

CE306*

Consumer Credit (Western Australia) Act 1996
Criminal Procedure Act 2004

Consumer Credit (Western Australia) (Infringement Notices) Regulations 2006

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Consumer Credit (Western Australia) (Infringement Notices) 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. Interpretation

In these regulations —

“**Commissioner**” has the same meaning as it has in the *Consumer Affairs Act 1971*.

4. Prescribed offences and modified penalties

- (1) The offences specified in Schedule 1 are offences for which an infringement notice may be issued under the *Criminal Procedure Act 2004* Part 2.
- (2) The modified penalty specified opposite an offence in Schedule 1 is the modified penalty for that offence for the purposes of the *Criminal Procedure Act 2004* section 5(3).

5. Authorised officers and approved officers

- (1) The Commissioner may, in writing, appoint persons or classes of persons to be authorised officers or approved officers for the purposes the *Criminal Procedure Act 2004* Part 2.
- (2) 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.

6. Forms

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

Schedule 1 — Prescribed offences and modified penalties

[r. 4]

Offences under Consumer Credit (Western Australia) Code	Modified penalty
s. 18(1), 20(b) Failing to give debtor a copy of contract as presented to debtor for signature	\$2 000
s. 18(2), 20(b) Failing to give debtor a copy of executed contract	\$2 000
s. 20(a) Entering into credit contract that contravenes Part 2 Division 2	\$2 000
s. 34(1) Failing to provide statement of balances and amounts owing on request	\$2 000
s. 76 Failing to give statement of pay out figure on request	\$1 000
s. 140(1) Publishing non-complying advertisement	\$2 000
s. 153(1) Failing to give copy of lease and prescribed statement to lessee	\$1 000

Schedule 2 — Forms

[r. 6]

Form 1 — Infringement notice

<i>Consumer Credit (Western Australia) Act 1996</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 Credit (Western Australia) Code s.</i>	
	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.</p> <p>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 Credit (Western Australia) Act 1996</i>’) to:</p> <p style="padding-left: 40px;">Approved Officer — <i>Consumer Credit (Western Australia) Act 1996</i> Department of Consumer and Employment Protection Locked Bag 14 Cloisters Square Perth WA 6850</p> <p>In person: Pay the cashier at:</p> <p style="padding-left: 40px;">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 Credit (Western Australia) Act 1996</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 Credit (Western Australia) Code s.</i>		
	Date	/	/20 Time a.m./p.m.
Officer withdrawing notice	Name _____		
	Signature _____		
	Office _____		
Date	Date of withdrawal / /20		

<p>Withdrawal of infringement notice</p> <p><i>[*delete whichever is not applicable]</i></p>	<p>The above infringement notice issued against you has been withdrawn.</p> <p>If you have already paid the modified penalty for the alleged offence you are entitled to a refund.</p> <p>* Your refund is enclosed.</p> <p><i>or</i></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:</p> <p style="padding-left: 40px;">Approved Officer — <i>Consumer Credit (Western Australia) Act 1996</i></p> <p style="padding-left: 40px;">Department of Consumer and Employment Protection</p> <p style="padding-left: 40px;">Locked Bag 14 Cloisters Square</p> <p style="padding-left: 40px;">Perth WA 6850</p> <p>Signature _____ / _____ /20</p>
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By Command of the Governor,

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