

CE309*

Credit Act 1984
Criminal Procedure Act 2004

Credit Amendment Regulations 2006

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Credit 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 Regulations 1985**.

[* Reprinted as at 28 July 2000.

For amendments to 26 May 2000 see *Western Australian Legislation Information Tables for 2005, Table 4, p. 80.*]

4. Regulation 29 inserted

After regulation 28 the following regulation is inserted —

“

29. Infringement notices

- (1) The offences specified in Schedule 8 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 8 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) For the purposes of the *Criminal Procedure Act 2004* —
 - (a) Form 12 is the prescribed form of infringement notice; and
 - (b) Form 13 is the prescribed form of withdrawal of infringement notice.

”.

5. Schedule 1 amended

Schedule 1 is amended after Form 11 by inserting the following forms —

“

Form 12

[r. 29(5)(a)]

<i>Credit Act 1984</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>Credit Act 1984</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>Credit Act 1984</i>’) to: Approved Officer — <i>Credit 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 _____ and post this notice to the Approved Officer at the above postal address within 28 days after the date of this notice.</p>	

Form 13

[r. 29(5)(b)]

<i>Credit 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 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	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. * Your refund is enclosed.	
<i>[*delete whichever is not applicable]</i>	or * 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>Credit Act 1984</i> Department of Consumer and Employment Protection Locked Bag 14 Cloisters Square Perth WA 6850	
	Signature _____	/ /20

6. Schedule 8 inserted

After Schedule 7 the following Schedule is inserted —

“

Schedule 8 — Prescribed offences and modified penalties

[r. 29]

Offences under <i>Credit Act 1984</i>		Modified penalty
s. 32(1)	Providing offer for signature without prescribed notice	\$400
s. 32(2)	Giving offer to provide credit without prescribed notice	\$400
s. 32(3)	Failing to provide certified copy of offer to credit provider	\$200
s. 32(4)	Failing to provide certified copy of offer to provide credit	\$200
s. 33(1)	Failing to provide copy of accepted offer	\$400
s. 34(1)	Failing to give prescribed statement to debtor under credit sale contract or loan contract	\$400

Offences under <i>Credit Act 1984</i>		Modified penalty
s. 43	Entering into a credit sales contract or loan contract that does not comply with Part III Division 1	\$200
s. 44(2)	Entering into contract with minimum credit charge in excess of specified amount	\$400
s. 58	Failing to give prescribed statement to debtor under continuing credit contract	\$400
s. 59(1)	Failing to give notice of terms to debtor under continuing credit contract	\$200
s. 75(3)	Entering into agreement for debtor to pay unauthorised fees	\$400
s. 76(2)	Entering into contract requiring debtor to pay unreasonable enforcement expenses	\$400
s. 77(2)	Entering into agreement to remove, restrict or modify right to revoke offer	\$400
s. 130(2)(a)	Failing to provide copy of insurance contract	\$200

By Command of the Governor,

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