

CE311*

Door to Door Trading Act 1987
Criminal Procedure Act 2004

Door to Door Trading Amendment Regulations 2006

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Door to Door Trading 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 *Door to Door Trading Regulations 1987**.

[* *Reprint 1 as at 13 February 2004*.

For amendments to 26 May 2006 see Western Australian Legislation Information Tables for 2005, Table 4, p. 93.]

4. Regulation 5 replaced

Regulation 5 is repealed and the following regulation is inserted instead —

“

5. Forms

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

”.

5. Regulation 7 replaced

Regulation 7 is repealed and the following regulation is inserted instead —

“

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*.

”.

6. Schedule heading inserted

Before Form 1 the following heading is inserted —

“

Schedule 1 — Forms

[r. 5]

”.

7. Forms 3 and 4 and Schedule 2 inserted

After Form 2 the following forms and Schedule are inserted —

“

Form 3

<i>Door to Door Trading Act 1987</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>Door to Door Trading Act 1987 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>Door to Door Trading Act 1987</i>’) 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>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 4

<i>Door to Door Trading Act 1987</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>Door to Door Trading Act 1987</i> s. _____		
	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.		
[*delete whichever is not applicable]	* Your refund is enclosed.		
	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>Door to Door Trading Act 1987</i> Department of Consumer and Employment Protection Locked Bag 14 Cloisters Square Perth WA 6850		
	Signature _____	/	/20

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

[r. 7]

Offences under <i>Door to Door Trading Act 1987</i>		Modified penalty
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

By Command of the Governor,

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