

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*<sup>1</sup>.

### 2. Commencement

These regulations shall come into operation on the day on which the *Door to Door Trading Act 1987* comes into operation<sup>1</sup>.

### 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**

The Forms set out in Schedule 1 are prescribed in relation to the matters specified in those forms.

*[Regulation 5 inserted in Gazette 22 Sep 2006 p. 4105.]*

**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. Infringement notices**

- (1) The offences specified in Schedule 2 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 2 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.
- (5) In this regulation —  
    **“Commissioner”** has the same meaning as it has in the  
    *Consumer Affairs Act 1971*.  
    [Regulation 7 inserted in Gazette 22 Sep 2006 p. 4105-6.]

**Schedule 1 — Forms**

[r. 5]

*[Heading inserted in Gazette 22 Sep 2006 p. 4106.]*

**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**

[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*.

**Form 3**

<i>Door to Door Trading Act 1987</i>		Infringement notice no.
<b>Infringement notice</b>		
<b>Alleged offender</b>	Name: Family name _____	
	Given names _____	
	or Company name _____	
	ACN _____	
Address _____		Postcode _____
<b>Alleged offence</b>	Description of offence _____	
	<i>Door to Door Trading Act 1987</i> s. _____	
	Date _____ / _____ /20	Time _____ a.m./p.m.
	Modified penalty \$ _____	
<b>Officer issuing notice</b>	Name _____	
	Signature _____	
	Office _____	
<b>Date</b>	Date of notice _____ / _____ /20	
<b>Notice to alleged offender</b>	<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><b>How to pay</b>  <b>By post:</b> Send a cheque or money order (payable to 'Approved Officer — <i>Door to Door Trading Act 1987</i>') to:          Approved Officer — <i>Door to Door Trading Act 1987</i>          Department of Consumer and Employment Protection</p>	

	<p>Locked Bag 14 Cloisters Square Perth WA 6850</p> <p><b>In person:</b> Pay the cashier at: Department of Consumer and Employment Protection 219 St George's Terrace, Perth WA</p> <p><b>If you do not pay</b> 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><b>If you need more time</b> 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><b>If you want this matter to be dealt with by prosecution in court</b>, 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>
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[Form 3 inserted in Gazette 22 Sep 2006 p. 4106-7.]

**Form 4**

<i>Door to Door Trading Act 1987</i>		Withdrawal no.	
<b>Withdrawal of infringement notice</b>			
<b>Alleged offender</b>	Name: Family name _____		
	Given names _____		
	or Company name _____		
	ACN _____		
Address _____		Postcode _____	
<b>Infringement notice</b>	Infringement notice no. _____		
	Date of issue / /20		
<b>Alleged offence</b>	Description of offence _____		
	<i>Door to Door Trading Act 1987 s.</i> _____		
	Date / /20	Time	a.m./p.m.
<b>Officer withdrawing notice</b>	Name _____		
	Signature _____		
	Office _____		
<b>Date</b>	Date of withdrawal / /20		
<b>Withdrawal of infringement notice</b>	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.		

**Door to Door Trading Regulations 1987**

**Schedule 1      Forms**

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<p><i>[*delete whichever is not applicable]</i></p>	<p>* Your refund is enclosed. <i>or</i> * If you have paid the modified penalty but a refund is not enclosed, to claim your refund sign this notice and post it to: Approved Officer — <i>Door to Door Trading Act 1987</i> Department of Consumer and Employment Protection Locked Bag 14 Cloisters Square Perth WA 6850</p> <p>Signature _____ / _____ /20</p>
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*[Form 4 inserted in Gazette 22 Sep 2006 p. 4107.]*

**Schedule 2 — Prescribed offences and modified penalties**

[r. 7]

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<b>Offences under <i>Door to Door Trading Act 1987</i></b>	<b>Modified penalty</b>
s. 5      Entering into contract containing prohibited provision .....	\$200
s. 7      Entering into contract not containing required provisions or not complying with requirements as to form .....	\$200
s. 7(1)(d)      Failing to give consumer copy of contract .....	\$200
s. 7(1)(h)      Failing to give consumer notice of rights .....	\$200
s. 8(1)      Accepting money during cooling off period .....	\$200
s. 8(2)      Supplying services during cooling off period .....	\$200
s. 9      Calling on a person outside permitted hours .....	\$200
s. 10      Failing to leave when requested .....	\$200
s. 11      Failing to make known purpose of call or to produce identity card .....	\$100

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*[Schedule 2 inserted in Gazette 22 Sep 2006 p. 4108.]*

**Notes**

<sup>1</sup> 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**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<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
<b>Reprint 1: The Door to Door Trading Regulations 1987 as at 13 Feb 2004</b> (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> <sup>2</sup>	23 Dec 2005 p. 6245-6	1 Jan 2006 (see r. 2)
<i>Door to Door Trading Amendment Regulations 2006</i>	22 Sep 2006 p. 4105-8	22 Sep 2006 (see r. 2(a))

<sup>2</sup> 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.

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