

NORTHERN TERRITORY OF AUSTRALIA

CONSUMER AFFAIRS AND FAIR TRADING AMENDMENT (NATIONAL  
UNIFORM LEGISLATION) ACT 2010

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Act No. 41 of 2010

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# NORTHERN TERRITORY OF AUSTRALIA

Act No. 41 of 2010

An Act to amend the *Consumer Affairs and Fair Trading Act* to apply as a law of the Territory a national law relating to consumer protection and unfair or undesirable trade practices, to provide for the implementation of that law, and for related purposes

[Assented to 8 December 2010]  
[Second reading 28 October 2010]

The Legislative Assembly of the Northern Territory enacts as follows:

## Part 1 Preliminary matters

### 1 Short title

This Act may be cited as the *Consumer Affairs and Fair Trading Amendment (National Uniform Legislation) Act 2010*.

### 2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

## Part 2 Amendment of Consumer Affairs and Fair Trading Act

### 3 Act amended

This Part amends the *Consumer Affairs and Fair Trading Act*.

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**4 Long title replaced**

Long title

*repeal, insert*

**An Act to make provision with respect to consumer protection and certain unfair or undesirable trade practices, to apply the Australian Consumer Law as a law of the Territory, and for related purposes**

**5 Section 3 amended**

Section 3(1), after "(3)"

*insert*

and Part 4, Division 4

**6 Sections 5A and 5B inserted**

After section 5, in Part 1

*insert*

**5A Interpretation provisions do not apply to Australian Consumer Law (NT)**

Sections 4 and 5 do not apply for the interpretation or operation of the Australian Consumer Law (NT).

**5B Reference to this Act includes Australian Consumer Law (NT)**

To avoid doubt, a reference in this Act to this Act is taken to include a reference to the Australian Consumer Law (NT).

*Note for section 5B*

*Under section 27, the Australian Consumer Law (NT) is a part of this Act.*

**7 Section 7 amended**

(1) After section 7(1)(b)

*insert*

(ba) to administer the Australian Consumer Law (NT); and

- (2) Section 7(1)(a), (b) and (c) to (h) and (2)(a), at the end

*insert*

and

- (3) Section 7(2)(c)

*omit*

consumers,

*insert*

consumers;

- (4) Section 7(3) and (4)

*omit*

## **8 Section 8A repealed**

Section 8A

*repeal*

## **9 Section 12 amended**

- (1) Section 12(1) and (2)

*omit, insert*

- (1) The Commissioner must give to the Minister annually a report on the Commissioner's activities.
- (2) The report must include an account of the operation of Parts 10 and 11 during the year to which it relates.

- (2) Section 12(3)

*omit*

Neither the Commissioner nor the Chairman of the Council shall

*insert*

The Commissioner must not

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(3) Section 12(4)

*omit, insert*

- (4) The Minister must table a copy of the report in the Legislative Assembly within 6 sitting days after the Minister receives the report.

**10 Part 2, Division 2 repealed**

Part 2, Division 2

*repeal*

**11 Section 18 replaced**

Section 18

*repeal, insert*

**18 Authorised officers**

- (1) The Commissioner is an authorised officer for this Act.
- (2) Every police officer is an authorised officer for Part 10.
- (3) The Commissioner may, in writing, appoint a person to be an authorised officer for this Act.
- (4) An authorised officer is, in the exercise of the officer's powers, subject to the direction of the Commissioner.

**12 Section 21 amended**

- (1) Section 21(2)(a) to (c), at the end

*insert*

and

- (2) Section 21(2)(d)

*omit*

in contravention of section 31(1);

*insert*

in circumstances constituting an offence against section 197(1) of the Australian Consumer Law (NT); and

- (3) Section 21(4)(a) and (b), at the end  
*insert*  
and
- (4) Section 21(5)(a) and (7)  
*omit*  
section 31(1)  
*insert*  
section 197(1), (2), (3) or (5) of the Australian Consumer Law (NT)
- (5) Section 21(5)(b)  
*omit*  
offence,  
*insert*  
offence;

**13 Parts 4 and 5 (other than section 68A) replaced**

Parts 4 and 5 (other than section 68A)  
*repeal, insert*

## **Part 4 Australian Consumer Law**

### **Division 1 Interpretation**

#### **25 Interpretation**

- (1) In this Part:

*application law* means:

- (a) a law of a participating jurisdiction that applies the Australian Consumer Law, either with or without modifications, as a law of the participating jurisdiction; or
- (b) any regulations or other legislative instrument made under a law described in paragraph (a); or



- (c) the Australian Consumer Law, applying as a law of the participating jurisdiction, either with or without modifications.

***Australian Consumer Law*** means (according to the context):

- (a) the Australian Consumer Law text; or
- (b) the Australian Consumer Law text, applying as a law of a participating jurisdiction, either with or without modifications.

***Australian Consumer Law text*** means the text described in section 26.

***instrument*** means any document whatever, including the following:

- (a) an Act or an instrument made under an Act;
- (b) a law of this jurisdiction or an instrument made under such a law;
- (c) an award or other industrial determination or order, or an industrial agreement;
- (d) any other order (whether executive, judicial or otherwise);
- (e) a notice, certificate or licence;
- (f) an agreement;
- (g) an application made, information or complaint laid, affidavit sworn, or warrant issued, for any purpose;
- (h) an indictment, presentment, summons or writ;
- (i) any other pleading in, or process issued in connection with, a legal or other proceeding.

***Intergovernmental Agreement*** means the Intergovernmental Agreement for the Australian Consumer Law made on 2 July 2009 between the Commonwealth, the State of New South Wales, the State of Victoria, the State of Queensland, the State of Western Australia, the State of South Australia, the State of Tasmania, the Australian Capital Territory and the Northern Territory of Australia, as in force for the time being.

***jurisdiction*** means a State or the Commonwealth.

***law***, in relation to a Territory, means a law of, or in force in, that Territory.

***modifications*** includes additions, omissions and substitutions.

***month*** means a period commencing at the beginning of a day of one of the 12 months of the year and ending immediately before the beginning of the corresponding day of the next month or, if there is no such corresponding day, ending at the expiration of the next month.

***participating jurisdiction*** means a jurisdiction that is a party to the Intergovernmental Agreement and applies the Australian Consumer Law as a law of the jurisdiction, either with or without modifications.

***State*** includes a Territory.

***Territory*** means the Australian Capital Territory or Northern Territory of Australia.

***this jurisdiction*** means the Territory.

- (2) Terms used in this Part and also in the Australian Consumer Law (NT) have the same meanings in this Part as they have in that Law.
- (3) For this Part:
  - (a) a jurisdiction is taken to have applied the Australian Consumer Law as a law of the jurisdiction if a law of the jurisdiction substantially corresponds to the provisions of the Australian Consumer Law text, as in force from time to time; and
  - (b) that corresponding law is taken to be the Australian Consumer Law, or the Australian Consumer Law text, applying as a law of that jurisdiction.

