

CE308*

Credit (Administration) Act 1984
Criminal Procedure Act 2004

Credit (Administration) Amendment Regulations 2006

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Credit (Administration) 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 *Credit (Administration) Regulations 1985**.

[* Reprinted as at 16 July 1999.

For amendments to 26 May 2006 see *Western Australian Legislation Information Tables for 2005, Table 4, p. 79.*]

4. Regulations 9 and 10 and Schedules 1 and 2 inserted

After regulation 8 the following regulations and Schedules are inserted —

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9. 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.

10. 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. 9]

Offences under <i>Credit (Administration) Act 1984</i>		Modified penalty
s. 6(1)	Unlicensed person carrying on business of providing credit	\$2 000
s. 6(2)	Unlicensed person holding out as carrying on business of providing credit	\$1 000

Offences under <i>Credit (Administration) Act 1984</i>		Modified penalty
s. 14(2)	Carrying on, or holding out as carrying on, business of providing credit under unauthorised name	\$1 000
s. 15	Carrying on business of providing credit in partnership with unlicensed person	\$1 000
s. 17(1)	Failing to notify change of address	\$200
s. 17(2)	Failing to notify cessation of business at specified address	\$200
s. 26	Failing to produce licence for endorsement	\$200

Schedule 2 — Forms

[r. 10]

Form 1 — Infringement notice

<i>Credit (Administration) Act 1984</i>		Infringement notice no.
Infringement notice		
Alleged offender	Name: Family name	
	Given names	
	or Company name _____	
	ACN _____	
Alleged offence	Address _____	
	Postcode _____	
	Description of offence _____	

Officer issuing notice	<i>Credit (Administration) Act 1984 s.</i>	
	Date / /20	Time a.m./p.m.
	Modified penalty \$	
	Name	
Date	Signature	
	Office	
Notice to alleged offender	Date of notice / /20	
<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>Credit (Administration) Act 1984</i>') to: Approved Officer — <i>Credit (Administration) Act 1984</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 _____</p> <p>and post this notice to the Approved Officer at the above postal address within 28 days after the date of this notice.</p>		

Form 2 — Withdrawal of infringement notice

<i>Credit (Administration) Act 1984</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>Credit (Administration) Act 1984 s.</i> _____	
	Date ____ / ____ /20	Time ____ a.m./p.m.
Officer withdrawing notice	Name _____	
	Signature _____	
	Office _____	
Date	Date of withdrawal ____ / ____ /20	
Withdrawal of infringement notice	<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>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:</p> <p style="text-align: center;">Approved Officer — <i>Credit (Administration) Act 1984</i> Department of Consumer and Employment Protection Locked Bag 14 Cloisters Square Perth WA 6850</p>	
<i>[*delete whichever is not applicable]</i>	Signature _____ / ____ /20	

By Command of the Governor,

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