

NORTHERN TERRITORY OF AUSTRALIA

CONSUMER AFFAIRS AND FAIR TRADING (INFRINGEMENT NOTICES) REGULATIONS

As in force at 9 October 2002

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NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Regulations as in force at 9 October 2002. Any amendments that commence after that date are not included.

CONSUMER AFFAIRS AND FAIR TRADING (INFRINGEMENT NOTICES) REGULATIONS

Regulations under the *Consumer Affairs and Fair Trading Act*

1 Citation

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

2 Definitions

In these Regulations, unless the contrary intention appears:

infringement notice means an infringement notice issued in pursuance of these Regulations.

offence means an offence against a provision of the Act that is specified in column 1 of the Schedule.

offender means a person who the Commissioner reasonably believes has committed an offence.

3 Issuing of infringement notices

If the Commissioner reasonably believes that an offence has been committed, he or she may serve an infringement notice on the offender.

4 Particulars to be shown on infringement notices

An infringement notice is to have clearly shown on it:

- (a) the name of the offender, if known;
- (b) the date, time and place of the offence;
- (c) the nature of the offence and the penalty payable in accordance with regulation 5;
- (d) the place or places at which the penalty may be paid;

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- (e) the date of the infringement notice and a statement that the penalty may be paid within 28 days after that date; and
 - (f) a statement to the effect that, if the appropriate amount specified in the infringement notice as the penalty for the offence is tendered at a place referred to in the notice within the time specified in the notice, no further action will be taken in respect of the offence.

5 Penalty payable

The penalty payable for the purposes of these Regulations for an offence against a provision of the Act specified in column 1 of the Schedule is the number of penalty units specified opposite the provision in column 3.

6 Payment before expiry date of infringement notices

- (1) If the amount of the penalty specified in an infringement notice is paid in accordance with the notice, the offender is taken to have expiated the offence by paying the penalty and no further proceedings are to be taken in respect of the offence.
- (2) If the amount of a penalty specified in an infringement notice is paid by cheque, the amount is not taken to have been paid unless the cheque is cleared on presentation.

7 General

These Regulations:

- (a) do not prevent more than one infringement notice being served in relation to the same offence but it is sufficient for the application of regulation 6 to a person on whom more than one notice has been served for the person to pay the amount of the penalty in accordance with any one of the notices;
- (b) do not prejudice or affect (except as provided by regulation 6) proceedings being instituted or prosecuted, and do not limit the penalty that may be imposed by a court, in relation to an offence; and
- (c) are not to be construed as requiring an infringement notice to be served or as affecting the liability of a person to be prosecuted in a court in relation to an offence in respect of which an infringement notice has not been served.

Schedule Offences and penalties

regulation 2

Column 1	Column 2	Column 3
SECTION OF ACT	DESCRIPTION OF OFFENCE	PENALTY
Section 99(2)	Supplier or dealer placing prohibited term in contract	5 penalty units
Section 101(2)	Supplier or dealer failing to comply with requirement for prescribed contracts	5 penalty units
Section 102(1)	Supplier or dealer accepting money etc. before cooling-off period expires	5 penalty units
Section 102(2)	Supplier providing services before cooling-off period expires	5 penalty units
Section 103	Dealer calling during prohibited times	5 penalty units
Section 104	Dealer failing to indicate purpose of call etc.	5 penalty units
Section 105	Dealer failing to leave premises when requested	5 penalty units
Section 106(1)	Person harassing or coercing consumer	5 penalty units
Section 106(2)	Person harassing or coercing consumer	5 penalty units
Section 112(1)	Person attempting etc. to take action when contract rescinded	5 penalty units
Section 116(3)	Reporting agency or trader including prohibited information in report	5 penalty units
Section 117	Trader failing to disclose receipt of prescribed report	5 penalty units
Section 118(1)	Reporting agency failing to disclose information held etc.	5 penalty units

