



P00422671

ASIC

Australian Securities & Investments Commission

National Consumer Credit Protections Regulations 2010

Infringement notice

Section 331 of the Act
Paragraph 40(a) of the Regulations

Date of issue: 14 September 2012

Unique identification code: 33505/12D

TO: Graham Claude Rendell
39 Shreeve Road
Canning Vale
Western Australia

1. I, David McGuinness, give this infringement notice under regulation 39 of the *National Consumer Credit Protection Regulations 2010* (Cth) (**the Regulations**).
2. I have reasonable grounds to believe that you have committed the following offence:

On 15 December 2011 at Gosnells, Perth as a holder of an Australian Credit Licence pursuant to section 35 of the *National Consumer Protection Act 2009* (**the Act**), you engaged in conduct contrary to subsection 50(2) of the *National Credit Code* (**the Code**), namely entering into a credit contract with Gavin James Western and Debra Anne Froome which created a prohibited mortgage over essential household goods of a type prescribed under the Regulations.

Penalty under this notice

3. The penalty for the alleged offence under this notice is \$1,100 for an individual or \$5,500 for a body corporate.

The applicable penalty in this notice is **\$1,100**.

This penalty can be paid by (**see attached invoice for payment options**).

4. If you pay the penalty stated in this notice within the time for payment mentioned below then (unless this notice is subsequently withdrawn and any penalty paid refunded):
 - (a) any liability you have for the commission of the alleged offence will be discharged; and
 - (b) you will not be prosecuted for the alleged offence; and

- (c) you will not be taken to have admitted guilt in respect of the alleged offence;
and
- (d) you will not be taken to have been convicted of the alleged offence.

Consequences of failure to pay penalty under this notice

- 5. If you do not pay the penalty specified in this notice within the time for payment mentioned below, you may be prosecuted for the alleged offence.
- 6. The maximum penalty that a court may impose for this offence is 50 penalty units for an individual and 300 penalty units for a body corporate.

Time for payment

- 7. The time for payment is:
 - (a) within 28 days after the day on which the notice is given to you; or
 - (b) if you apply for a further period of time in which to pay the penalty, and the application is granted — within the further period allowed; or
 - (c) if you apply for a further period of time in which to pay the penalty, and the application is refused or is taken to have been refused — within the later of:
 - (i) 7 days after:
 - (A) the day you receive the notice of refusal; or
 - (B) the application is taken to have been refused; and
 - (ii) 28 days after the day on which the infringement notice was given to you;
or
 - (d) if you apply for permission to pay the penalty by instalments, and the permission is granted — in accordance with the permission; or
 - (e) if you apply for permission to pay the penalty by instalments, and the permission is refused or is taken to have been refused — within the later of:
 - (i) 7 days after:
 - (A) the day you receive the notice of refusal; or
 - (B) the application is taken to have been refused; and
 - (ii) 28 days after the day on which the infringement notice was given to you;
or
 - (f) if you apply for the notice to be withdrawn, and the application is refused or is taken to have been refused — within the later of:
 - (i) 7 days after:
 - (A) the day you receive the notice of refusal; or
 - (B) the application is taken to have been refused; and
 - (ii) 28 days after the day on which the infringement notice was given to you.
- 8. N/A

Applying to have this notice withdrawn

- 9. Within 28 days after you receive this notice, you may apply to the **Credit Infringement Notice Officer** to have this notice withdrawn.

(the Credit Infringement Notice Officer is the nominated person)

Applying for more time to pay the penalty under this notice

10. Within 28 days after you receive this notice, you may apply to the nominated person for a further period of up to 28 days in which to pay the penalty under this notice.

Applying to pay the penalty under this notice by instalments

11. Within 28 days after you receive this notice, you may apply to the nominated person for permission to pay the penalty under this notice by instalments.

Requirements for applications

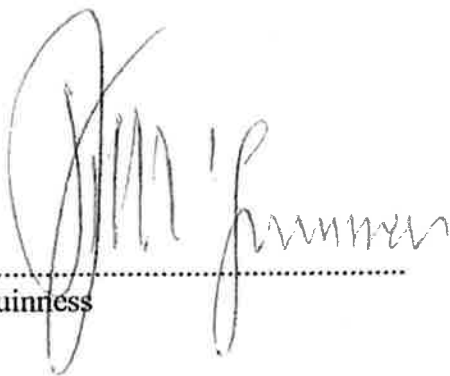
12. An application to have this notice withdrawn, or for more time to pay the penalty under this notice, or for permission to pay the penalty under this notice by instalments:
- (a) must be in writing; and
 - (b) must include the unique identification code set out at the top of this notice; and
 - (c) must include your reasons for making the application; and
 - (d) for an application for permission to pay the penalty under this notice by instalments — include the proposed amount and frequency of instalments; and
 - (e) may be made by forwarding your application to:

**Credit Infringement Notice Officer
Australian Securities and Investments Commission
GPO Box 9827
Melbourne VIC 3001**

or by facsimile: (03) 9280 3444

or by email: CreditInfringementNotices@asic.gov.au

Signed:



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David McGuinness