

Infringement notice

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

Date of issue: 25 July 2014

Unique identification code: A4224592

TO: Betar Prestige Cars Pty Limited, 49-51 Church Street, Parramatta NSW 2150:

1. I, Kaan Finney, 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 26 July 2013 at 49-53 Church Street, Parramatta, New South Wales, in contravention of section 30(2) of the *National Consumer Credit Protection Act 2009* (the Act) you held out or represented to a consumer, Kanchani Devi Prakash, that you could engage in a credit activity, namely, by acting as a credit intermediary between the consumer and Volkswagen Financial Services Pty Limited, the credit provider, in circumstances where by engaging in that credit activity you would breach section 29 of the Act, which is a requirement to be licensed.

Penalty under this notice

3. The penalty for the alleged contravention under this notice is \$8,500 for an individual or \$42,500 for a body corporate.

The applicable penalty in this notice is \$42,500.

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the penalty stated in this notice within the time for payment mentioned below then (unless this notice is subsequently withdrawn and any penalty paid refunded):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 maybe brought against you for the alleged contravention.
6. The maximum penalty that a court may impose for this contravention is 2,000 penalty units for an individual (\$340,000) and 10,000 penalty units for a body corporate (\$1,700,000).

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.

Further penalty for continuing offence

8. Not applicable.

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

Signature of authorised ASIC officer issuing the notice



Kaan Finney