Section 118(3)	Reporting agency failing to disclose information in readable form	5 penalty units
Section 118(4)	Reporting agency requiring undertaking etc.	5 penalty units
Section 119(3)	Reporting agency or trader not informing objector within 30 days of action	5 penalty units
Section 119(4)	Reporting agency or trader not giving notice of alterations to information	5 penalty units
Section 119(7)	Reporting agency or trader not including notice of appeal in report provided	5 penalty units
Section 129(1)(a)	Motor vehicle dealer trading other than at place of business specified in licence	5 penalty units
Section 129(1)(b)	Motor vehicle dealer displaying vehicle adjacent to licensed premises	5 penalty units
Section 130	Motor vehicle dealer breaching terms or conditions of licence	5 penalty units
Section 144(4)	Personal representative failing to produce licence for endorsement after death of motor vehicle dealer	2 penalty units
Section 150(3)	Motor vehicle dealer failing to produce licence for endorsement	5 penalty units
Section 153(1)	Motor vehicle dealer failing to display licence	2 penalty units
Section 157(1)	Motor vehicle dealer failing to maintain dealings register	5 penalty units
Section 158(1)	Motor vehicle dealer failing to enter dealings into dealings register	5 penalty units
Section 160(1)	Motor vehicle dealer using contract that is not in prescribed form	5 penalty units

Section 161(1)	Motor vehicle dealer displaying or offering vehicle with odometer altered or replaced without Commissioner's consent	5 penalty units
Section 161(2)	Person offering to sell vehicle to dealer without disclosing that odometer has been altered or replaced	5 penalty units
Section 161(3)	Motor vehicle dealer failing to disclose alteration or replacement of odometer	5 penalty units
Section 163(1)	Motor vehicle dealer selling or displaying vehicle without vehicle identification number affixed	5 penalty units
Section 164(a)	Motor vehicle dealer displaying for sale registered interstate vehicle	5 penalty units
Section 164(b)	Motor vehicle dealer displaying for sale vehicle that has interstate plates	5 penalty units
Section 166(1)(a)	Motor vehicle dealer purchasing etc. vehicle from person under 18 years without consent of parent or guardian	5 penalty units
Section 166(1)(b)	Motor vehicle dealer selling etc. vehicle to person under 18 years without consent of parent or guardian	5 penalty units
Section 167	Motor vehicle dealer submitting document for signature without all material particulars completed and irrelevant particulars deleted	5 penalty units
Section 172(1)(a)	Motor vehicle dealer selling vehicle without authority in prescribed form	5 penalty units
Section 172(1)(b)	Motor vehicle dealer offering or displaying vehicle without authority to sell in prescribed form	5 penalty units

Section 172(3)(a)	Motor vehicle dealer failing to give owner copy of prescribed authorisation to sell	5 penalty units
Section 172(3)(b)	Motor vehicle dealer failing to keep copy of prescribed authorisation for 3 years	5 penalty units
Section 174	Motor vehicle dealer failing to display notice at place of business	2 penalty units
Section 175	Motor vehicle dealer publishing etc. advertisement not containing LMVD number etc.	2 penalty units
Section 176(1)	Motor vehicle dealer failing to ensure person is present and in charge of business	5 penalty units
Section 178	Motor vehicle dealer failing to notify Commissioner that partnership dissolved	5 penalty units
Section 194(2)(a)	Travel agent carrying on business under unauthorised name	5 penalty units
Section 194(2)(b)	Travel agent carrying on business at unauthorised place	5 penalty units
Section 195(6)	Travel agent failing to comply with condition or restriction of licence	5 penalty units
Section 201	Travel agent failing to return suspended or cancelled licence	5 penalty units
Section 203(4)	Travel agent failing to produce licence for endorsement	2 penalty units
Section 205(3)	Travel agent failing to comply with requirement imposed by Commissioner	5 penalty units
Section 209	Travel agent failing to display prescribed notice	2 penalty units
Section 210	Travel agent failing to include name and licence number in advertisement	2 penalty units