## **Division 2      Application of Australian Consumer Law**

### **26      Australian Consumer Law text**

The Australian Consumer Law text consists of:

- (a) Schedule 2 to the *Competition and Consumer Act 2010* (Cth); and
- (b) the regulations under section 139G of that Act.

### **27      Application of Australian Consumer Law**

- (1) The Australian Consumer Law text, as in force from time to time:
  - (a) applies as a law of this jurisdiction; and

(b) as so applying may be referred to as the Australian Consumer Law (NT); and

(c) as so applying is a part of this Act.

(2) This section has effect subject to sections 28, 29 and 30.

## **28 Future modifications of Australian Consumer Law text**

(1) A modification made by a Commonwealth law to the Australian Consumer Law text after the commencement of this section does not apply under section 27 if the modification is declared by regulation to be excluded from the operation of that section.

(2) A regulation under subsection (1) has effect only if its making is notified no later than 2 months after the date of the modification.

(3) Subsection (1) ceases to apply to the modification if a further regulation so provides.

(4) For this section, the date of the modification is the date on which the Commonwealth Act effecting the modification receives the Royal Assent or the regulation effecting the modification is registered under the *Legislative Instruments Act 2003* (Cth).

## **29 Meaning of *regulator* in Australian Consumer Law for purposes of this jurisdiction**

In the Australian Consumer Law (NT):

*regulator* means the Commissioner of Consumer Affairs.

## **30 Interpretation of Australian Consumer Law**

(1) The *Acts Interpretation Act 1901* (Cth) applies as a law of this jurisdiction to the Australian Consumer Law (NT).

(2) For subsection (1), the Commonwealth Act mentioned in that subsection applies as if:

(a) the statutory provisions in the Australian Consumer Law (NT) were a Commonwealth Act; and

(b) the regulations in the Australian Consumer Law (NT) or instruments under that Law were regulations or instruments under a Commonwealth Act.

(3) The *Interpretation Act* does not apply to:

(a) the Australian Consumer Law (NT); or

(b) any instrument under that Law.

### **31 Application of Australian Consumer Law**

- (1) The Australian Consumer Law (NT) applies to and in relation to:
- (a) persons carrying on business within this jurisdiction; or
  - (b) bodies corporate incorporated or registered under the law of this jurisdiction; or
  - (c) persons ordinarily resident in this jurisdiction; or
  - (d) persons otherwise connected with this jurisdiction.
- (2) Subject to subsection (1), the Australian Consumer Law (NT) extends to conduct, and other acts, matters and things, occurring or existing outside or partly outside this jurisdiction (whether within or outside Australia).

## **Division 3 References to Australian Consumer Law**

### **32 References to Australian Consumer Law**

- (1) A reference in any instrument to the Australian Consumer Law is a reference to the Australian Consumer Law of any or all of the participating jurisdictions.
- (2) Subsection (1) has effect except so far as the contrary intention appears in the instrument or the context of the reference otherwise requires.

### **33 References to Australian Consumer Law of other jurisdictions**

- (1) This section has effect for an Act, a law of this jurisdiction or an instrument under an Act or such a law.
- (2) If a law of a participating jurisdiction other than this jurisdiction provides that the Australian Consumer Law text as in force from time to time applies as a law of that jurisdiction, the Australian Consumer Law of that jurisdiction is the Australian Consumer Law text, applying as a law of that jurisdiction.

## **Division 4 Application of Australian Consumer Law to Crown**

### **34 Division does not apply to Commonwealth**

In this Division, *participating jurisdiction* or *other jurisdiction* does not include the Commonwealth.

**35 Application law of this jurisdiction**

The application law of this jurisdiction binds (so far as the legislative power of Parliament permits) the Crown in right of this jurisdiction and of each other jurisdiction, so far as the Crown carries on a business, either directly or by an authority of the jurisdiction concerned.

**36 Application law of other jurisdictions**

- (1) The application law of each participating jurisdiction other than this jurisdiction binds the Crown in right of this jurisdiction, so far as the Crown carries on a business, either directly or by an authority of this jurisdiction.
- (2) If, because of this Part, a provision of the law of another participating jurisdiction binds the Crown in right of this jurisdiction, the Crown in that right is subject to that provision despite any prerogative right or privilege.

**37 Activities that are not business**

- (1) For sections 35 and 36, the following do not amount to carrying on a business:
  - (a) imposing or collecting:
    - (i) taxes; or
    - (ii) levies; or
    - (iii) fees for authorisations;
  - (b) granting, refusing to grant, revoking, suspending or varying authorisations (whether or not they are subject to conditions);
  - (c) a transaction involving:
    - (i) only persons who are all acting for the Crown in the same right (and none of whom is an authority of a State); or
    - (ii) only persons who are all acting for the same authority of a State; or
    - (iii) only the Crown in right of a State and one or more non-commercial authorities of that State; or
    - (iv) only non-commercial authorities of the same State;

- (d) the acquisition of primary products by a government body under legislation, unless the acquisition occurs because:
  - (i) the body chooses to acquire the products; or
  - (ii) the body has not exercised a discretion that it has under the legislation that would allow it not to acquire the products.
- (2) Subsection (1) does not limit the things that do not amount to carrying on a business for sections 35 and 36.

- (3) In this section:

***acquisition of primary products by a government body under legislation*** includes vesting of ownership of primary products in a government body by legislation.

***authorisation*** means a licence, permit, certificate or other authorisation that allows the holder of the authorisation to supply goods or services.

***government body*** means a State or an authority of a State.

***primary products*** means:

- (a) agricultural or horticultural produce; or
  - (b) crops, whether on or attached to the land or not; or
  - (c) animals (whether dead or alive); or
  - (d) the bodily produce (including natural increase) of animals.
- (4) For this section, an authority of a State is ***non-commercial*** if:
    - (a) it is constituted by only one person; and
    - (b) it is neither a trading corporation nor a financial corporation.

### **38 Crown not liable to pecuniary penalty or prosecution**

- (1) Nothing in the application law of this jurisdiction makes the Crown in any capacity liable to a pecuniary penalty or to be prosecuted for an offence.
- (2) Without limiting subsection (1), nothing in the application law of a participating jurisdiction makes the Crown in right of this jurisdiction liable to a pecuniary penalty or to be prosecuted for an offence.

- (3) The protection in subsection (1) or (2) does not apply to an authority of any jurisdiction.

## **Division 5      Miscellaneous matters**

### **39      Conferral of functions and powers on certain bodies**

- (1) The authorities and officers of the Commonwealth referred to in the Australian Consumer Law (NT) have the functions and powers conferred or expressed to be conferred on them under the Australian Consumer Law (NT).
- (2) In addition to the powers mentioned in subsection (1), the authorities and officers referred to in that subsection have power to do all things necessary or convenient to be done in connection with the performance of the functions and exercise of the powers referred to in that subsection.

