

NORTHERN TERRITORY OF AUSTRALIA

CONSUMER AFFAIRS AND FAIR TRADING (DOOR-TO-DOOR TRADING) REGULATIONS

As in force at 12 August 1992

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NORTHERN TERRITORY OF AUSTRALIA

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CONSUMER AFFAIRS AND FAIR TRADING (DOOR-TO-DOOR TRADING) REGULATIONS

Regulations under the *Consumer Affairs and Fair Trading Act*

1 Citation

These Regulations may be cited as the *Consumer Affairs and Fair Trading (Door-to-Door Trading) Regulations*.

2 Commencement

These Regulations shall come into operation on the commencement of Part VII of the *Consumer Affairs and Fair Trading Act 1990*.

3 Forms

- (1) For the purposes of section 101(1)(g)(i) of the Act, Form 1 in the Schedule is the notice explaining the right of a consumer to rescind a contract to which Part VII of the Act applies.
- (2) For the purposes of sections 101(1)(g)(ii) and 108 of the Act, Form 2 in the Schedule is the prescribed form of the notice of rescission of a contract to which Part VII of the Act applies.

Schedule

regulation 3(1)

Consumer Affairs and Fair Trading Act

FORM 1

section 101(1)(g)(i)

NOTICE OF RIGHT TO RESCIND DOOR-TO-DOOR CONTRACT

TO:
(insert name of consumer)

YOU ARE ENTITLED TO RESCIND (i.e. CANCEL) THE CONTRACT YOU MADE

ON 19

TO PROVIDE
(insert a concise description of the goods or services to be supplied)

BY SENDING A *RESCISSION NOTICE* (IN OR TO THE EFFECT OF THE ATTACHED NOTICE)

TO:
(insert full name of supplier)

AT THIS ADDRESS
(insert full postal address of place of business of the supplier of the goods or services)

AT ANY TIME WITHIN THE 10 DAY COOLING-OFF PERIOD.

This period begins on the day on which the contract is made.

YOU MAY BE ENTITLED TO RESCIND THE CONTRACT WITHIN 6 MONTHS IF:

- (a) the contract contains provisions which exclude or restrict the operation of Northern Territory laws; (section 99).

or

- (b) the contract is not properly filled out or is not signed and copies of the contract and associated documents are not given to you; (section 101)

or

(c) except by prior appointment, the dealer called on you –
(Division 3, Part VII)

- at any time on a Sunday or public holiday,
 - before 9.00 am or after 5.00 pm on a Saturday,
 - before 9.00 am or after 8.00 pm on any other day,
- or failed to leave when you asked, failed to produce to you an identity card or harassed you;

or

(d) if the supplier or dealer accepts money from you before the expiration of the cooling-off period or supplies services during that period; (section 102(1) or (2)).

If you think you have a right to rescind the contract for one of these reasons you should first seek legal advice from your solicitor or check with the Office of Consumer Affairs and Fair Trading.

regulation 3(2)

Consumer Affairs and Fair Trading Act

FORM 2

sections 101(1)(g)(ii) and 108

NOTICE OF RESCISSION OF CONTRACT

TO:
(insert name and address of supplier)

I
rescind the contract made by me on 19
to
(insert a brief description of the goods or services which were to be supplied)

I am exercising my right to rescind the contract:

*(a) before the expiration of the 10-day cooling off period;

OR

*(b)

because
.....
(briefly describe reason for rescission)

which is contrary to *section 99(1)/*section 101/*section 102(1)
or (2)/*section 103/*section 104/*section 105/*section 106(1) of the *Consumer
Affairs and Fair Trading Act*.

I require that you repay forthwith all money due to me under or with respect to
that contract.

Dated Signed
(consumer's signature)

(*Strike out whichever is not applicable)

INSTRUCTIONS

This notice must be given by delivering it personally to the supplier or sending it by post in an envelope addressed to the supplier:

- (a) within 10-days of the date on which the contract was made (in the case of a rescission of a contract of kind referred to in section 100 of the *Consumer Affairs and Fair Trading Act*);

or

- (b) within 6 months of the date on which the contract was made (in the case of a rescission for a contravention of, or failure to comply with, section 99(1), section 101, 102(1) or (2), 103, 104, 105 or 106(1) of the *Consumer Affairs and Fair Trading Act*).

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 (Door-to-Door Trading) Regulations (SL No. 25, 1992)

Notified	10 June 1992
Commenced	1 July 1992 (r 2, s 2 <i>Consumer Affairs and Fair Trading Act 1990</i> (Act No. 49, 1990) and Gaz G23, 10 June 1992, p 3)

Amendments of the Consumer Affairs and Fair Trading (Door-to-Door Trading) Regulations (SL No. 39, 1992)

Notified	12 August 1992
Commenced	12 August 1992

3 LIST OF AMENDMENTS

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