

CE323\*

Travel Agents Act 1985  
Criminal Procedure Act 2004

## Travel Agents Amendment Regulations 2006

Made by the Governor in Executive Council.

### 1. Citation

These regulations are the *Travel Agents 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 *Travel Agents Regulations 1986*\*.

[\* Reprinted as at 14 November 2003.  
For amendments to 29 May 2006 see *Western Australian Legislation Information Tables for 2005*, Table 4, p. 429.]

### 4. Regulation 8A replaced

Regulation 8A is repealed and the following regulation is inserted instead —

“

#### 8A. Forms

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

”

### 5. Regulation 16 inserted

After regulation 15 the following regulation is inserted —

“

#### 16. Infringement notices

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

”.

## 6. Schedule 1 amended

- (1) Schedule 1 is amended by deleting “Schedule 1”, “[Regulation 8a]” and “Form of Certificate of Participation of applicant in Compensation Scheme” and inserting instead —

“

### Schedule 1 — Forms

[r. 8A]

#### Form 1 Certificate of Participation of applicant in Compensation Scheme

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- (2) At the end of Schedule 1 the following forms are inserted —

“

#### Form 2 Infringement notice

<i>Travel Agents Act 1985</i>		Infringement notice no.
<b>Infringement notice</b>		
<b>Alleged offender</b>	Name: Family name _____	
	Given names _____	
	or Company name _____ ACN _____	
	Address _____ Postcode _____	
<b>Alleged offence</b>	Description of offence _____	
	<i>Travel Agents Act 1985 s.</i> _____	
	Date _____ / _____ /20	Time _____ a.m./p.m.
	Modified penalty \$ _____	
<b>Officer issuing notice</b>	Name _____	
	Signature _____	
	Office _____	
<b>Date</b>	Date of notice _____ / _____ /20	

<b>Notice to alleged offender</b>	<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><b>How to pay</b></p> <p><b>By post:</b> Send a cheque or money order (payable to 'Approved Officer — <i>Travel Agents Act 1985</i>') to:</p> <p style="padding-left: 40px;">Approved Officer — <i>Travel Agents Act 1985</i>          Department of Consumer and Employment Protection          Locked Bag 14 Cloisters Square          Perth WA 6850</p> <p><b>In person:</b> 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><b>If you do not pay</b> 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><b>If you need more time</b> 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><b>If you want this matter to be dealt with by prosecution in court</b>, 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 3 Withdrawal of infringement notice**

<i>Travel Agents Act 1985</i>		Withdrawal no.
<b>Withdrawal of infringement notice</b>		
<b>Alleged offender</b>	Name: Family name _____	
	Given names _____	
	or Company name _____ ACN _____	
	Address _____ Postcode _____	
<b>Infringement notice</b>	Infringement notice no. _____	
	Date of issue _____ / _____ /20	
<b>Alleged offence</b>	Description of offence _____	
	<i>Travel Agents Act 1985</i> s. _____	
	Date _____ / _____ /20 Time _____ a.m./p.m.	
<b>Officer withdrawing notice</b>	Name _____	
	Signature _____	
	Office _____	
<b>Date</b>	Date of withdrawal _____ / _____ /20	
<b>Withdrawal of infringement notice</b>	<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>	
<i>[*delete whichever is not applicable]</i>	<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>Travel Agents Act 1985</i>          Department of Consumer and Employment Protection          Locked Bag 14 Cloisters Square          Perth WA 6850</p> <p>Signature _____ / _____ /20</p>	

**7. Schedule 1B inserted**

After Schedule 1A the following Schedule is inserted —

“

**Schedule 1B — Prescribed offences and  
modified penalties**

[r. 16]

<b>Offences under <i>Travel Agents Act 1985</i></b>		<b>Modified penalty</b>
s. 9(4)	Applicant failing to notify change of particulars ....	\$200
s. 14(2)	Carrying on business as travel agent under unlicensed name .....	\$1 000
s. 16(1)	Failing to notify change of address .....	\$200
s. 16(2)	Failing to notify cessation of business from licensed address .....	\$200
s. 19(7)	Former licensee failing to lodge annual statement ..	\$200
s. 19(8)	Licensee failing to notify change of particulars .....	\$200
s. 22(5)	Failure to return cancelled licence .....	\$200
s. 26	Failing to display particulars at place of business ..	\$200
s. 27	Failing to include name and licence number in advertisement .....	\$200
s. 28(1)	Using business documents not showing licensed name .....	\$200
s. 29	Failing to employ qualified supervisor .....	\$200
s. 35	Failing to produce licence for endorsement .....	\$200
s. 41	Failing to keep records .....	\$200

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By Command of the Governor,

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