### **40      No doubling-up of liabilities**

- (1) An offender is not liable to be punished for an offence against the Australian Consumer Law (NT) if:
- (a) an act or omission is an offence against the Australian Consumer Law (NT) and also an offence against an application law of another participating jurisdiction; and
  - (b) the offender has been punished for the offence under the application law of the other jurisdiction.
- (2) If a person has been ordered to pay a pecuniary penalty under the application law of another participating jurisdiction, the person is not liable to a pecuniary penalty under the Australian Consumer Law (NT) in respect of the same conduct.

## **Part 5              Provisions supporting application of Australian Consumer Law in Territory**

### **41      Application of Criminal Code**

- (1) Part IIAA of the Criminal Code applies to an offence against the Australian Consumer Law (NT).

*Note for subsection (1)*

*Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.*

(2) However, the following provisions of the Criminal Code do not apply to an offence against the Australian Consumer Law (NT):

- (a) section 43AX;
- (b) Part IIAA, Division 5.

*Note for subsection (2)(a)*

*Section 207 of the Australian Consumer Law (NT) provides a mistake of fact defence for offences under Chapter 4 of that Law.*

## **42 Finding in proceedings to be evidence**

(1) In an action against a person under section 236(1) of the Australian Consumer Law (NT), or in proceedings for an order against a person under section 237(1) or 239(1) of the Australian Consumer Law (NT):

- (a) a finding of a fact by a court to which subsection (2) applies is evidence of that fact; and
- (b) the finding may be proved by production of a document under the seal of the court from which the finding appears.

(2) This subsection applies to a finding of a fact by a court that is made in proceedings under section 228, 232, 246, 247 or 248 of the Australian Consumer Law (NT), or for an offence against a provision of Chapter 4 of the Australian Consumer Law (NT), in which the person has been found:

- (a) to have contravened a provision of Chapter 2, 3 or 4 of the Australian Consumer Law (NT); or
- (b) to have attempted to contravene such a provision; or
- (c) to have aided, abetted, counselled or procured a person to contravene such a provision; or
- (d) to have induced, or attempted to induce, a person, whether by threats or promises or otherwise, to contravene such a provision; or
- (e) to have been in any way, directly or indirectly, knowingly concerned in, or party to, the contravention by a person of such a provision; or
- (f) to have conspired with others to contravene such a provision.



**43 Conduct of directors, employees or agents of bodies corporate**

- (1) If, in a proceeding under this Part or the Australian Consumer Law (NT), it is necessary to establish the state of mind of a body corporate in relation to particular conduct, it is sufficient to show:
  - (a) that the conduct was engaged in by a director, employee or agent of the body corporate within the scope of his or her actual or apparent authority; and
  - (b) that the director, employee or agent had the relevant state of mind.
- (2) Any of the following conduct that is engaged in on behalf of a body corporate is taken, for this Part and the Australian Consumer Law (NT), to have been engaged in also by the body corporate:
  - (a) conduct engaged in by a director, employee or agent of the body corporate within the scope of the actual or apparent authority of the director, employee or agent;
  - (b) conduct engaged in by any other person if:
    - (i) the conduct is engaged in at the direction or with the consent or agreement (whether express or implied) of a director, employee or agent of the body corporate; and
    - (ii) the giving of the direction, consent or agreement is within the scope of the actual or apparent authority of the director, employee or agent.

**44 Conduct of employees or agents of persons other than bodies corporate**

- (1) If, in a proceeding under this Part or the Australian Consumer Law (NT), it is necessary to establish the state of mind of a person other than a body corporate (the *principal*) in relation to particular conduct, it is sufficient to show:
  - (a) that the conduct was engaged in by an employee or agent of the principal within the scope of his or her actual or apparent authority; and
  - (b) that the employee or agent had the relevant state of mind.

- (2) Any of the following conduct that is engaged in on behalf of a person other than a body corporate (the *principal*) is taken, for this Part and the Australian Consumer Law (NT), to have been engaged in also by the principal:
- (a) conduct engaged in by an employee or agent of the principal within the scope of the actual or apparent authority of the employee or agent;
  - (b) conduct engaged in by any other person if:
    - (i) the conduct is engaged in at the direction or with the consent or agreement (whether express or implied) of an employee or agent of the principal; and
    - (ii) the giving of the direction, consent or agreement is within the scope of the actual or apparent authority of the employee or agent.
- (3) However, an individual is not liable to be punished by imprisonment for an offence if:
- (a) subsection (1) or (2) applied in relation to the conviction for the offence on the basis that the individual was the principal mentioned in the subsection; and
  - (b) the individual would not have been convicted of the offence if the subsection had not been enacted.

#### **45 Court may make orders to preserve money or other property**

- (1) A court may, on the application of the Minister or Commissioner, make an order or orders mentioned in subsection (3) if:
- (a) proceedings of a kind mentioned in subsection (2) have been taken against a person, or proceedings of a kind mentioned in subsection (2)(d) may be taken against a person; and
  - (b) the court is satisfied it is necessary or desirable to make the order or orders for the purpose of preserving money or other property held by, or on behalf of, the person if the person is liable, or may become liable, under the Australian Consumer Law (NT):
    - (i) to pay money by way of a fine, damages, compensation, refund or otherwise; or
    - (ii) to transfer, sell or refund other property; and

- (c) the court is satisfied the making of such an order or orders will not unduly prejudice the rights and interests of any other person.
- (2) For subsection (1)(a), the kinds of proceedings taken against the person are:
- (a) proceedings against the person for an offence against a provision of Chapter 4 of the Australian Consumer Law (NT); or
  - (b) an application under section 232 of the Australian Consumer Law (NT) for an injunction against the person in relation to:
    - (i) a contravention of a provision of Chapter 2, 3 or 4 of the Australian Consumer Law (NT); or
    - (ii) a term of a consumer contract in relation to which a declaration under section 250 of the Australian Consumer Law (NT) has been made; or
  - (c) an action under section 236(1) of the Australian Consumer Law (NT) against the person in relation to a contravention of a provision of Part 2-1 or Chapter 3 of the Australian Consumer Law (NT); or
  - (d) an application for an order under section 237(1) or 239(1) of the Australian Consumer Law (NT) against a person in relation to:
    - (i) a contravention of a provision of Chapter 2, 3 or 4 of the Australian Consumer Law (NT); or
    - (ii) a term of a consumer contract in relation to which a declaration under section 250 of the Australian Consumer Law (NT) has been made.
- (3) The court may make the following orders under subsection (1) in relation to money or other property held by, or on behalf of, a person (the *respondent*):
- (a) an order prohibiting, either absolutely or subject to conditions, a person who is indebted to the respondent, or to an associate of the respondent, from making a payment, in total or partial discharge of the debt:
    - (i) to the respondent; or
    - (ii) to another person at the direction or request of the respondent;

- (b) an order prohibiting, either absolutely or subject to conditions, a person who is holding money or other property on behalf of the respondent, or on behalf of an associate of the respondent:
    - (i) from paying all or any of the money to the respondent, or to another person at the direction or request of the respondent; or
    - (ii) from transferring the other property to the respondent, or to another person at the direction or request of the respondent, or otherwise parting with possession of that property;
  - (c) an order prohibiting, either absolutely or subject to conditions, the taking or sending by any person of money of the respondent, or of an associate of the respondent, to a place outside the Territory;
  - (d) an order prohibiting, either absolutely or subject to conditions, the taking, sending or transfer by any person of other property of the respondent, or of an associate of the respondent, to a place outside the Territory;
  - (e) if the respondent is an individual – an order appointing a receiver or trustee of the property, or part of the property, of the respondent with such powers as are specified in the order.
- (4) If the court makes such an order, the order operates:
- (a) for the period specified in the order, which must not be longer than 30 days if the order is made in the absence of the person against whom it is sought; or
  - (b) if proceedings in relation to which the order is made are concluded before the end of that period – until the conclusion of those proceedings.
- (5) A person must not engage in conduct that results in a contravention of an order made under this section.
- Maximum penalty: 500 penalty units.
- (6) This section:
- (a) has effect subject to the *Bankruptcy Act 1966* (Cth); and
  - (b) does not affect any other powers of the court.