Section 211	Travel agent issuing document that is not endorsed with name	2 penalty units
Section 212(1)	Travel agent failing to keep accounting records for 7 years	5 penalty units
Section 213	Travel agent failing to ensure person with prescribed qualifications or experience is in charge of day-to-day business	5 penalty units
Section 267(4)	Pawnbroker or second-hand dealer failing to return licence after notice of licence suspension	2 penalty units
Section 274	Pawnbroker or second-hand dealer failing to display sign	2 penalty units
Section 275(3)	Pawnbroker or second-hand dealer failing to produce records to authorised officer	2 penalty units
Section 276	Pawnbroker or second-hand dealer entering into contract with person who is under 18 years or who is apparently affected by alcohol or drug	5 penalty units
Section 277(1)	Pawnbroker or second-hand dealer failing to establish identity of contracting person	5 penalty units
Section 279	Pawnbroker failing to keep records of details of contracts	5 penalty units
Section 280(3)	Pawnbroker failing to ensure statement bears original signature of person	2 penalty units
Section 281(1)	Second-hand dealer failing to ensure details are recorded	5 penalty units
Section 282(2)	Second-hand dealer failing to ensure receipt and copy contain signature of person	2 penalty units
Section 283(1)	Pawnbroker failing to keep records, in prescribed form, for a year	5 penalty units

Section 283(2)	Second-hand dealer failing to keep records, in the prescribed form, for a year	5 penalty units
Section 283(3)	Pawnbroker or second-hand dealer failing to keep records at nominated premises	5 penalty units
Section 283(4)	Pawnbroker or second-hand dealer failing to ensure records are kept at nominated premises	5 penalty units
Section 283(5)	Pawnbroker/second-hand dealer failing to keep pawnbroker records separate from second-hand dealer records	5 penalty units
Section 283(6)	Pawnbroker or second-hand dealer failing to produce records to authorised officer	5 penalty units
Section 284	Pawnbroker or second-hand dealer tampering with records	5 penalty units
Section 285(1)	Pawnbroker failing to ensure goods carry contract number	2 penalty units
Section 285(2)	Second-hand dealer failing to ensure goods carry contract number	2 penalty units
Section 289	Pawnbroker failing to keep goods at business premises or storage premises to which licence applies	5 penalty units
Section 290	Pawnbroker failing to deliver goods to person	5 penalty units
Section 291(2)	Pawnbroker failing to advise police of reasons for non-delivery of goods and name etc. of person	2 penalty units
Section 292	Pawnbroker redeeming to person other than holder of pawn ticket	5 penalty units
Section 293(1)	Pawnbroker selling pawned goods before redemption period has expired	5 penalty units

Section 293(2)	Pawnbroker not selling non-redeemed goods as soon as practicable or for best price	5 penalty units
Section 294(1)	Pawnbroker buying goods pawned or sold to pawnbroker	5 penalty units
Section 294(2)	Partner or officer etc. of pawnbroker buying goods pawned or sold to pawnbroker	5 penalty units
Section 296(1)	Pawnbroker failing to calculate charges and record details of sale	2 penalty units
Section 296(2)	Pawnbroker not allowing other party to contract to inspect records	2 penalty units
Section 297(1)	Pawnbroker failing to send notice of sale	2 penalty units
Section 299	Second-hand dealer altering goods within 14 days after obtaining them	5 penalty units
Section 300	Second-hand dealer failing to keep goods at business premises or storage premises	2 penalty units
Section 301(1)	Pawnbroker charging or receiving fee other than interest	2 penalty units
Section 302	Pawnbroker pawning goods that are pawned to him or her	5 penalty units
Section 311(4)	Pawnbroker or second-hand dealer failing to comply with police requirement	5 penalty units
Section 315	Pawnbroker or second-hand dealer failing to notify police of suspicion	2 penalty units
Section 316	Pawnbroker or second-hand dealer failing to provide prescribed records or information or access to them to prescribed persons	5 penalty units
Section 317(4)	Pawnbroker or second-hand dealer failing to comply with notice	5 penalty units

Section 318(2)	Pawnbroker, second-hand dealer or employee failing to deliver goods or make application	5 penalty units
Section 326(2)	Pawnbroker failing to notify pawn ticket holders of rights and obligations of pawnbroker on sale of business	2 penalty units
Section 326(3)	New owner of pawnbroking business failing to advise pawn ticket holders of his or her purchase of business	2 penalty units

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 (Infringement Notices) Regulations (SL No. 40, 2002)

Notified	9 October 2002
Commenced	9 October 2002