

Western Australia

Door to Door Trading Regulations 1987

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Door to Door Trading Regulations 1987

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Door to Door Trading Regulations 1987

1. Citation

These regulations may be cited as the *Door to Door Trading Regulations 1987*¹.

2. Commencement

These regulations shall come into operation on the day on which the *Door to Door Trading Act 1987* comes into operation¹.

2A. Contracts to which Act does not apply

(1) The Act does not apply to an electricity supply contract or a gas supply contract.

(2) In subregulation (1) —

“electricity supply contract” means —

(a) a standard form contract; or

(b) a non-standard contract,

as defined in section 47 of the *Electricity Industry Act 2004*;

“gas supply contract” means —

(a) a standard form contract; or

(b) a non-standard contract,

as defined in section 11WB of the *Energy Coordination Act 1994*.

[Regulation 2A inserted in Gazette 23 Dec 2005 p. 6245-6.]

3. Certain contracts declared not to be prescribed contracts

A contract for the supply of goods or services by a benevolent organization formed for the relief of poverty or the advancement of religion or otherwise involved in charitable activities in the community is declared under section 6(3)(c) of the Act not to be a prescribed contract.

4. Size of printing or typewriting for the purposes of section 7(1)(i) of the Act

The printing or typewriting of the contract and the notices referred to in section 7(1)(i) of the Act shall be of a size not smaller than 10 point type.

[Regulation 4 amended in Gazette 12 Aug 1988 p. 2772.]

5. Forms 1 and 2 prescribed for the purposes of section 7(1)(g) of the Act

- (1) A notice to be given to a consumer under section 7(1)(g)(i) of the Act explaining the right of the consumer to rescind the contract shall be in the form of Form 1.
- (2) A notice that may be used by a consumer to rescind the contract to be given to a consumer under section 7(1)(g)(ii) of the Act shall be in the form of Form 2.

6. Services excluded from application of section 8(2) of the Act

Where it is not practicable by the nature of a service to delay its supply, that service is, under section 8(3) of the Act, excluded from the application of section 8(2) of the Act.

[7. Omitted under the Reprints Act 1984 s. 7(4)(f).]

Schedule

Form 1

[Regulation 5]

Western Australia

DOOR TO DOOR TRADING ACT 1987

DOOR TO DOOR TRADING REGULATIONS 1987

**STATEMENT REQUIRED TO BE GIVEN BY THE DEALER TO
THE CONSUMER AT OR IMMEDIATELY BEFORE
THE MAKING OF THE CONTRACT**

To
(Insert name of consumer)

You are entitled to rescind the contract made by you on
20..... to
(Insert a concise description of the goods or a concise

.....
description of the services to be supplied)

by giving to
(Insert full name of supplier)

notice in or to the effect of the form attached to this statement addressed to the
following address
(Insert full postal address of place of business of the supplier
of the goods or services)

.....
at any time within the 10-day cooling-off period. The 10-day cooling-off period
commences on the day on which the contract was made.

You are not entitled to terminate the contract within the 10-day cooling-off
period if the contract was made as the result of an unsolicited request by you to
the dealer or supplier to attend at the place where the contract was made.

You are also entitled to rescind the contract within 6 months of the date of the
contract if there has been a breach of section 5, section 7 or Part III of the *Door
to Door Trading Act 1987*.

Form 2

Form 2

[Regulation 5]

Western Australia

DOOR TO DOOR TRADING ACT 1987

DOOR TO DOOR TRADING REGULATIONS 1987

NOTICE TO RESCIND CONTRACT

To
(Insert name and address of supplier)

I rescind the contract made by me on 20.....to
.....
(Insert a concise description of the goods or services which were
to be supplied)

I am exercising my right to rescind the contract —

* (a) before the expiration of the 10-day cooling-off period;

* (b) because
(Insert a concise statement of the reason for rescission)

.....
which is contrary to *section 5 /*section 7 /*Part III of the
Door to Door Trading Act 1987.

I require that you repay forthwith all money due to me under or with respect to
that contract.

Dated

Signed
(Consumer's signature)

* Strike out whichever is not applicable.

INSTRUCTIONS

This notice must be given by delivering it personally to the supplier or sending it by post in an envelope addressed to the supplier —

- (a) within 10 days of the date on which the contract was made in the case of a rescission made before the expiration of the cooling-off period; or
- (b) within 6 months of the date on which the contract was made in the case of a rescission for a contravention of, or failure to comply with, section 5, section 7, or Part III of the *Door to Door Trading Act 1987*.

Notes

¹ This is a compilation of the *Door to Door Trading Regulations 1987* 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>Door to Door Trading Regulations 1987</i> | 24 Jul 1987 p. 2850-1 | 1 Sep 1987 (see r. 2 and <i>Gazette</i> 24 Jul 1987 p. 2813) |
| <i>Door to Door Trading Amendment Regulations 1988</i> | 12 Aug 1988 p. 2772 | 12 Aug 1988 |
| Reprint 1: The Door to Door Trading Regulations 1987 as at 13 Feb 2004 (includes amendments listed above) | | |
| <i>Door to Door Trading Amendment Regulations 2004</i> | 13 Aug 2004 p. 3249-50 | 13 Aug 2004 (see r. 2) |
| <i>Door to Door Trading Amendment Regulations 2005</i> ² | 23 Dec 2005 p. 6245-6 | 1 Jan 2006 (see r. 2) |

² The *Door to Door Trading Amendment Regulations 2005* r. 4(2) reads as follows:

“

- (2) Despite the amendment effected by subregulation (1), the Act applies to a non-standard contract, as defined in section 47 of the *Electricity Industry Act 2004*, entered into in the period beginning on 1 January 2006 and ending on 30 March 2006.

”.