

# NORTHERN TERRITORY OF AUSTRALIA

## CONSUMER AFFAIRS AND FAIR TRADING (INFRINGEMENT NOTICE OFFENCES) REGULATIONS

As in force at 30 May 2012

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# NORTHERN TERRITORY OF AUSTRALIA

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This reprint shows the Regulations as in force at 30 May 2012. Any amendments that commence after that date are not included.

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## CONSUMER AFFAIRS AND FAIR TRADING (INFRINGEMENT NOTICE OFFENCES) 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 Notice Offences) Regulations*.

#### 2 Definitions

In these Regulations:

***infringement notice***, see regulation 4.

***infringement notice offence***, see regulation 3(1).

***prescribed amount***, see regulation 3(2).

#### 3 Infringement notice offence and prescribed amount payable

- (1) An ***infringement notice offence*** is an offence against:
  - (a) a provision of the Act specified in Schedule 1; or
  - (b) a provision of the Australian Consumer Law (NT) specified in Schedule 2.
- (2) The ***prescribed amount*** for an infringement notice offence is the amount equal to the monetary value of the number of penalty units specified for the offence in Schedule 1 or 2.

#### 4 When infringement notice may be given

If the Commissioner reasonably believes a person has committed an infringement notice offence, the Commissioner may give a notice (an ***infringement notice***) to the person.

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## **5 Contents of infringement notice**

- (1) The infringement notice must specify the following:
  - (a) the name and address of the person, if known;
  - (b) the date the infringement notice is given to the person;
  - (c) the date, time and place of the infringement notice offence;
  - (d) a description of the offence;
  - (e) the prescribed amount payable for the offence;
  - (f) the enforcement agency, as defined in the *Fines and Penalties (Recovery) Act*, to whom the prescribed amount is payable.
- (2) The infringement notice must include a statement to the effect of the following:
  - (a) the person may expiate the infringement notice offence and avoid any further action in relation to the offence by paying the prescribed amount to the specified enforcement agency within 28 days after the notice is given;
  - (b) the person may elect under section 21 of the *Fines and Penalties (Recovery) Act* to have the matter dealt with by a court instead of under that Act by completing a statement of election and giving it to the specified enforcement agency;
  - (c) if the person does nothing in response to the notice, enforcement action may be taken under the *Fines and Penalties (Recovery) Act*, including (but not limited to) action for the following:
    - (i) suspending the person's licence to drive;
    - (ii) seizing personal property of the person;
    - (iii) deducting an amount from the person's wages or salary;
    - (iv) registering a statutory charge on land owned by the person;
    - (v) making a community work order for the person and imprisonment of the person if the person breaches the order.
- (3) Also, the infringement notice must include an appropriate form for making the statement of election mentioned in subregulation (2)(b).

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## **6 Payment by cheque**

If the person tenders a cheque in payment of the prescribed amount, the amount is not taken to have been paid unless the cheque is cleared on first presentation.

## **7 Withdrawal of infringement notice**

- (1) The Commissioner may withdraw the infringement notice by written notice given to the person.
- (2) The notice must be given:
  - (a) within 28 days after the infringement notice is given to the person; and
  - (b) before payment of the prescribed amount.

## **8 Application of Regulations**

- (1) These Regulations do not prejudice or affect the start or continuation of proceedings for an infringement notice offence for which an infringement notice has been given unless the offence is expiated.
- (2) Also, these Regulations do not:
  - (a) require an infringement notice to be given; or
  - (b) affect the liability of a person to be prosecuted in a court for an offence for which an infringement notice has not been given; or
  - (c) prevent more than one infringement notice for the same offence being given to a person.
- (3) If more than one infringement notice for the same offence has been given to a person, the person may expiate the offence by paying the prescribed amount in accordance with any of the notices.

## **9 Repeal**

The *Consumer Affairs and Fair Trading (Infringement Notices) Regulations* (Subordinate Legislation No. 40 of 2002) are repealed.

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**Schedule 1      Infringement notice offences and prescribed  
amounts for Consumer Affairs and Fair  
Trading Act**

regulation 3(1) and (2)

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<b>Provision</b>	<b>Penalty units</b>
sections 116(3), 117, 118(1), (3) and (4), 119(3), (4) and (7), 129(1), 130, 150(3), 157(1), 158(1), 160(1), 161(1) to (3), 163(1), 164, 166(1), 167, 172(1) and (3), 176(1), 178, 194(2), 195(6), 201, 205(3), 212(1), 213, 276, 277(1), 279, 281(1), 283(1) to (6), 284, 289, 290, 292, 293(1) and (2), 294(1) and (2), 299, 302, 311(4), 316, 317(4) and 318(2)	5
sections 144(4), 153(1), 174(1), 175, 203(4), 209, 210, 211, 267(4), 274, 275(3), 280(3), 282(2), 285(1) and (2), 291(2), 296(1) and (2), 297(1), 300, 301(1), 315 and 326(2) and (3)	2

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**Schedule 2     Infringement notice offences and prescribed amounts for Australian Consumer Law (NT)**

regulation 3(1) and (2)

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<b>Provision</b>	<b>Penalty units</b>
a provision of Part 2–2, a provision of Part 3–1 (other than sections 32(1), 35(1), 36(1) to (3), 40, 43 and 47(1)), a provision of Part 3–2, Division 2 (other than section 85) and sections 102(2), 103(2), 106(1) to (3) and (5), 107(1) and (2), 118(1) to (3) and (5), 119(1) and (2), 127(1) and (2), 136(1) to (3) and 137(1) and (2)	12
section 66(2) and a provision of Part 3–2, Division 3 (other than section 96(2))	11
section 222(1)	10
sections 125(4), 128(2) and (6), 131(1), 132(1) and 221(1)	6
sections 100(1) and (3) and 101(3) and (4)	4
section 47(1)	2

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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 (Infringement Notice Offences) Regulations (SL No. 18, 2012)***

Notified	30 May 2012
Commenced	30 May 2012