

Serial 67

Consumer Affairs and Fair Trading Amendment Bill 2002

Dr Toyne

**A BILL  
for  
AN ACT**

to amend the *Consumer Affairs and Fair Trading Act*

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NORTHERN TERRITORY OF AUSTRALIA  
CONSUMER AFFAIRS AND FAIR TRADING AMENDMENT ACT 2002

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No. of 2002

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# NORTHERN TERRITORY OF AUSTRALIA

No. of 2002

## AN ACT

to amend the *Consumer Affairs and Fair Trading Act*

[Assented to 2002]

[Second reading 2002]

The Legislative Assembly of the Northern Territory enacts as follows:

**1. Short title**

This Act may be cited as the *Consumer Affairs and Fair Trading Amendment Act 2002*.

**2. Commencement**

This Act comes into operation on the date, or respective dates, fixed by the Administrator by notice in the *Gazette*.

**3. Principal Act**

The *Consumer Affairs and Fair Trading Act* is in this Act referred to as the Principal Act.

**4. Interpretation**

Section 4 of the Principal Act is amended by omitting from the definition of "officer" in subsection (1) "section 82A" and substituting "section 9".

**5. Power of Commissioner to obtain information**

Section 8 of the Principal Act is amended by omitting from subsection (4) "Penalty: \$20,000 or imprisonment for 3 years." and substituting the following:

"Penalty: If the offender is a natural person – 400 penalty units or imprisonment for 2 years.

If the offender is a body corporate – 2 000 penalty units."

**6. Powers of entry of authorised officers**

Section 20 of the Principal Act is amended –

- (a) by omitting from subsection (1)(b) "Part X" and substituting "Part 10"; and
- (b) by omitting from subsection (1)(c) "Part XI" and substituting "Part 11".

**7. Offences**

Section 23 of the Principal Act is amended –

- (a) by omitting from subsection (1) "Penalty: \$5,000 or imprisonment for 12 months." and substituting the following:

"Penalty: If the offender is a natural person – 400 penalty units or imprisonment for 2 years.

If the offender is a body corporate – 2 000 penalty units.";

- (b) by omitting from subsection (2) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units.";

and

- (c) by omitting from subsection (4) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units or imprisonment for 6 months.

If the offender is a body corporate – 500 penalty units."



**8. Assertion of right to payment for unsolicited goods or services or for making entry in directory**

Section 58 of the Principal Act is amended by adding at the end of subsections (1), (2) and (3) the following:

"Penalty: If the offender is a natural person – 100 penalty units or imprisonment for 6 months.

If the offender is a body corporate – 500 penalty units."

**9. Offences**

Section 88 of the Principal Act is amended –

- (a) by omitting from subsection (5) "the Supreme Court" and substituting "a court";
- (b) by omitting from subsection (6) "the Supreme Court may (whether the fine was imposed by that Court or by the Court of Summary Jurisdiction)" and "judgment of the Supreme Court" and substituting "a Court may, whether the fine was imposed by that Court or another court," and "judgment of the court" respectively; and
- (c) by omitting subsection (8).

**10. Injunctions**

Section 89 of the Principal Act is amended –

- (a) by omitting from subsections (1), (3) and (4) "the Supreme Court" and substituting "a Court";
- (b) by omitting from subsection (5) "Supreme Court" and substituting "Court"; and
- (c) by omitting from subsections (6), (7) and (8) "Supreme Court" and substituting "Court".

**11. Order to disclose information or publish advertisement**

Section 90 of the Principal Act is amended by omitting "the Supreme Court" and substituting "the Court".

**12. Other orders**

Section 95 of the Principal Act is amended by omitting from subsections (1) and (2) "Supreme Court" and substituting "Court".

**13. Power of Court to prohibit payment or transfer of money or other property**

Section 96 of the Principal Act is amended –

- (a) by omitting from subsection (1) "Supreme Court" and substituting "Court";
- (b) by omitting from subsection (5)(a) "\$20,000" and substituting "500 penalty units"; and
- (c) by omitting from subsection (5)(b) "\$100,000" and substituting "2 500 penalty units".

