

CE305*

Consumer Affairs Act 1971
Criminal Procedure Act 2004

Consumer Affairs Amendment Regulations 2006

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Consumer Affairs Amendment Regulations 2006*.

2. Commencement

These regulations come into operation on the later of —

- (a) the day on which they are published in the *Gazette*; and
- (b) the day on which the *Criminal Procedure Amendment Regulations (No. 2) 2006* come into operation.

3. The regulations amended

The amendments in these regulations are to the *Consumer Affairs Act Regulations**.

[* Reprint 1 as at 20 August 2004.]

4. Regulation 1 amended

Regulation 1 is amended by deleting “*Act Regulations.*” and inserting instead —

“ *Regulations 1972.* ”.

5. Regulations 2 and 3 replaced

Regulations 2 and 3 are repealed and the following regulations are inserted instead —

“

2. Infringement notices

- (1) The offences specified in Schedule 1 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 1 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.

3. Forms

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

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6. Regulation 5 amended

Regulation 5(1)(d)(iii) is amended by deleting “*Bureau;*” and inserting instead —

“ *Department;* ”.

7. Schedules 1 and 2 inserted

After regulation 5 the following Schedules are inserted —

“

Schedule 1 — Prescribed offences and modified penalties

[r. 2]

Offences under <i>Consumer Affairs Act 1971</i>		Modified penalty
s. 21(1)	Failing to supply information, answer question or produce document	\$200
s. 23S	Supplying goods in contravention of order	\$1 000
s. 23V(1), 23W	Supplying goods that do not comply with prescribed safety requirements	\$1 000
s. 23V(2), 23W	Supplying components that do not comply with prescribed safety requirements	\$1 000

Schedule 2 — Forms

[r. 3]

Form 1 — Infringement notice

<i>Consumer Affairs Act 1971</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>Consumer Affairs Act 1971</i> s. _____	
	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 28 days after the date of this notice.</p> <p>How to pay</p> <p>By post: Send a cheque or money order (payable to ‘Approved Officer — <i>Consumer Affairs Act 1971</i>’) to: Approved Officer — <i>Consumer Affairs Act 1971</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 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>If you need more time 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>If you want this matter to be dealt with by prosecution in court, 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 2 — Withdrawal of infringement notice

<i>Consumer Affairs Act 1971</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>Consumer Affairs Act 1971 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.	
<i>[*delete whichever is not applicable]</i>	<p>* Your refund is enclosed.</p> <p>or</p> <p>* 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>Consumer Affairs Act 1971</i> Department of Consumer and Employment Protection Locked Bag 14 Cloisters Square Perth WA 6850</p>	
	Signature _____	/ /20

By Command of the Governor,

G. M. PIKE, Clerk of the Executive Council.