

# **NORTHERN TERRITORY OF AUSTRALIA**

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

As in force at 14 December 2005

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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 7 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 7 of the Act applies.

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**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)

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## 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*).

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## 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

***Statute Law Revision Act 2005 (Act No. 44, 2005)***

Assent date	14 December 2005
Commenced	14 December 2005

### 3

#### LIST OF AMENDMENTS

r 3	amd Act No. 44, 2005, s 35
sch	amd No. 39, 1992, r 3