(7) In this section:

***associate***, of a person (the ***relevant person***), means:

- (a) a person holding money or other property on behalf of the relevant person; or
- (b) if the relevant person is a body corporate – a wholly owned subsidiary (as defined in the Corporations Act 2001) of the relevant person.

**46 Application of Australian Consumer Law (NT) to bills for legal services under *Legal Profession Act***

(1) This section applies if:

- (a) apart from this section, under section 101 of the Australian Consumer Law (NT) a person is entitled, as a consumer, to request the supplier of legal services to give the consumer an itemised bill, complying with that section, relating to the legal services; and
- (b) under section 327 of the *Legal Profession Act*, the person is entitled to request a law practice to give the person an itemised bill relating to the legal services.

(2) Section 101 of the Australian Consumer Law (NT) ceases to apply to the legal services.

**47 Compliance with standard for supply of electrical appliance**

(1) A person must not, in trade or commerce, supply an electrical appliance that is intended to be used, or is likely to be used, by a consumer, unless the person has complied with the standard prescribed by regulation.

Maximum penalty: 500 penalty units.

(2) Subsection (1) does not apply to an electrical appliance that has been used before sale unless the use was only for testing or demonstration purposes.

(3) If an information standard is made under section 134 or 135 of the Australian Consumer Law (NT) for an electrical appliance, this section ceases to apply to the electrical appliance on and from the date the information standard comes into force.

(4) In this section:

*electrical appliance* means any of the following domestic appliances:

- (a) clothes dryers;
- (b) dishwashers;
- (c) freezers, refrigerators and refrigerator-freezers;
- (d) refrigerative airconditioners;
- (e) washing machines.

#### **14 Section 68A amended**

(1) Section 68A(1)

*omit*

section 68

*insert*

section 64 of the Australian Consumer Law (NT)

(2) Section 68A(1)(a)

*omit*

section 66

*insert*

all or any of the provisions of Part 3-2, Division 1, Subdivision B of the Australian Consumer Law (NT)

(3) Section 68A(1)(a), at the end

*insert*

or

(4) Section 68A(1)(b)

*omit*

section 66

*insert*

such a provision

- (5) Section 68A(1)(c)

*omit*

all words after "for a"

*insert*

failure to comply with a guarantee under that Subdivision in relation to the supply of the recreational services under the contract;

- (6) Section 68A(2)(a), at the end

*insert*

or

- (7) Section 68A(2)(b)

*omit*

verbally

*insert*

orally

- (8) Section 68A(2)(c)

*omit*

verbally,

*insert*

orally;

- (9) Section 68A(3), definition *personal injury*, paragraph (a), at the end

*insert*

or

- (10) Section 68A

*renumber* as section 48

---

**15 Parts 6 and 7 repealed**

Parts 6 and 7

*repeal*

**16 Section 162 amended**

(1) Section 162(1)(a)

*omit*

section 44

*insert*

section 151 of the Australian Consumer Law (NT)

(2) Section 162(1)(b)

*omit*

161,

*insert*

161;

**17 Section 168 amended**

Section 168(6)(b)

*omit*

section 64

*insert*

sections 54 and 55 of the Australian Consumer Law (NT)

**18 Section 330A amended**

Section 330A(1), after "Act"

*insert*

, other than the Australian Consumer Law (NT),



---

**19 Section 331 amended**

- (1) Section 331, heading

*omit*

**(former S 232A)**

- (2) Section 331

*omit*

For the purposes of this Act

*insert*

For this Act, other than Part 5 and the Australian Consumer Law (NT)

**20 Section 336 replaced**

Section 336

*repeal, insert*

**336 Protection from liability**

- (1) A person is not civilly or criminally liable for an act done or omitted to be done by the person in good faith in the exercise of a power or performance of a function as any of the following:
- (a) the Commissioner;
  - (b) the Deputy Commissioner;
  - (c) a member of a committee appointed under this Act;
  - (d) a person otherwise employed or engaged in, or in connection with, the administration or enforcement of this Act.
- (2) Subsection (1) does not affect any liability the Territory would, apart from that subsection, have for the act or omission.
- (3) This section has effect subject to Part VIIA of the *Police Administration Act* to the extent it relates to the civil liability of a person who is or has been a police officer.
- (4) In this section:
- exercise***, of a power, includes the purported exercise of the power.

---

*performance*, of a function, includes the purported performance of the function.

**21 Part 16 heading replaced**

Part 16 heading

*repeal, insert*

**Part 16 Repeals and transitional matters**

**22 Schedule 1 repealed**

Schedule 1

*repeal*

**23 Schedule 3 amended**

(1) Before paragraph 1

*insert*

**Part 1 Transitional matters for period before *Consumer Affairs and Fair Trading Amendment (National Uniform Legislation) Act 2010***

(2) Schedule 3, paragraph 1

*omit*

Schedule

*insert*

Part

(3) Schedule 3, paragraph 2

*repeal*

(4) Schedule 3, paragraph 4(2)(b)

*omit*

day,

*insert*

day;

- (5) Schedule 3, paragraph 4(3) and (4)

*omit (all references)*

Part X

*insert*

Part 10

- (6) Schedule 3, at the end

*insert*

**Part 2** Transitional matters for *Consumer Affairs and Fair Trading Amendment (National Uniform Legislation) Act 2010*

**1** Definitions

In this Part:

***amendment Act*** means the *Consumer Affairs and Fair Trading Amendment (National Uniform Legislation) Act 2010*.

***commencement*** means the commencement of section 13 of the amendment Act.

***new Act*** means the *Consumer Affairs and Fair Trading Act* as in force immediately after the commencement.

***old Act*** means the *Consumer Affairs and Fair Trading Act* as in force immediately before the commencement.

**2** ***Interpretation Act*** not affected

This Part does not limit Part III of the *Interpretation Act*.

**3** **Authorised officers**

A person who, immediately before the commencement, was an authorised officer for the purposes of a Part of the old Act is taken to be an authorised officer for the same Part of the new Act.