**14. Prohibition of certain terms in contracts to which Part 7 applies**

Section 99 of the Principal Act is amended by omitting from subsection (2) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 200 penalty units.

If the offender is a body corporate – 1 000 penalty units."

**15. Requirements in relation to prescribed contracts**

Section 101 of the Principal Act is amended by omitting from subsection (2) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 200 penalty units.

If the offender is a body corporate – 1 000 penalty units."

**16. No consideration etc. during cooling-off period in prescribed contract**

Section 102 of the Principal Act is amended by omitting from subsections (1) and (2) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."

**17. Dealers not to call during certain hours**

Section 103 of the Principal Act is amended by omitting "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."

**18. Dealers to indicate their purpose for making calls**

Section 104 of the Principal Act is amended by omitting "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."

**19. Dealer to leave premises when requested**

Section 105 of the Principal Act is amended by omitting "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."

**20. Harassment and coercion**

Section 106 of the Principal Act is amended by omitting from subsections (1) and (2) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 200 penalty units.

If the offender is a body corporate – 1 000 penalty units."

**21. Restitution following rescission**

Section 109 of the Principal Act is amended by omitting from subsection (7) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units or imprisonment for 6 months.

If the offender is a body corporate – 500 penalty units."

**22. Prohibition of certain actions**

Section 112 of the Principal Act is amended by omitting from subsections (1) and (5) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 200 penalty units.

If the offender is a body corporate – 1 000 penalty units."

**23. Procedures in respect of prescribed reports**

Section 116 of the Principal Act is amended by adding at the end of subsections (1), (2) and (3) the following:

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"Penalty: If the offender is a natural person – 200 penalty units.  
If the offender is a body corporate – 1 000 penalty units."

**24. Duty of trader to disclose receipt of prescribed report**

Section 117 of the Principal Act is amended by adding at the end the following:

"Penalty: If the offender is a natural person – 200 penalty units.  
If the offender is a body corporate – 1 000 penalty units."

**25. Duty of disclosure of reporting agencies**

Section 118 of the Principal Act is amended by adding at the end of subsections (1), (3) and (4) the following:

"Penalty: If the offender is a natural person – 200 penalty units.  
If the offender is a body corporate – 1 000 penalty units."

**26. Correction of errors**

Section 119 of the Principal Act is amended by adding at the end of subsections (2), (3), (4) and (7) the following:

"Penalty: If the offender is a natural person – 200 penalty units.  
If the offender is a body corporate – 1 000 penalty units."

**27. Offences**

Section 121 of the Principal Act is amended –

- (a) by omitting paragraph (a); and
- (b) by omitting "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 200 penalty units.  
If the offender is a body corporate – 1 000 penalty units."

**28. Powers of Local Court**

Section 122 of the Principal Act is amended by omitting from subsection (4) "Penalty: \$5,000 or imprisonment for 2 years." and substituting the following:

"Penalty: If the offender is a natural person – 400 penalty units or imprisonment for 2 years."

If the offender is a body corporate – 2 000 penalty units."

**29. Repeal and substitution**

Part 9 of the Principal Act is repealed and the following substituted:

**"PART 9 – TRADING STAMPS**

**"123. Interpretation**

"(1) In this Part –

'approved third-party trading scheme' means a third-party trading scheme that has been approved under a corresponding law;

'corresponding law' means a law declared under subsection (2);

'prohibited third-party trading scheme' means –

- (a) a third-party trading scheme to which a declaration under section 124(2) relates; or
- (b) a trading stamp scheme under which a trading stamp is provided or intended to be provided in connection with the sale of, or for the purpose of promoting the sale of, tobacco, cigarettes, cigars or other tobacco products;

'third-party trading scheme' means a scheme or arrangement under which the acquisition of goods or services by a consumer from a supplier is a condition, or one of a number of conditions, compliance with which gives rise, or apparently gives rise, to an entitlement to a benefit from a third party in the form of goods or services or some discount, concession or advantage in connection with the acquisition of goods or services;

'trading stamp' means a stamp, coupon, token, voucher, ticket or other thing –

- (a) which is provided or intended to be provided in connection with the sale of, or for the purpose of promoting the sale of, goods or services; or
- (b) by virtue of which the purchaser or any other person may become entitled to, or may qualify for, a prize, gift or other benefit (whether the trading stamp constitutes an absolute entitlement or qualification or a conditional one only).

