



Western Australia

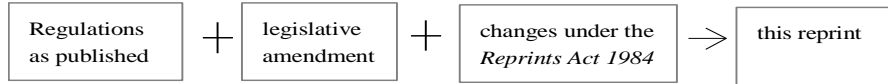
Finance Brokers Control Act 1975

Finance Brokers Control (General) Regulations 1977

Reprint 2: The regulations as at 2 July 2004

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Reprinted under the
Reprints Act 1984 as
at 2 July 2004

Western Australia

Finance Brokers Control (General) Regulations 1977

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Western Australia

Reprinted under the
Reprints Act 1984 as
at 2 July 2004

Finance Brokers Control Act 1975

Finance Brokers Control (General) Regulations 1977

1. Citation

These regulations may be cited as the *Finance Brokers Control (General) Regulations 1977*¹.

2. Interpretation

In these regulations —

“**the Act**” means the *Finance Brokers Control Act 1975*.

3. Common seal

The Common seal of the Board shall be kept in safe custody by the Registrar and shall not be affixed to a document unless —

- (a) the Board has decided at a meeting that the common seal be affixed to the document; and
- (b) it is affixed by the Registrar in the presence of one member of the Board.

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4. Fees

- (1) The fees set forth in the Schedule to these regulations shall be payable in respect of the matters prescribed in that Schedule.
- (2) If a business certificate is renewed after it has expired, a late fee equal to one quarter of the fee specified in item 4 of the Schedule for renewal of the certificate is payable in addition to that fee.

[Regulation 4 amended in Gazette 30 Apr 1996 p. 1861.]

4A. Prescribed periods — sections 31(1) and (2) and 32(1)

The period prescribed under —

- (a) section 31(1) and (2); and
- (b) section 32(1),

of the Act is 3 years.

[Regulation 4A inserted in Gazette 27 Jun 2003 p. 2550.]

4B. Holding fee

- (1) In this regulation —
“**holding fee**” means the fee referred to in section 30(4)(b).
- (2) The holding fee is to be paid within 60 days of the licensee ceasing to hold a current business certificate in respect of the licence, and triennially after that payment.
- (3) The Board may refund to a licensee —
 - (a) two-thirds of the holding fee paid by the licensee if the licensee is granted a business certificate within one year of paying the holding fee; and
 - (b) one-third of the holding fee paid by the licensee if the licensee is granted a business certificate more than one, but less than 2, years after paying a holding fee.

[Regulation 4B inserted in Gazette 30 Apr 1996 p. 1861; amended in Gazette 27 Jun 2003 p. 2550.]

5. Notice of application for licence

- (1) Notice of an application for the grant of a licence to be advertised pursuant to section 24(2) of the Act —
 - (a) shall be in a form approved by the Board; and
 - (b) shall be published by the applicant in a newspaper circulating in the district in which the principal place of the business of the applicant as a finance broker is, or is proposed to be, situated, not more than 14 days after the application is made.
- (2) An applicant for a licence shall prior to the hearing of his application lodge with the Registrar the whole page of the newspaper, in which notice of his application was advertised in accordance with this regulation.

[Regulation 5 amended in Gazette 29 Jul 1988 p. 2563.]

6. Particulars to be included in registers

- (1) In the register of licensees kept by him pursuant to section 84 of the Act the Registrar shall record in respect of each licensee the following particulars —
 - (a) the name of the licensee;
 - (b) the business name under which the licensee carries on business as a finance broker;
 - (c) the address of the registered office of the licensee in the State;
 - (d) if the licensee is a firm — the names of the partners in the firm, the names of the directors of any body corporate that is a partner in the firm and the name of the person in bona fide control of the finance broker's business of the firm;
 - (e) if the licensee is a body corporate — the names of the directors of the body corporate and the name of the person in bona fide control of the finance broker's business of the body corporate;

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- (f) details of any conviction of the licensee for an offence against the Act or these regulations and of any disciplinary action taken against the licensee under the Act;
 - (g) the licence number of the licence issued to the licensee and the date of its issue;
 - (h) any special condition to which the licence is subject;
 - (i) the certificate number of the annual certificate (if any) held by the licensee.
- (2) In the register of holders of annual certificates kept by him pursuant to section 84 of the Act the Registrar shall record in respect of each holder of an annual certificate —
- (a) the name of the holder;
 - (b) the business name under which the holder carries on business as a finance broker;
 - (c) the certificate number of the annual certificate and the date on which it next becomes due for renewal;
 - (d) the licence number of the licence of the holder;
 - (e) the address of the principal place in the State at which the holder carries on business as a finance broker;
 - (f) the address of any branch office in the State at which the holder carries on business as a finance broker and the name and licence number of the licensee managing that branch office;
 - (g) any special condition to which the annual certificate is subject.

