

Western Australia

Credit (Administration) Regulations 1985

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Credit (Administration) Regulations 1985

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Notes

Credit (Administration) Regulations 1985

1. Citation

These regulations may be cited as the *Credit (Administration) Regulations 1985*¹.

2. Commencement

These regulations come into operation on 1 March 1985¹.

3. Interpretation

In these regulations unless the context otherwise requires —

“the Act” means the *Credit (Administration) Act 1984*;

“the Credit Act” means the *Credit Act 1984*.

4. Prescribed fees for an application for a licence (s.9)

(1) Subject to this regulation, the prescribed fee payable under section 9(2) in respect of an application for a licence shall be —

(a) where the applicant was the holder of a credit providers licence under the *Hire-Purchase Act 1959* an amount calculated as follows —

$$F = \frac{12 \times A}{1\ 000}$$

where

F means the fee payable; and

A means the relevant amount provided by the applicant under the previous licence as determined by the commissioner,

reduced proportionately for each month of the unexpired period of the previous licence that remains after 30 April 1985;

- (b) where the applicant was not the holder of a licence under the *Hire-Purchase Act 1959* an amount calculated as follows —

$$F = \frac{12 \times A}{1\,000}$$

where

F means the fee payable; and

A means the actual amount of relevant credit provided in Western Australia by the licensee in the previous 12 months,

but, in any event the amount payable shall be not less than \$239 and shall not exceed \$16 292.

- (1a) Where an applicant for a licence carries on or proposes to carry on business as a credit provider —
- (a) as a partner — the fee payable in respect of the application shall be the fee payable under subregulation (1) calculated by reference to the amount of credit provided by the partnership and divided by the number of partners in the partnership at the time of the application and, where the applicant is a partner in more than one partnership, the sum of those amounts;
- (b) on his own account and as a partner — the fee payable in respect of the application shall be the sum of the amounts payable under subregulation (1) and paragraph (a).
- (1b) Where the applicant is one of the trustees of a trust the provisions of subregulation (1a) apply as though the applicant were a partner and the other trustees were partners.
- (2) In subregulation (1) —

“**previous licence**” means the licence issued to the applicant under the *Hire-Purchase Act 1959* and in force immediately prior to 30 April 1985;

“**relevant amount**” means the sum of the average monthly amounts of credit under the *Hire-Purchase Act 1959* in the period of 12 months ending on 30 April 1985 to which the Credit Act would have applied had that Act been in force at that time.

[Regulation 4 (erratum in Gazette 3 May 1985 p.1586); amended in Gazette 31 May 1985 p.1903; 21 June 1985 p.2260; 13 June 1986 p.1996; 4 September 1987 p.3517; 29 July 1988 p.2563; 30 June 1989 p.1974; 1 August 1990 p.3651; 13 December 1991 p.6158; 14 August 1992 p.4022; 30 November 1993 pp.6408-09.]

5. Duplicate licence (s.16(2))

The prescribed fee for the issue of a duplicate licence under section 16(2) of the Act is \$21.

[Regulation 5 amended in Gazette 4 September 1987 p.3517; 29 July 1988 p.2563; 30 June 1989 p.1974; 30 November 1993 p.6409.]

6. Inspection fees (s.19)

- (1) The fee for an inspection of the Register of Licensed Credit Providers is \$10.
- (2) The fee for a copy (certified or uncertified) or an extract of an individual registration in the Register of Licensed Credit Providers is \$10 for the first page and \$2 for each subsequent page.
- (3) The fee for a copy (certified or uncertified) or an extract of all registrations in the Register of Licensed Credit Providers is \$122.

s. 7

*[Regulation 6 inserted in Gazette 1 August 1990 p.3651;
amended in Gazette 13 December 1991 p.6158; 14 August 1992
p.4023; 30 November 1993 p.6409.]*

7. Licence fee (s.21(1))

- (1) Subject to this regulation, the prescribed fee payable for a licence under section 21(1) of the Act is an amount calculated as follows —

$$F = \frac{12 \times A}{1\,000}$$

where

F means the fee payable; and

A means the average amount of credit as determined by the Commissioner provided by the credit provider under transactions to which the Credit Act applied or applies in each of the 12 months of the period ending on the anniversary of the grant of the licence to the licensee,

but in any event the amount payable shall be not less than \$239 and shall not exceed \$16 292.