"(2) The Minister may, by notice in the *Gazette*, declare a law of the Commonwealth, a State or another Territory to be a corresponding law for the purposes of this Part.

**"124. Power of Minister to prohibit third-party trading schemes**

"(1) The Commissioner may recommend to the Minister that a third-party trading scheme be declared to be a prohibited third-party trading scheme –

- (a) if the scheme is not an approved third-party trading scheme; and
- (b) the Commissioner is of the opinion that the scheme is not genuine and reasonable or is contrary to the interests of consumers.

"(2) The Minister may, on the recommendation of the Commissioner, by notice in the *Gazette*, declare a third-party trading scheme to be a prohibited third-party trading scheme.

"(3) The Minister may, by notice in the *Gazette*, revoke a declaration under this section.

**"124A. Offences**

"A person must not –

- (a) act as a promoter of a prohibited third-party trading scheme;
- (b) as a party to a prohibited third-party trading scheme, supply goods or services; or
- (c) publish an advertisement relating to a prohibited third-party trading scheme or cause such an advertisement to be published.

Penalty: If the offender is a natural person – 500 penalty units or imprisonment for 2 years.

If the offender is a body corporate – 2 500 penalty units.

**"124B. Regulations for the purposes of this Part**

"Regulations made for the purposes of this Part may specify conditions that are to be complied with by persons who act as promoters of third-party trading schemes or supply goods or services as parties to third-party trading schemes."

**30. Definitions for purposes of Part 10**

Section 125 of the Principal Act is amended by omitting subsection (4)(b).

**31. Unlicensed dealing**

Section 128 of the Principal Act is amended by omitting "Penalty: \$20,000." and substituting the following:

"Penalty: If the offender is a natural person – 500 penalty units.

If the offender is a body corporate – 2 500 penalty units."

**32. Dealing from unlicensed premises**

Section 129 of the Principal Act is amended by omitting from subsection (1) "Penalty: \$20,000." and substituting the following:

"Penalty: If the offender is a natural person – 500 penalty units.

If the offender is a body corporate – 2 500 penalty units."

**33. Breach of terms or conditions of licence**

Section 130 of the Principal Act is amended by omitting "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 500 penalty units.

If the offender is a body corporate – 2 500 penalty units."

**34. Application for licence**

Section 132 of the Principal Act is amended by adding at the end the following:

"(3) An application under subsection (1) is to be accompanied by proof of the placement of a notice in a newspaper or newspapers in accordance with subsection (4) in relation to the application.

"(4) An applicant for a licence may place in a newspaper circulating in the Territory and, if there is another newspaper circulating in the locality in which the applicant proposes to carry on business as a dealer, that newspaper, a notice in accordance with subsection (5).

"(5) A notice under subsection (4) is to –

- (a) state that the application has been made;
- (b) set out the prescribed details with respect to the application; and
- (c) specify a period during which members of the public may, by notice in writing lodged with the Commissioner under section

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134(2A), object to the granting of a licence on any of the grounds specified in section 136(1) or 137(1).".

**35. Objections to application**

Section 134 of the Principal Act is amended –

- (a) by omitting from subsection (1)(a) "applicant; and" and substituting "applicant.";
- (b) by omitting subsection (1)(b);
- (c) by inserting after subsection (2) the following:

"(2A) A person may, by notice in writing lodged with the Commissioner, object to the granting of a licence on any of the grounds specified in section 136(1) or 137(1)."; and

- (d) by omitting from subsection (3) "(1)(b) or (2)" and substituting "(2) or (2A)".

**36. Grounds for refusal of licence to individual**

Section 136 of the Principal Act is amended by omitting subsection (2) and substituting the following:

"(2) The Commissioner must also refuse an individual's application for a licence if the applicant fails to comply with a requirement of the Commissioner under section 133."

**37. Annual fee and return**

Section 141 of the Principal Act is amended by omitting from subsection (6) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units or imprisonment for 6 months.