**4** **Proceedings already commenced**

- (1) The old Act continues to apply to or in relation to any proceedings under or in relation to the old Act that were commenced, but not concluded, before the commencement.

- (2) However, to the extent any such proceedings are proceedings for an injunction under section 89 of the old Act, the proceedings are taken, after the commencement, to be proceedings for an injunction under section 232 of the Australian Consumer Law (NT).

## **5 Sale price of motor vehicle partly recoverable if certain offence committed**

- (1) This paragraph applies if:
- (a) before or after the commencement, a person is found guilty of an offence consisting of a contravention of section 44 of the old Act committed by falsely stating:
    - (i) the year in which a motor vehicle was manufactured or first registered; or
    - (ii) the model designation of the vehicle; and
  - (b) a person (the *purchaser*) purchased the motor vehicle relying on the statement; and
  - (c) before the commencement, the purchaser had not made an application under section 162(1).
- (2) The purchaser may apply to the Commissioner for an order under section 162(2).
- (3) The application must be dealt with as if it were made under section 162(1).

## **6 Unfair contract terms**

- (1) Part 2-3 of the Australian Consumer Law (NT) applies to a contract entered into on or after the commencement.
- (2) If an old contract is renewed on or after the commencement, Part 2-3 of the Australian Consumer Law (NT) applies to the contract on and from the day on which the renewal takes effect, in relation to conduct that occurs on or after that day.
- (3) If a term of an old contract (to which subparagraph (2) has not already applied) is varied on or after the commencement:
- (a) Part 2-3 of the Australian Consumer Law (NT) applies to the term as varied on and from the day on which the variation takes effect, in relation to conduct that occurs on or after that day; and

(b) sections 23(2) and 27 of the Australian Consumer Law (NT) apply to the contract.

(4) In this paragraph:

*old contract* means a contract entered into before the commencement.

## **7 Requests for itemised bills**

Section 101 of the Australian Consumer Law (NT) does not apply in relation to a supply of services to the extent the services were supplied before the commencement.

## **8 Pecuniary penalties – having regard to previous findings**

The reference in section 224(2)(c) of the Australian Consumer Law (NT) to proceedings under Chapter 4 or Part 5-2 of the Australian Consumer Law (NT) includes a reference to proceedings, commenced before the commencement, under or in relation to:

- (a) Part 6 of the old Act; or
- (b) Part VC or VI of the *Trade Practices Act 1974* (Cth); or
- (c) equivalent provisions of a law of a State or another Territory.

## **9 Transitional regulations**

- (1) A regulation may provide for a matter of a transitional nature:
  - (a) because of the enactment of the amendment Act; or
  - (b) to otherwise allow or facilitate the transition from the operation of the old Act to the new Act.
- (2) The regulation may have retrospective operation to a day not earlier than the day of commencement.
- (3) However, to the extent to which the regulation has retrospective operation, it does not operate to the disadvantage of a person (other than the Territory or a Territory authority) by:
  - (a) decreasing the person's rights; or
  - (b) imposing liabilities on the person.
- (4) The regulation must declare it is made under this paragraph.

- (5) This paragraph, and each regulation made under it, expires 1 year after the commencement.

**24 Act further amended**

Schedule 1 has effect.

**Part 3 Consequential amendments of other laws**

**25 *Consumer Affairs and Fair Trading Amendment Act 2006* amended**

- (1) This section amends the *Consumer Affairs and Fair Trading Amendment Act 2006*.

- (2) Section 2  
*omit, insert*

**2 Commencement**

This Act commences on the day on which, but immediately after, section 25 of the *Consumer Affairs and Fair Trading Amendment (National Uniform Legislation) Act 2010* commences.

- (3) Sections 5 to 17 and 20 and the Schedule  
*repeal*

**26 *Consumer Affairs and Fair Trading Amendment Regulations (No. 2) 2006* amended**

- (1) This section amends the *Consumer Affairs and Fair Trading Amendment Regulations (No. 2) 2006*.

- (2) Part 2  
*repeal*

**27 *Consumer Affairs and Fair Trading (Motor Vehicle Dealers) Regulations* amended**

- (1) This section amends the *Consumer Affairs and Fair Trading (Motor Vehicle Dealers) Regulations*.

- 
- (2) Schedule 3, Form 10, Conditions of Contract, condition 5(a)
- omit*
- the purposes of section 71 of the *Trade Practices Act* and section 64 of the *Consumer Affairs and Fair Trading Act*
- insert*
- section 54 of the Australian Consumer Law (NT) and section 54 of Schedule 2 of the *Competition and Consumer Act 2010* (Cth), applying as a law of the Commonwealth,
- (3) Schedule 3, Form 10, Conditions of Contract, condition 5(b)
- omit*
- Trade Practices Act*
- insert*
- Competition and Consumer Act 2010* (Cth)

## **28** *Jurisdiction of Courts (Cross-vesting) Act* amended

- (1) This section amends the *Jurisdiction of Courts (Cross-vesting) Act*.
- (2) Section 10
- repeal, insert*
- 10** **Transfer of matters arising under certain provisions of the Australian Consumer Law applying as a law of the Commonwealth**
- (1) This section applies if:
- (a) a proceeding is pending in the Federal Court, Family Court, Supreme Court or Supreme Court of another State or a Territory; and
  - (b) a matter for determination in the proceeding is a matter arising under any of the following provisions of Schedule 2 of the *Competition and Consumer Act 2010* (Cth), applying as a law of the Commonwealth:
    - (i) Part 3-1, Divisions 1, 2, 4 or 5;
    - (ii) Part 3-3;
    - (iii) Part 3-4; and

- (c) no matter for determination in the proceeding is a special federal matter; and
  - (d) the proceeding is not a proceeding by way of an appeal from a judgment of a court; and
  - (e) a court of the State, other than the Supreme Court, has jurisdiction in respect of all matters for determination in the proceeding.
- (2) The court mentioned in subsection (1)(a) may, on the application of a party to the proceeding or of its own motion, transfer the proceeding to the court mentioned in subsection (1)(e).
- (3) After section 15
- insert*

**16 Transitional matters for *Consumer Affairs and Fair Trading Amendment (National Uniform Legislation) Act 2010***

- (1) This section applies if, on or after the commencement of this section:
- (a) a proceeding is pending in the Federal Court, Family Court, Supreme Court or Supreme Court of another State or a Territory; and
  - (b) a matter for determination in the proceeding is a matter arising under Part V, Division 1 or 1A of the *Trade Practices Act 1974* (Cth); and
  - (c) no matter for determination in the proceeding is a special federal matter; and
  - (d) the proceeding is not a proceeding by way of an appeal from a judgment of a court; and
  - (e) a court of the State, other than the Supreme Court, has jurisdiction in respect of all matters for determination in the proceeding.
- (2) The court mentioned in subsection (1)(a) may, on the application of a party to the proceeding or of its own motion, transfer the proceeding to the court mentioned in subsection (1)(e).



