

NORTHERN TERRITORY OF AUSTRALIA

**CONSUMER AFFAIRS AND FAIR TRADING (TRADING STAMPS)
REGULATIONS 2002**

As in force at 1 December 2002

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Regulations under the *Consumer Affairs and Fair Trading Act 1990*

1 Citation

These Regulations may be cited as the *Consumer Affairs and Fair Trading (Trading Stamps) Regulations 2002*.

2 Commencement

These Regulations come into effect on the date fixed by the Minister by notice in the *Gazette*.

3 Definitions

In these Regulations:

brochure, in relation to a third-party trading scheme, means a brochure for the scheme that satisfies the requirements of regulation 4(3).

participating retailer, in relation to a third-party trading scheme, means a person who:

- (a) supplies goods or services as a party to the scheme; and
- (b) is named as a participating retailer in the brochure for the scheme,

and includes, in the case of a participating retailer that is a body corporate, all related bodies corporate within the meaning of the Corporations Act 2001.

promoter of a third-party trading scheme includes, if the promoter is a body corporate, all related bodies corporate within the meaning of the Corporations Act 2001.

4 Conditions in relation to promoters

- (1) For the purposes of Part 9 of the Act, the requirements of this regulation are conditions that are to be complied with by promoters of third-party trading schemes.
- (2) A promoter of a third-party trading scheme must maintain an office in Australia at which:
 - (a) brochures for the scheme are supplied on request to members of the public;
 - (b) the requirements of members of the scheme and participating retailers may be dealt with; and
 - (c) records are kept relating to the operation of the scheme.
- (3) A brochure for a third-party trading scheme is to contain:
 - (a) all terms and conditions of the scheme; and
 - (b) if the scheme provides entitlements to travel – a table setting out the places to which travel may take place and the number of points required to be obtained, or other requirements to be satisfied, by a member in order to become entitled to travel under the scheme.
- (4) A promoter of a third-party trading scheme must, at the request of a member of the public, supply to him or her, free of charge, a brochure for the scheme.
- (5) A third-party trading scheme is not to take effect in relation to a person on the acceptance by the person of a brochure for the scheme.
- (6) A promoter of a third-party trading scheme must give to members of the scheme at least 3 months notice of a proposed suspension or discontinuance of the scheme.
- (7) A promoter of a third-party trading scheme must not sell or otherwise dispose of or make available to a person (other than a participating retailer) any information about a member of the scheme.

5 Conditions in relation to suppliers of goods and services

- (1) For the purposes of Part 9 of the Act, the requirements of this regulation are conditions that are to be complied with by participating retailers for a third-party trading scheme.

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- (2) A participating retailer for a third-party trading scheme must take all reasonable steps to ensure that brochures for the scheme are available for inspection at each retail outlet at all places in the retail outlet where application forms for membership of the scheme are available to members of the public.
 - (3) If a participating retailer for a third-party trading scheme does not have brochures for the scheme to distribute to members of the public, he or she must provide the telephone number of the office referred to in regulation 4(2) to a member of the public who wishes to obtain a brochure for the scheme.
 - (4) A participating retailer for a third-party trading scheme must not sell or otherwise dispose of or make available any information about particular members of the scheme that is acquired pursuant to the scheme.
 - (5) Subregulation (4) does not apply in relation to information provided for the purposes of the scheme to:
 - (a) a promoter of the scheme; or
 - (b) employees or agents of the participating retailer.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

Consumer Affairs and Fair Trading (Trading Stamps) Regulations (SL No. 46, 2002)

Notified	20 November 2002
Commenced	1 December 2002 (<i>Gaz G47</i> , 27 November 2002, p 7)

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22 of 2018) to: r 1.