If the offender is a body corporate – 500 penalty units."

**38. Death of licensed dealer**

Section 144 of the Principal Act is amended by omitting from subsection (4) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 500 penalty units.

If the offender is a body corporate – 2 500 penalty units."



**39. Result of inquiry**

Section 150 of the Principal Act is amended by omitting from subsection (3) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."

**40. Licence to be displayed**

Section 153 of the Principal Act is amended by omitting from subsection (1) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."

**41. Duty of dealer to maintain dealings register**

Section 157 of the Principal Act is amended –

(a) by omitting from subsection (1) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 200 penalty units.

If the offender is a body corporate – 1 000 penalty units.;"

and

(b) by adding at the end of subsection (3) the following:

"Penalty: If the offender is a natural person – 20 penalty units.

If the offender is a body corporate – 100 penalty units."

**42. Details to be entered into dealings register**

Section 158 of the Principal Act is amended by omitting from subsection (1) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."

**43. Seller to supply information to dealer**

Section 159 of the Principal Act is amended by omitting from subsection (3) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units or imprisonment for 6 months.

If the offender is a body corporate – 500 penalty units."

**44. Contract for sale of second-hand vehicle to be in prescribed form**

Section 160 of the Principal Act is amended by omitting from subsections (1) and (7) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 500 penalty units or imprisonment for 6 months.

If the offender is a body corporate – 2 500 penalty."

**45. Replacement and alteration of odometers**

Section 161 of the Principal Act is amended by omitting from subsections (1), (2) and (3) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."

**46. Prohibition of sale of vehicles without vehicle identification number**

Section 163 of the Principal Act is amended by omitting from subsection (1) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."

**47. Prohibition on sale of vehicles registered interstate**

Section 164 of the Principal Act is amended by omitting "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."

**48. Dealings with infants**

Section 166 of the Principal Act is amended by omitting from subsection (1) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."

**49. Documents to be complete before signing**

Section 167 of the Principal Act is amended by omitting "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."

**50. Authority required by dealer for sale of motor vehicle on consignment**

Section 172 of the Principal Act is amended by omitting from subsections (1) and (3) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."

**51. Notice to be displayed by licenced dealer**

Section 174 of the Principal Act is amended by omitting from subsection (1) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 20 penalty units.

If the offender is a body corporate – 100 penalty units."

**52. Advertisements by dealers**

Section 175 of the Principal Act is amended by omitting "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 20 penalty units.

If the offender is a body corporate – 100 penalty units."

**53. Dealer's managers to be approved by Commissioner**

Section 176 of the Principal Act is amended by omitting from subsection (1) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 500 penalty units.

If the offender is a body corporate – 2 500 penalty units."

**54. Disqualifications resulting from revocation, cancellation or suspension of licence**

Section 177 of the Principal Act is amended by omitting from subsection (3) "Penalty: \$5,000." and substituting the following:

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"Penalty: If the offender is a natural person – 5 000 penalty units.  
If the offender is a body corporate – 25 000 penalty units."

**55. Commissioner to be notified of dissolution of partnership**

Section 178 of the Principal Act is amended by omitting "Penalty: \$5,000." and substituting the following:

"Penalty: 100 penalty units."

**56. Travel agents to be licensed**

Section 188 of the Principal Act is amended by omitting from subsection (1) "Penalty: \$50,000." and substituting the following:

"Penalty: If the offender is a natural person – 500 penalty units.  
If the offender is a body corporate – 2 500 penalty units."

**57. Dealings with unlicensed travel agents**

Section 188A of the Principal Act is amended by omitting from subsection (1) "Penalty: \$2,000." and substituting the following:

"Penalty: If the offender is a natural person – 500 penalty units.  
If the offender is a body corporate – 2 500 penalty units."

**58. Injunction on application by Commissioner**

Section 189 of the Principal Act is amended by omitting "Supreme Court" and substituting "Local Court".

**59. Application for licence**

Section 190 of the Principal Act is amended –

(a) by inserting after subsection (3) the following:

"(3A) An application under subsection (1) is to be accompanied by proof of the placement of a notice in a newspaper or newspapers in accordance with subsection (3B) in relation to the application.