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**29** *Personal Injuries (Liabilities and Damages) Act* amended

(1) This section amends the *Personal Injuries (Liabilities and Damages) Act*.

(2) Section 4(3)(e)

*omit, insert*

(e) a claim, in relation to the supply of certain goods, in relation to loss or damage in the nature of a personal injury that is mentioned in section 106, 107, 118, 127 or 136 of Schedule 2 of the *Competition and Consumer Act 2010* (Cth) applying as a law of the Commonwealth or a State or Territory.

**30** Other laws amended

Schedule 2 amends the laws mentioned in it.

**31** Expiry of Part

This Part expires on the day after it commences.

**Part 4 Repeals**

**32** Regulations repealed

The Regulations specified in Schedule 3 are repealed.

## Schedule 1 Consumer Affairs and Fair Trading Act further amended

section 24

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
Part 1, heading, after "Preliminary"		<b>matters</b>
section 4(1), definitions <i>Council, product information standard, product safety standard, regulations</i> and <i>this Act</i>	whole definition	
section 4(1)		<p><i>(in alphabetical order)</i></p> <p><b><i>application law</i></b>, for Part 4, see section 25(1).</p> <p><b><i>Australian Consumer Law</i></b>, for Part 4, see section 25(1).</p> <p><b><i>Australian Consumer Law (NT)</i></b> means the provisions applying because of Part 4 of this Act.</p> <p><b><i>Australian Consumer Law text</i></b>, for Part 4, see section 25(1).</p> <p><b><i>instrument</i></b>, for Part 4, see section 25(1).</p> <p><b><i>Intergovernmental Agreement</i></b>, for Part 4, see section 25(1).</p> <p><b><i>jurisdiction</i></b>, for Part 4, see section 25(1).</p> <p><b><i>law</i></b>, for Part 4, see section 25(1).</p>

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		<i>modifications</i> , for Part 4, see section 25(1).
		<i>month</i> , for Part 4, see section 25(1).
		<i>participating jurisdiction</i> , for Part 4, see section 25(1).
		<i>State</i> , for Part 4, see section 25(1).
		<i>state of mind</i> , of a person, includes a reference to:
		(a) the knowledge, intention, opinion, belief or purpose of the person; and
		(b) the person's reasons for the person's intention, opinion, belief or purpose.
		<i>Territory</i> , for Part 4, see section 25(1).
		<i>this jurisdiction</i> , for Part 4, see section 25(1).
section 4(1), definition <i>authorized officer</i>	<i>authorized</i>	<i>authorised</i>
section 4(1), definition <i>consumer</i>	has the meaning given by	, see
section 4(1), definition <i>goods</i> , paragraphs (a) and (b), at the end		and
section 4(1), definition <i>officer</i>	has the same meaning as in	see

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section 4(1), definition <i>services</i> , paragraphs (a)(i) and (iii) and (b), at the end		or
section 4(1), definition <i>services</i> , paragraph (d)	moneys,	moneys;
section 4(2)	, unless the contrary intention appears	
section 4(2)(a) to (c) and (4)(a), at the end		and
section 4(3)	the purposes of	
section 5(1)	all words from "In" to "person"	A <i>consumer</i> is a person
section 5(2)(b)	production,	production.
section 5(2)	all words from "and in" to "land."	
Part 2, heading	<b>and Council</b>	
section 8(2)(b)	Commissioner,	Commissioner;
section 8(4)(b)	particular,	particular;
section 9(1)	Public Service Commissioner within the meaning of	Commissioner for Public Employment constituted under
section 10(2)(a), at the end		and
section 10(2)(b)	all words after "include"	one or more public sector employees; and
section 10(4)(b)	all words from "an employee" to "Act"	a public sector employee
section 11(1)	All words from "(1) Subject" to "instrument"	The Commissioner may,
section 11(1)(a)	whole paragraph	(a) to a public sector employee; or

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section 11(2) to (4)	whole subsection	
section 20(1)	the purpose of the purposes of ( <i>all references</i> )	
section 20(1)(a)(i) and (iii), (b) and (ba), at the end		or
section 20(1)(d)	kept,	kept;
sections 22(2)(a) and 23(1)(a), (2)(a) and (4)(a), at the end		or
section 23(2)(c)	22(2),	22(2);
section 23(4)(c)	particular,	particular;
section 24(a), at the end		or
section 24(c)	22(2),	22(2);
section 114(1)	, unless the contrary intention appears	
section 114(1), definition <i>prescribed benefit</i> , paragraph (a), at the end		or
section 114(2)	the purposes of	
section 117(b)	business,	business;
section 118(1)(a), at the end		and
section 120(1)(b)	trader,	trader;
section 121(b)	, or fails to comply with,	
section 121(b) and (c), at the end		or
section 121(e)	pretences,	pretences;

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section 122(2)(b)	reports,	reports;
section 122(4)	, or fails to comply with,	
sections 123(2) and 124(2) and (3)	notice in the <i>Gazette</i>	<i>Gazette</i> notice
section 124A(1)(a), at the end		or
section 125(1)	, unless the contrary intention appears	
section 125(1), definitions <b>dealer</b> , paragraph (a) and <b>owner</b> , paragraph (a), at the end		or
section 125(1), definition <b>motor vehicle</b> , paragraph (b)	notice in the <i>Gazette</i>	<i>Gazette</i> notice
section 125(1), definition <b>owner</b> , paragraph (c)	lease,	lease;
section 125(2)(a) and (d), at the end		or
section 125(2)(c)	use,	use;
section 126(2)(b)	vehicle,	vehicle;
section 126(3)(b)	sold,	sold;
section 126(4)(b)	dealer,	dealer;
Part 10, Division 2, heading	, <b>&amp;c.</b>	<b>and breach of licence</b>
section 130	shall not contravene or fail to comply with	must not contravene
section 132(5)(a), at the end		and

sections 136(1)(a) to (e) and (3)(a) and (b) and 137(1)(a) to (f) and (3)(a) and (b), at the end		or
section 139, heading	<b>, appeals, &amp;c.</b>	<b>and appeal</b>
Part 10, Division 3, Subdivision B, heading	whole heading	<b>Subdivision B Duration and operation of licence, annual fee and return</b>
sections 140(a) and 141(7)(a), at the end		or
section 144(1)(b)	granted,	granted;
Part 10, Division 3, Subdivision C, heading	whole heading	<b>Subdivision C Revocation, suspension and variation of licence</b>
section 145(a), at the end		or
section 146(a), at the end		and
section 147, heading	<b>directors, &amp;c.,</b>	<b>management</b>
sections 147(2)(a) to (c), 149(2)(a) and 150(2)(a), at the end		and
sections 150(3) and 153(1), penalty provision	Penalty:	Maximum penalty:
section 153(2)(b)	144(4),	144(4);
section 154, heading	whole heading	<b>154 Issue of duplicate licence</b>
sections 157(1) and (3) and 158(1), penalty provision	Penalty:	Maximum penalty:

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section 158(1)(a) and (b), (2)(a) to (d), (3)(a) and (4)(a) to (c), at the end		and
section 159(3)(b)	particular,	particular;
sections 159(3), 160(1) and (7), 161(1) to (3), 163(1) and 164, penalty provision	Penalty:	Maximum penalty:
section 166(1)(b)	person,	person;
sections 166(1) and 167, penalty provision	Penalty:	Maximum penalty:
section 168(1)(b)	(2),	(2);
section 169(1)(a), at the end		or
section 169(2)(a) and (b), (3)(a) to (c) and (4)(a)(ii), at the end		and
section 169(4)(b)(ii) and (c)	member of the Police Force	police officer
section 170(1)(a), at the end		or
section 172(1)(b)	person,	person;
section 172(1) and (3), penalty provision	Penalty:	Maximum penalty:
section 172(2)(a) to (d), at the end		and
section 174(1), penalty provision	Penalty:	Maximum penalty:
section 174(2)(a), at the end		and
sections 175 and 176(1), penalty provision	Penalty:	Maximum penalty:



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sections 176(2)(a) to (f) and 177(1)(a), at the end		and
section 178, penalty provision	Penalty:	Maximum penalty:
section 182	notice in the <i>Gazette</i>	<i>Gazette</i> notice
section 183	or failing to comply with	
section 184(3)(a) to (g), at the end		and
section 185	, unless the contrary intention appears	
section 186(2)(a) and (b), at the end		or
section 188A(1)(b)	agent,	agent;
section 190(3)(a)(ii) and (b) to (g) and (g)(i) and (ii), at the end		and
section 190(3)(g)(iv)	director,	director;
section 190(3C)(a), at the end		and
sections 190(7)(a) and 193(2)(a) to (d), (3)(a) to (d), (4)(a) to (g) and (5)(a) to (d), at the end		or
section 193(9)(b)	relates,	relates;
section 194(1)(a), at the end		and
section 194(5)(b)	business,	business;
section 195(1)(a) and (b), at the end		and
section 195(6)	shall not contravene or fail to comply with	must not contravene

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section 197(a), at the end		or
section 202, heading	whole heading	<b>202 Issue of duplicate licence</b>
section 203(1)(b)	granted,	granted;
section 204(1)(a) to (k), at the end		or
section 204(1)(n)	licence,	licence;
section 204(6)(b)	205,	205;
section 206(1)(a), at the end		or
section 206(1)(c)	subject,	subject;
section 206(3)(b)	conduct,	conduct;
section 207(1)(b)	corporate,	corporate;
section 208(b)	subject,	subject;
section 212(2)(a), at the end		and
sections 214(1)(a) and (b) and 215(a) and (b), at the end		or
section 216(1)(a)(i), at the end		and
section 216(1)(a)(iii)	conduct,	conduct;
section 216(2)(b)	218(1),	218(1);
section 218, heading	, <b>&amp;c.</b> ,	
section 218(3)(b)	corporate,	corporate;
section 225(a) and (b), at the end		and
section 238, heading	<b>(former S 226)</b>	

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section 238(2)(a) and (3)	organizations	organisations
section 239, heading	<b>(former S 227)</b>	
section 240, heading	<b>(former s 228)</b>	
section 240(1)(a), at the end		and
section 240(1)(c)	contravention,	contravention;
section 241, heading	<b>(former S 229)</b>	
section 242, heading	<b>(former s 230)</b>	
section 242(1)(b)	prohibited,	prohibited;
section 242(4)(b)	management,	management;
section 242(7)	or fails to comply with	
section 243, heading	<b>(former S 231)</b>	
section 244(1)	, unless the contrary intention appears	
section 245(a), at the end		or
section 249, heading	<b>, &amp;c.</b>	
section 251(4)(a), at the end		and
section 252(4)(b)	corporate,	corporate;
section 253(1)(a) to (c), at the end		or
section 253(1)(e)	circumstances,	circumstances;
section 254(a)(i) and (ii), at the end		or
section 254(a)(iv) and (b)(i) and (iii), at the end		and
section 254(b)(iii)	authorized	authorised

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section 259(a) to (d), (e)(ii), (f), (g), (h)(ii), (j), (k)(ii), (m) to (q) and (r)(ii), at the end		and
section 259(n)(ii)	application,	application;
section 260(a), at the end		and
section 260(b)	, or failed to comply with	
sections 260(b)(ii) and 264(3)(b)	subject,	subject;
section 267(1)(a), at the end		or
section 267(2)(b)	, or failed to comply with	
section 267(3)(a), at the end		and
section 269(1)(a) to (c), at the end		or
section 269(1)(e)	licence,	licence;
section 269(4)(a), at the end		and
section 269(4)(c)	Court,	Court;
section 271(b)	appeal,	appeal;
section 272(1)(a)(i) and (4)(a), at the end		or
section 272(1)(a)(iii)	permanently,	permanently;
section 272(4)(c)	licence,	licence;
section 273(b)	Court,	Court;
section 274(b)	be,	be;
section 275(1)(c)(i), at the end		and

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section 277(1)(b)(i), at the end		or
sections 280(2)(b)(i) and 283(3)(a) and (4)(a), at the end		and
section 283(3)(c) and (4)(c)	months,	months;
section 283(6) and (6)(b)	authorized	authorised
section 286(1)(a)(ii), at the end		and
section 288(1)(a)(ii)	parties,	parties;
section 290(a), at the end		and
section 291(1)(a) to (d), at the end		or
section 291(1)(d) and (e) and (2)	member of the Police Force	police officer
section 294(2)(a) and (b), at the end		or
section 294(2)(d)	(c),	(c);
section 296(1)(b)	party,	party;
section 301(2)(b)	contract,	contract;
section 304(b)	goods,	goods;
section 305, heading	, &c.,	<b>and remedies</b>
section 306(a), at the end		and
section 311(1) to (3)	member of the Police Force	police officer
section 311(3)(a) to (d), at the end		and
section 311(3)(d)(ii)	receptacle,	receptacle;

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section 312(1)	member of the Police Force	police officer
sections 312(1)(a) and 313(1)(a), at the end		and
sections 313(1) and 314(1)	member of the Police Force	police officer
section 314(2)(b)	given,	given;
section 315(a) and (b)	member of the Police Force	police officer
section 316(b)	time,	time;
section 317(1)	member of the Police Force	police officer
section 318(1)(b)	dealer,	dealer;
section 319(1) to (5)	member of the Police Force <i>(all references)</i>	police officer
section 319(5)(b)	determined,	determined;
section 320, heading	, &c.,	<b>and others</b>
section 321, heading	<b>where goods stolen, pawned, &amp;c.</b>	<b>if stolen goods pawned, sold or exchanged</b>
section 321(3)(b) and (4)(b)	Court,	Court;
section 322(3)(b)	fit,	fit;
section 323(1)	member of the Police Force	police officer
section 323(1)(b)(ii)	dealer,	dealer;
section 323(3)(b)	fit,	fit;
section 325(1)(b)	corporate,	corporate;
section 328(2)(a) and (b), at the end		or