7. Notification of changes in particulars

- (1) Within one month after a person ceases to be, or becomes, —
- (a) a director of a body corporate that is a licensee or is a partner in a firm that is a licensee;
 - (b) the person in bona fide control of the finance broker's business of a firm or body corporate that is a licensee,

that licensee shall give to the Registrar notice in writing of that fact.

Penalty: \$100.

- (2) Where the principal place in the State at which the holder of an annual certificate carries on business as a finance broker is changed from one address to another the holder of the certificate shall, within 14 days after the change of address occurs, give to the Registrar notice in writing of the address of the new principal place of business.

Penalty: \$100.

8. Recovery of fees, fines and costs

- (1) The amount of —

- (a) any fees prescribed by these regulations;
- (b) any fine imposed by the Board pursuant to the Act;
- (c) any costs ordered by the Board to be paid to the Registrar upon the determination of any proceedings,

is a debt due to the Crown in right of the State and may be sued for and recovered by the Registrar in any court of competent jurisdiction.

- (2) Where, upon the determination of any proceedings, the Board makes an order for costs in favour of a person other than the Registrar the amount of those costs is a debt due to that person by the person against whom the order is made and may be sued for and recovered by the first-mentioned person in any court of competent jurisdiction.

Schedule

Schedule

[Regulation 4]

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*[Schedule inserted in Gazette 30 Apr 1996 p. 1862; amended in Gazette
27 Jun 2003 p. 2551; 29 Jun 2004 p. 2507-8.]*



Notes

¹ This is a compilation as at 2 Jul 2004 of the *Finance Brokers Control (General) Regulations 1977* 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>Finance Brokers Control (General) Regulations 1977</i>	17 Jun 1977 p. 1834-5	17 Jun 1977
<i>Finance Brokers Control (General) Amendment Regulations 1983</i>	21 Oct 1983 p. 4296	1 Jan 1984 (see r. 2)
<i>Finance Brokers Control (General) Amendment Regulations 1985</i>	21 Jun 1985 p. 2261	21 Jun 1985
<i>Finance Brokers Control (General) Amendment Regulations 1986</i>	13 Jun 1986 p. 1996	1 Jul 1986 (see r. 2)
<i>Finance Brokers Control (General) Amendment Regulations 1987</i>	4 Sep 1987 p. 3518	4 Sep 1987
<i>Finance Brokers Control (General) Amendment Regulations 1988</i>	29 Jul 1988 p. 2563	29 Jul 1988
<i>Finance Brokers Control (General) Amendment Regulations (No. 2) 1988</i>	2 Sep 1988 p. 3465	2 Sep 1988
<i>Finance Brokers Control (General) Amendment Regulations 1989</i>	30 Jun 1989 p. 1970	1 Jul 1989 (see r. 2)
<i>Finance Brokers Control (General) Amendment Regulations 1990</i>	1 Aug 1990 p. 3654	1 Aug 1990
<i>Finance Brokers Control (General) Amendment Regulations 1991</i>	13 Dec 1991 p. 6161-2	13 Dec 1991
<i>Finance Brokers Control (General) Amendment Regulations 1992</i>	14 Aug 1992 p. 4012-13	14 Aug 1992
<i>Finance Brokers Control (General) Amendment Regulations 1993</i>	30 Nov 1993 p. 6409	30 Nov 1993
<i>Finance Brokers Control (General) Amendment Regulations 1996</i>	30 Apr 1996 p. 1860-2	1 May 1996 (see r. 2 and <i>Gazette</i> 30 Apr 1996 p. 1853)
Reprint of the <i>Finance Brokers Control (General) Regulations 1977</i> as at 30 Sep 1997 (includes amendments listed above)		
<i>Finance Brokers Control (General) Amendment Regulation 2003</i>	27 Jun 2003 p. 2550-1	27 Jun 2003

Finance Brokers Control (General) Regulations 1977

Citation	Gazettal	Commencement
<i>Finance Brokers Control (General) Amendment Regulation 2004</i>	29 Jun 2004 p. 2507-8	1 Jul 2004 (see r. 2)
Reprint 2: The Finance Brokers Control (General) Regulations 1977 as at 2 Jul 2004 (includes amendments listed above)		