"(3B) An applicant for a licence may place in a newspaper circulating in the Territory and, if there is another newspaper circulating in the locality in which the applicant proposes to carry on business as a dealer, that newspaper, a notice in accordance with subsection (3C).

"(3C) A notice under subsection (3B) is to –

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- (a) state that the application has been made;
  - (b) set out the prescribed details with respect to the application; and
  - (c) specify a period during which members of the public may, by notice in writing lodged with the Commissioner, object under section 191(2A) to the granting of a licence on the grounds that the applicant is not a fit and proper person.";
- (b) by omitting from subsection (4) "Penalty: \$5,000." and substituting the following:
- "Penalty: If the offender is a natural person – 100 penalty units.  
If the offender is a body corporate – 500 penalty units."; and
- (c) by omitting from subsection (6) "Penalty: \$5,000." and substituting the following:
- "Penalty: If the offender is a natural person – 5 000 penalty units.  
If the offender is a body corporate – 2 500 penalty units.".

**60. Objections to application**

Section 191 of the Principal Act is amended –

- (a) by omitting from subsection (1)(a) "applicant; and" and substituting "applicant.";
- (b) by omitting subsection (1)(b);
- (c) by inserting after subsection (2) the following:

"(2A) A person may, by notice in writing lodged with the Commissioner, object to the granting of a licence on the grounds that the applicant is not a fit and proper person."; and

- (d) by omitting from subsection (3) "(1)(b) or (2)" and substituting "(2) or (2A)".

**61. Licence to state licensee's name, business address and place of business**

Section 194 of the Principal Act is amended by omitting from subsection (2) "Penalty: \$5,000." and substituting the following:

- "Penalty: If the offender is a natural person – 500 penalty units.  
If the offender is a body corporate – 2 500 penalty units.".

**62. Conditions of, and restrictions on, licence**

Section 195 of the Principal Act is amended by omitting from subsection (6) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 500 penalty units.  
If the offender is a body corporate – 2 500 penalty units."

**63. Annual fee and return**

Section 198 of the Principal Act is amended by omitting from subsection (6) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units or imprisonment for 6 months.  
If the offender is a body corporate – 500 penalty units."

**64. Return of licence on suspension or cancellation**

Section 201 of the Principal Act is amended by omitting "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.  
If the offender is a body corporate – 500 penalty units."

**65. Death of licensee**

Section 203 of the Principal Act is amended by omitting from subsection (4) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 500 penalty units.  
If the offender is a body corporate – 2 500 penalty units."

**66. Determination of disciplinary measures by Commissioner**

Section 205 of the Principal Act is amended by omitting from subsections (3) and (5) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 500 penalty units.  
If the offender is a body corporate – 2 500 penalty units."

**67. Certain particulars to be displayed**

Section 209 of the Principal Act is amended by omitting "Penalty: \$5,000." and substituting the following:

*Consumer Affairs and Fair Trading Amendment Act 2002*

"Penalty: If the offender is a natural person – 20 penalty units.  
If the offender is a body corporate – 100 penalty units."

**68. Advertisements**

Section 210 of the Principal Act is amended by omitting "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 20 penalty units.  
If the offender is a body corporate – 100 penalty units."

**69. Name to appear on documents**

Section 211 of the Principal Act is amended by omitting "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.  
If the offender is a body corporate – 500 penalty units."

**70. Accounts to be kept**

Section 212 of the Principal Act is amended by omitting from subsection (1) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.  
If the offender is a body corporate – 500 penalty units."

**71. Supervision of day-to-day conduct of business**

Section 213 of the Principal Act is amended by omitting "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 500 penalty units.  
If the offender is a body corporate – 2 500 penalty units."

**72. Employment of disqualified person**

Section 214 of the Principal Act is amended by omitting from subsection (1) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 500 penalty units.  
If the offender is a body corporate – 2 500 penalty units."

**73. Undertakings regarding unjust conduct**

Section 216 of the Principal Act is amended by omitting from subsection (3) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 500 penalty units or imprisonment for 6 months.

