



S02220577

FORM 3

ASIC

Australian Securities & Investments Commission

INFRINGEMENT NOTICE

**section 331 of the Act
paragraph 40(a) of the Regulations**

Date of issue: 20 March 2013

Unique identification code: 53701/11

TO: Rent The Roo Pty Ltd A.C.N. 001 408 448:

1. I, David McGuinness, give this infringement notice under regulation 39 of the *National Consumer Credit Protection Regulations 2010*.

2. I have reasonable grounds to believe that you have contravened the following civil penalty provision:

On 21 March 2012 you engaged in conduct contrary to section 153(1)(c) of the *National Consumer Credit Protection Act 2009* (the Act), namely you failed to take reasonable steps to verify the financial situation of
(the consumer), before making an assessment of whether the consumer lease titled "Rental Agreement" entered into on 21 March 2012 would be unsuitable for the consumer.

Penalty under this notice

3. The penalty for the alleged offence under this notice is \$5,500 for an individual or \$27,500 for a body corporate.

The applicable penalty in this notice is \$27,500.

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the penalty stated in this notice within the time for payment mentioned below then (unless this notice is subsequently withdrawn and any penalty paid refunded):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 alleged contravention of the provision will be discharged; and
- (b) no civil proceedings will be brought against you by the Commonwealth for the alleged contravention; and
- (c) you will not be taken to have admitted guilt in respect of the alleged contravention; and
- (d) you will not be taken to have been found guilty of the alleged contravention.

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, civil proceedings may be brought against you for the alleged contravention.
6. The maximum penalty that a court may impose for this offence is 2,000 penalty units for an individual and 10,000 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.

Applying to have this notice withdrawn

8. 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

9. 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

10. 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

11. 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



David McGuinness

Signature of authorised ASIC officer issuing the notice