do not comply with product safety standard | \$1 000 |
| s. 51(2), 69 Supplying components that do not comply with product safety standard | \$1 000 |
| s. 52(1), 69 Supplying goods in contravention of a banning order | \$1 000 |
| s. 54(9) Failing to give notice to person outside WA supplied with goods that are recalled | \$500 |

| Offences under Fair Trading Act 1987 | Modified penalty |
|--|-------------------------|
| s. 54(10) Failing to give notice to Commissioner of voluntary recall | \$500 |
| s. 60(1), 69 Supplying goods that do not comply with product information standard | \$1 000 |
| s. 60(2), 69 Supplying components that do not comply with product information standard | \$1 000 |
| s. 61(1), 69 Providing inaccurate information in respect of goods, services or land | \$1 000 |
| s. 65(1), 69 Supplying goods that do not comply with product quality standard | \$1 000 |
| s. 67(1), 69 Supplying goods that do not comply with packaging standard | \$1 000 |

[Schedule 1 amended in Gazette 20 Feb 2007 p. 506.]

Schedule 2 — Forms

[r. 3]

Form 1 — Infringement notice

| | | |
|-----------------------------------|--|-------------------------|
| <i>Fair Trading Act 1987</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>Fair Trading Act 1987 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 21 days after the date of this notice.</p> <p>How to pay</p> <p>By post: Send a cheque or money order (payable to 'Designated Officer — <i>Fair Trading Act 1987</i>') to: Designated Officer — <i>Fair Trading Act 1987</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 21 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 Commissioner for Consumer Protection at the above postal address.</p> <p>If you want this matter to be dealt with by prosecution in court, sign here _____</p> <p>and post this notice to the Commissioner for Consumer Protection at the above postal address within 21 days after the date of this notice.</p> |
|--|---|

[Form 1 amended in Gazette 12 Jan 2007 p. 47.]

Form 2 — Withdrawal of infringement notice

| | | |
|--|---|----------------|
| <i>Fair Trading Act 1987; s.73(7)</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>Fair Trading Act 1987 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. | |
| [*delete whichever is not applicable] | * 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: | |
| | Designated Officer — <i>Fair Trading Act 1987</i> | |
| | Department of Consumer and Employment Protection | |
| | Locked Bag 14 Cloisters Square | |
| | Perth WA 6850 | |
| | Signature | / /20 |

Form 3 — Certificate of authorisation

Fair Trading Act 1987

Certificate of authorisation

This is to certify that

[Full name]

is authorised under the *Fair Trading Act 1987* section 73(10)(a) to issue infringement notices under that Act.

Commissioner for Consumer Protection

Date of authorisation _____

[Form 3 amended in Gazette 12 Jan 2007 p. 47.]

Notes

- ¹ This is a compilation of the *Fair Trading (Infringement Notices) Regulations 2006* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

| Citation | Gazettal | Commencement |
|--|---------------------------|--------------|
| <i>Fair Trading (Infringement Notices) Regulations 2006</i> | 22 Sep 2006 p. 4112-15 | 22 Sep 2006 |
| <i>Fair Trading (Infringement Notices) Amendment Regulations 2006</i> | 12 Jan 2007 p. 47 | 12 Jan 2007 |
| <i>Fair Trading (Infringement Notices) Amendment Regulations 2007</i> | 20 Feb 2007 p. 505-6 | 20 Feb 2007 |
| <u>These regulations expired on 22 Oct 2016 (see s. 3B of the Act and proclamation published in Gazette 21 Oct 2016 p. 4781-2)</u> | | |