If the offender is a body corporate – 2 500 penalty units."

**74. Restraining etc. orders**

Section 218 of the Principal Act is amended by omitting from subsections (1) and (4) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units or imprisonment for 6 months.

If the offender is a body corporate – 500 penalty units."

**75. Assurances (former s. 225B)**

Section 227 of the Principal Act is amended by omitting from subsection (3) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 500 penalty units.

If the offender is a body corporate – 2 500 penalty units."

**76. Contravention of prohibition order (former s. 225G)**

Section 232 of the Principal Act is amended –

- (a) by omitting from subsection (1) "Penalty: \$30,000 or imprisonment for 6 months." and substituting the following:

"Penalty: If the offender is a natural person – 500 penalty units or imprisonment for 6 months.

If the offender is a body corporate – 2 500 penalty units.";

and

- (b) by omitting from subsection (2) "Penalty: \$8,000." and substituting the following:

"Penalty: If the offender is a natural person – 500 penalty units or imprisonment for 6 months.

If the offender is a body corporate – 2 500 penalty units."



**77. Repeal**

Part 12, Division 4 of the Principal Act is repealed.

**78. Undertakings by persons contravening code (former s. 228)**

Section 240 of the Principal Act is amended by omitting from subsection (2) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 500 penalty units.

If the offender is a body corporate – 2 500 penalty units."

**79. Orders by Local Court where undertaking refused or breached (former s. 230)**

Section 242 of the Principal Act is amended by omitting from subsection (7) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 500 penalty units.

If the offender is a body corporate – 2 500 penalty units."

**80. Pawnbrokers to be licensed**

Section 247 of the Principal Act is amended by omitting "Penalty: \$50,000." and substituting the following:

"Penalty: If the offender is a natural person – 500 penalty units.

If the offender is a body corporate – 2 500 penalty units."

**81. Second-hand dealers to be licensed**

Section 248 of the Principal Act is amended by omitting "Penalty: \$50,000." and substituting the following:

"Penalty: If the offender is a natural person – 500 penalty units.

If the offender is a body corporate – 2 500 penalty units."

**82. Offence of holding out etc.**

Section 249 of the Principal Act is amended by omitting from subsection (2) "Penalty: \$50,000." and substituting the following:

"Penalty: If the offender is a natural person – 500 penalty units.

If the offender is a body corporate – 2 500 penalty units."

**83. Application for licence**

Section 251 of the Principal Act is amended –

- (a) by omitting "An application" and substituting "(1) An application"; and
- (b) by adding at the end the following:

"(2) An application under subsection (1) is to be accompanied by proof of the placement of a notice in a newspaper or newspapers in accordance with subsection (3) in relation to the application.

"(3) An applicant for a licence may place in a newspaper circulating in the Territory and, if there is another newspaper circulating in the locality in which the applicant proposes to carry on business as a dealer, that newspaper, a notice in accordance with subsection (4).

"(4) A notice under subsection (3) is to –

- (a) state that the application has been made;
- (b) set out the prescribed details with respect to the application; and
- (c) specify a period during which members of the public may, by notice in writing lodged with the Commissioner under section 252(2A) object to the granting of a licence on any of the grounds specified in section 258."

**84. Commissioner to advise Police Commissioner etc.**

Section 252 of the Principal Act is amended –

- (a) by omitting from subsection (1)(a) "applicant; and" and substituting "applicant.";
- (b) by omitting subsection (1)(b);
- (c) by inserting after subsection (2) the following:

"(2A) A person may, by notice in writing lodged with the Commissioner, object to the granting of a licence on any of the grounds specified in section 258."; and

- (d) by omitting from subsection (3) "(1)(b) or (2)" and substituting "(2) or (2A)".

**85. Offences in relation to licence applications**

Section 257 of the Principal Act is amended by omitting "Penalty: \$5,000." and substituting the following:

*Consumer Affairs and Fair Trading Amendment Act 2002*

"Penalty: If the offender is a natural person – 100 penalty units or imprisonment for 6 months.

If the offender is a body corporate – 500 penalty units."