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section 329	authorized	authorised
section 329(a), at the end		and
section 330	<b>(former S 232)</b>	
section 333, heading	<b>(former S 233)</b>	
section 334, heading	<b>notices, &amp;c. (former S 234)</b>	<b>documents</b>
section 334(2)(a) and (b) and (3)(a) and (b), at the end		or
section 334(2)(c) and (3)(c)	authorized	authorised
section 334(4)(a)	authorizes	authorises
section 334(4)(b)	authorize	authorise
section 335, heading	<b>(former s 235)</b>	
section 335(1)(a) and (b), at the end		or
section 335(2)	authorized	authorised
section 337, heading	<b>(former S 236A)</b>	
section 337(2)	notice in the <i>Gazette</i>	<i>Gazette</i> notice
section 337(2)(a), at the end		or
section 338, heading	<b>(former s 237)</b>	
section 338(1) and (2)	whole subsection	(1) The Administrator may make regulations under this Act.
section 338A, heading	whole heading	<b>338A Authorisation for purposes of <i>Competition and Consumer Act 2010</i> (Cth)</b>

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section 338A(1) and (2)	<i>Trade Practices Act 1974</i> of the Commonwealth	<i>Competition and Consumer Act 2010</i> (Cth)
section 339, heading	<b>(former S 238)</b>	
section 340, heading	<b>(former S 239)</b>	

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**Schedule 2 Other laws amended**

section 30

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<b><i>Agents Licensing Act</i></b>		
section 93(2)(c)	Board; and	Board.
section 93(2)(d)	whole paragraph	
<b><i>Agents Licensing Regulations</i></b>		
regulation 24A(a)	<i>Trade Practices Act 1974</i> of the Commonwealth	<i>Competition and Consumer Act 2010</i> (Cth)
regulation 24A(c)	whole paragraph	
<b><i>AustralAsia Railway (Third Party Access) Act</i></b>		
section 8 and Schedule, clauses 3(1), definition <b><i>corresponding access regime</i></b> , paragraphs (a)(i) to (iv), 3(5)(b), 21(2) and 50(1)(b)	<i>Trade Practices Act 1974</i> of the Commonwealth	<i>Competition and Consumer Act 2010</i> (Cth)
<b><i>Business Tenancies (Fair Dealings) Act</i></b>		
section 76, definition <b><i>applicable industry code</i></b> and <b><i>industry code</i></b>	whole definition	
section 76		<i>(in alphabetical order)</i> <b><i>applicable industry code</i></b> , see section 51ACA(1) of the <i>Competition and</i>

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		<i>Consumer Act 2010</i> (Cth).
		<i>industry code</i> , see section 51ACA(1) of the <i>Competition and Consumer Act 2010</i> (Cth).
<b><i>Competition Policy Reform (Northern Territory) Act</i></b>		
section 3(1), definition <b><i>Trade Practices Act</i></b>	whole definition	
section 3(1)		<i>(in alphabetical order)</i> <b><i>Competition and Consumer Act</i></b> means the <i>Competition and Consumer Act 2010</i> (Cth).
section 3(1), definitions <b><i>Commission, Council, officer</i></b> and <b><i>Tribunal</i></b>	Trade Practices Act	Competition and Consumer Act
section 3(1), definition <b><i>Schedule version of Part IV</i></b>	Part 1 of the Schedule to the Trade Practices Act	Schedule 1, Part 1 of the Competition and Consumer Act
sections 3(2), 4(1)(b) and (c), 8(6), 27(1), (2) and (4), 34(1)(a) and (b) and (2) and 35	Trade Practices Act	Competition and Consumer Act
section 39, heading	<b>Trade Practices Act</b>	<b>Competition and Consumer Act</b>
sections 39 and 42(2)	Trade Practices Act	Competition and Consumer Act

***Consumer Affairs and  
Fair Trading (Tow  
Truck Operators Code  
of Practice)  
Regulations***

Schedule,  
clause 5(2)(b) whole paragraph

Schedule,  
clause 7(2)(a) the Consumer Affairs  
Council,

***Electricity Networks  
(Third Party Access)  
Act***

Schedule, Part 1,  
clause 2(1) *Trade Practices Act  
1974* of the  
Commonwealth *Competition and  
Consumer Act 2010  
(Cth)*

***Electricity Reform Act***

section 111(4) *Trade Practices Act  
1974* of the  
Commonwealth *Competition and  
Consumer Act 2010  
(Cth)*

***Liquor Act***

section 33A, definitions  
*credit card* and *debit  
card* whole definition

section 33A

*(in alphabetical order)*

***Australian Consumer  
Law (NT)*** means the  
provisions applying as  
a law of the Territory  
because of Part 4 of the  
*Consumer Affairs and  
Fair Trading Act*.

***credit card***, see  
section 39(5) of the  
Australian Consumer  
Law (NT).

***debit card***, see  
section 39(6) of the  
Australian Consumer

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		Law (NT).
section 120C(3) and (4)	<i>Trade Practices Act 1974</i>	<i>Competition and Consumer Act 2010</i>
<b><i>Proportionate Liability Act 2005</i></b>		
section 4(2)(b)	whole paragraph	(b) a claim in respect of loss or damage arising from a contravention of section 18 of the Australian Consumer Law (NT).
section 4(3)(b)	whole paragraph	(b) a claim arising from a contravention of Part 3-3 or 3-4 of the Australian Consumer Law (NT);
after section 4(4)		(5) In this section: <b><i>Australian Consumer Law (NT)</i></b> means the provisions applying as a law of the Territory because of Part 4 of the <i>Consumer Affairs and Fair Trading Act</i> .
<b><i>Uncollected Goods Act</i></b>		
section 9(1)(b)	section 59 of the <i>Consumer Affairs and Fair Trading Act</i>	section 41 of the Australian Consumer Law (NT)
after section 9(2)		(3) In this section: <b><i>Australian Consumer Law (NT)</i></b> means the provisions

applying as a law of the Territory because of Part 4 of the *Consumer Affairs and Fair Trading Act*.

***Water Supply and Sewerage Services Act***

section 118(4)

*Trade Practices Act 1974* of the Commonwealth

*Competition and Consumer Act 2010* (Cth)

***Year 2000 Information Disclosure Act 1999***

section 9(6) and (7)

*Trade Practices Act 1974* of the Commonwealth  
*(all references)*

*Competition and Consumer Act 2010* (Cth)

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## Schedule 3 Repeals

section 32

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<i>Consumer Affairs and Fair Trading (Door-to-Door Trading) Regulations</i>	Subordinate Legislation No. 25 of 1992
<i>Amendments of the Consumer Affairs and Fair Trading (Door-to-Door Trading) Regulations</i>	Subordinate Legislation No. 39 of 1992
<i>Consumer Affairs (Product Information) Regulations</i>	Subordinate Legislation No. 37 of 1993
<i>Consumer Affairs (Product Safety Standards) Regulations</i>	Subordinate Legislation No. 57 of 2002

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