



P00429387

Infringement Notice

Date of issue: 20 February 2014

Unique identification number: D141605

TO: Paid International Limited
80 Bulwer Street
HIGHGATE WA 6003

1. ASIC issues this infringement Notice under section 12GXA of the *Australian Securities and Investments Commission Act 2001 (ASIC Act)*.
2. ASIC has reasonable grounds to believe that you have contravened an infringement Notice provision as follows:

Between 25 March 2013 and 1 July 2013 (**Relevant Period**) you, in trade or commerce, in connection with the supply or possible supply of financial services, or in connection with the promotion by any means of the supply or use of financial services, contravened paragraph 12DB(1)(e) of the ASIC Act by making false or misleading representations regarding the performance characteristics of your services.

Particulars

During the Relevant Period, you made representations on your website, being www.paydayplus.com.au, to the effect that you could approve applications for finance "within minutes" of being submitted by consumers. In particular, each page of the www.paydayplus.com.au website displayed a headline banner with the statement "Cash loans [sic] to \$1,000 approved in minutes! Bad credit considered, 100% Online!" below the words "Payday Loans, Pay Day [sic] Advances, Same Day Cash Loan Online", in addition to an embedded graphic on the homepage which also contained the words "Approved online in minutes" juxtaposed between the words "Cash loans of up to \$1,000" and "Same day bank transfer".

These representations were false or misleading because:

- In practice your assessment of consumer loan applications and the making of a decision to approve or decline finance was not a process which occurred within minutes, but rather could take up to 72 hours after a consumer had received and accepted a conditional offer of finance; and
- Such warranties concerning the speed with which consumer applications for finance can be processed and approved or declined are inconsistent with the requirements of the *National Consumer Credit Protection Act 2009 (Cth)* which prohibits licensed credit providers from entering into credit contracts with consumers without first assessing the suitability of the contract, making reasonable enquiries about the consumer and verifying their financial situation.

Penalty under this Notice

3. The penalty payable under this Notice in relation to the alleged contravention is 60 penalty units for a body corporate.

Penalty Unit is defined at s4AA of the *Crimes Act 1914* (Cth) and means \$170.

The applicable penalty in this Notice is \$10,200.

This penalty is payable to ASIC on behalf of the Commonwealth.

This penalty can be paid using one of the methods detailed in the enclosed invoice.

Consequences of complying with this Notice

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) no proceedings (whether criminal or civil) will be brought against you by the Commonwealth or ASIC for the alleged contravention of the infringement notice provision or an offence constituted by the same conduct; and
 - (b) you will not be regarded as having contravened the infringement notice provision or having been convicted of an offence constituted by the same conduct.

Consequences of failing to comply with this Notice

5. If you do not pay the penalty specified in this Notice within the time for payment mentioned below, and the Notice is not withdrawn, the Commonwealth or ASIC may bring proceedings under Subdivision G of Division 2 of Part 2 the consumer protection provisions of the ASIC Act (whether criminal or civil) against you for the alleged contravention of the infringement notice provision or offence constituted by the same conduct.
6. The maximum penalty that a court may order you to pay for the alleged contravention is 10,000 penalty units (\$1,700,000) for a body corporate (s12GBA(3) of the ASIC Act).

Time for payment

7. The time for payment is:
 - (a) within 28 days after the day on which the Notice is issued to you; or
 - (b) if ASIC extends, by notice in writing the compliance period for this Notice, within that further period allowed.

Applying for more time to pay the penalty under this Notice

8. ASIC may extend the compliance period for this infringement Notice if ASIC is satisfied that it is appropriate to do so. The extension must not be for longer than 28 days.

9. If you wish to apply for an extension of time to pay the penalty specified in this Notice, you should do so in writing within 28 days after the day the Notice is issued to you (see paragraph 15).

Applying to have this Notice withdrawn

10. Within 28 days after the day on which this Notice is issued, you may apply to ASIC in writing to have this Notice withdrawn.
11. Evidence or information that you or your representative gives to ASIC in the course of applying for this Notice to be withdrawn is not admissible in evidence against you or your representative in any proceedings (other than proceedings for an offence based on the evidence or information being false or misleading).

Withdrawal of this Notice

12. ASIC may, by written notice given to you, withdraw this infringement Notice if ASIC is satisfied that it is appropriate to do so, whether or not you have applied to have this Notice withdrawn.
13. A withdrawal notice must be given to you within the time for payment of this infringement Notice to be effective.
14. If the withdrawal notice is given after you have paid the penalty specified in this infringement Notice, ASIC will refund to you the amount paid under the infringement Notice.

Requirements for applications

15. An application to have this Notice withdrawn, or for more time to pay the penalty under this Notice:
 - (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) may be made by forwarding your application to ASIC at the address in paragraph 16.

16. You may contact ASIC in relation to this Notice by contacting:

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

by facsimile: (03) 9280 3444

by email: CreditInfringementNotices@asic.gov.au



Peter Kell
as a delegate of the Australian Securities and Investments Commission