**86. Suspension, revocation of licences and disqualification**

Section 267 of the Principal Act is amended by omitting from subsection (4) "Penalty: \$2,000." and substituting the following:

"Penalty: If the offender is a natural person – 20 penalty units.

If the offender is a body corporate – 100 penalty units."

**87. Sign to be displayed**

Section 274 of the Principal Act is amended by omitting "Penalty: \$2,000." and substituting the following:

"Penalty: If the offender is a natural person – 20 penalty units.

If the offender is a body corporate – 100 penalty units."

**88. Certain employee records to be kept and provided to police**

Section 275 of the Principal Act is amended –

- (a) by omitting from subsection (3) "Penalty: \$2,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units.";

- (b) by omitting from subsection (5) "Penalty: \$1,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."; and

- (c) by omitting from subsection (6) "Penalty: \$2,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."

**89. Persons under 18 or affected by alcohol or drugs**

Section 276 of the Principal Act is amended by omitting "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."

**90. Identification of persons**

Section 277 of the Principal Act is amended by omitting from subsection (1) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."

**91. Offences in relation to false information**

Section 278 of the Principal Act is amended by omitting "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units or imprisonment for 6 months.

If the offender is a body corporate – 500 penalty units."

**92. Records to be made by pawnbrokers**

Section 279 of the Principal Act is amended by omitting "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."

**93. Pawn tickets**

Section 280 of the Principal Act is amended –

- (a) by adding at the end of subsection (1) the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."; and

- (b) by omitting from subsection (3) "Penalty: \$2,000." and substituting the following:

"Penalty: If the offender is a natural person – 20 penalty units.

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If the offender is a body corporate – 100 penalty units."

**94. Records to be made by second-hand dealers**

Section 281 of the Principal Act is amended by omitting from subsection

(1) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."

**95. Records to be provided by second-hand dealers**

Section 282 of the Principal Act is amended –

(a) by adding at the end of subsection (1) the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."; and

(b) by omitting from subsection (2) "Penalty: \$2,000." and substituting the following:

"Penalty: If the offender is a natural person – 20 penalty units.

If the offender is a body corporate – 100 penalty units."

**96. Keeping of records**

Section 283 of the Principal Act is amended by omitting from subsections (4), (5) and (6) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."

**97. Tampering with records**

Section 284 of the Principal Act is amended by omitting "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units or imprisonment for 6 months.

If the offender is a body corporate – 500 penalty units."

**98. Goods to carry contract number**

Section 285 of the Principal Act is amended by omitting from subsection (2) "Penalty: \$2,000." and substituting the following:

"Penalty: If the offender is a natural person – 20 penalty units.

If the offender is a body corporate – 100 penalty units."

**99. Pawn tickets "lost" or "stolen"**

Section 286 of the Principal Act is amended by omitting from subsection (2) "Penalty: \$2,000." and substituting the following:

"Penalty: If the offender is a natural person – 20 penalty units.

If the offender is a body corporate – 100 penalty units."

**100. Where pawned goods to be kept**

Section 289 of the Principal Act is amended by omitting "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."

**101. When goods to be redeemed**

Section 290 of the Principal Act is amended by omitting "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."

**102. When goods not to be redeemed**

Section 291 of the Principal Act is amended by omitting from subsection (2) "Penalty: \$2,000." and substituting the following:

"Penalty: If the offender is a natural person – 20 penalty units.

If the offender is a body corporate – 100 penalty units."

**103. Redemption only to holder of pawn ticket**

Section 292 of the Principal Act is amended by omitting "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."

**104. Sale of unredeemed goods**

Section 293 of the Principal Act is amended by omitting from subsections (1) and (2) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."

**105. Unredeemed goods not to be bought by or on behalf of pawnbroker**

Section 294 of the Principal Act is amended –

(a) by adding at the end of subsection (1) the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."; and

(b) by omitting from subsection (2) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."

**106. Records to be made on sale of unredeemed goods**

Section 296 of the Principal Act is amended by omitting from subsection (2) "Penalty: \$2,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."

**107. Notice as to surplus**

Section 297 of the Principal Act is amended by omitting from subsection (1) "Penalty: \$2,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."