- (2) Where a licensee carries on business —
- (a) as a partner — the fee payable under section 21(1) of the Act shall be the fee payable under subregulation (1) calculated by reference to the amount of credit provided by the partnership and divided by the number of partners in the partnership at the time that the fee is payable and, where the licensee is a partner in more than one partnership, the sum of those amounts;
 - (b) on his own account and as a partner — the fee payable under section 21(1) of the Act shall be the sum of the amounts payable under subregulation (1) and paragraph (a).

- (3) Where a licensee is one of the trustees of a trust the provisions of subregulation (2) apply as though the licensee were a partner and the other trustees were partners.

[Regulation 7 amended in Gazette 21 Jun 1985 p. 2261; 13 Jun 1986 p. 1996; 4 Sep 1987 p. 3517; 29 Jul 1988 p. 2563; 30 Jun 1989 p. 1974; 1 Aug 1990 p. 3651; 13 Dec 1991 p. 6158; 14 Aug 1992 p. 4023; 28 Jun 2005 p. 2902.]

7A. Late fee under s.21(5)

The late fee payable under section 21(5) of the Act shall be calculated as 10% of the licence fee with a minimum of \$50.

[Regulation 7A inserted in Gazette 29 July 1988 p.2563.]

8. Prescribed officer (s.49(1)(b))

For the purposes of section 49(1)(b) of the Act —

- (a) the Commissioner for Consumer Affairs of the Public Service of the State; and
- (b) the Commissioner of Police,

are prescribed officers.

[Regulation 8 inserted in Gazette 10 October 1986 p.3875.]

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Notes

- ^{1.} This reprint is a compilation of the *Credit (Administration) Regulations 1985* and includes the amendments referred to in the following Table.

Compilation table

Citation	Gazettal	Commencement
<i>Credit (Administration) Regulations 1985</i>	22 Feb 1985 p. 699-700	1 Mar 1985 (see r. 2)
<i>Credit (Administration) Amendment Regulations 1985</i>	31 May 1985 p. 1903	31 May 1985
<i>Credit (Administration) Amendment Regulations (No. 2) 1985</i>	21 Jun 1985 p. 2260	21 Jun 1985
<i>Credit (Administration) Amendment Regulations 1986</i>	13 Jun 1986 p. 1996	1 Jul 1986 (see r. 2)
<i>Credit (Administration) Amendment Regulations (No. 2) 1986</i>	10 Oct 1986 p. 3875	10 Oct 1986
<i>Credit (Administration) Amendment Regulations 1987</i>	4 Sep 1987 p. 3517	4 Sep 1987
<i>Credit (Administration) Amendment Regulations 1988</i>	29 Jul 1988 p. 2563	29 Jul 1988
<i>Credit (Administration) Amendment Regulations 1989</i>	30 Jun 1989 p. 1974	1 Jul 1989 (see r. 2)
<i>Credit (Administration) Amendment Regulations 1990</i>	1 Aug 1990 p. 3651	1 Aug 1990
<i>Credit (Administration) Amendment Regulations 1991</i>	13 Dec 1991 p. 6158	13 Dec 1991
<i>Credit (Administration) Amendment Regulations 1992</i>	14 Aug 1992 p. 4022-3	14 Aug 1992
<i>Credit (Administration) Amendment Regulations 1993</i>	30 Nov 1993 p. 6408-9	30 Nov 1993
<i>Credit (Administration) Amendment Regulations 2005</i>	28 Jun 2005 p. 2902	1 Jul 2005 (see r. 2)