**108. Payment of surplus on demand**

Section 298 of the Principal Act is amended by adding at the end the following:

"Penalty: If the offender is a natural person – 100 penalty units.

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If the offender is a body corporate – 500 penalty units."

**109. Second-hand goods to be kept unchanged at least 14 days**

Section 299 of the Principal Act is amended by omitting "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."

**110. Where second-hand goods to be kept**

Section 300 of the Principal Act is amended by omitting "Penalty: \$2,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."

**111. Pawnbroker not to charge establishment fee**

Section 301 of the Principal Act is amended by omitting from subsection (1) "Penalty: \$2,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."

**112. Re-pledging of goods prohibited**

Section 302 of the Principal Act is amended by omitting "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."

**113. Entry to and inspection of licensed premises without warrant**

Section 311 of the Principal Act is amended by omitting from subsection (4) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."

**114. Assistance in the location of goods at licensed premises**

Section 312 of the Principal Act is amended by omitting from subsection (3) "Penalty: \$5,000." and substituting the following:



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"Penalty: If the offender is a natural person – 100 penalty units or imprisonment for 6 months.

If the offender is a body corporate – 500 penalty units."

**115. Provision of, and assistance in relation to, records etc.**

Section 313 of the Principal Act is amended by omitting from subsection (4) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units or imprisonment for 6 months.

If the offender is a body corporate – 500 penalty units."

**116. Police to be informed in certain circumstances**

Section 315 of the Principal Act is amended by omitting "Penalty: \$2,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."

**117. Information about goods to be given**

Section 316 of the Principal Act is amended by omitting "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units."

**118. Notice to stop dealing**

Section 317 of the Principal Act is amended by omitting from subsection (4) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units or imprisonment for 6 months.

If the offender is a body corporate – 500 penalty units."

**119. Certificate may be issued entitling person to return of goods**

Section 318 of the Principal Act is amended by omitting from subsection (2) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units or imprisonment for 6 months.

If the offender is a body corporate – 500 penalty units."

**120. Duty to advise pawn ticket holders where pawnbroking business sold**

Section 326 of the Principal Act is amended by omitting from subsections (2) and (3) "Penalty: \$2,000." and substituting the following:

"Penalty: If the offender is a natural person – 20 penalty units or imprisonment for 6 months.

If the offender is a body corporate – 100 penalty units."

**121. Orders to enable redemption of goods where licence revoked etc.**

Section 327 of the Principal Act is amended by omitting from subsection (3) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units or imprisonment for 6 months.

If the offender is a body corporate – 500 penalty units."

**122. Secrecy**

Section 328 of the Principal Act is amended by omitting from subsection (1) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 400 penalty units or imprisonment for 2 years.

If the offender is a body corporate – 2 000 penalty units."

**123. New section**

The Principal Act is amended by inserting before section 330 in Part 15 the following:

**"330A. Prosecutions**

"(1) Proceedings for an offence against this Act may only be commenced –

- (a) within 2 years after the date on which the offence is alleged to have been committed; or
- (b) with the authorisation of the Minister, at a later time within 5 years after the date on which the offence is alleged to have been committed.

"(2) In any proceedings, an apparently genuine document purporting to be an authorisation under subsection (1) is to be accepted, in the absence of proof to the contrary, as proof of the authorisation."

**124. Secrecy (former s. 235)**

Section 335 of the Principal Act is amended by omitting from subsection (1) "Penalty: \$5,000." and substituting the following:

"Penalty: If the offender is a natural person – 400 penalty units or imprisonment for 2 years.

If the offender is a body corporate – 2 000 penalty units."

**125. Regulations (former s. 237)**

Section 338 of the Principal Act is amended by omitting from subsection (3) "\$2,000" and substituting "100 penalty units for a natural person or 500 penalty units for a body corporate".

**126. Transitionals**

(1) Section 330A of the Principal Act as amended by this Act applies to an offence against this Act although the offence was committed before the commencement of this Act.

(2) The amendments to the Principal Act made by –

- (a) sections 34 and 35 of this Act do not apply in relation to an application lodged under section 132 of the Principal Act before those sections commenced;
- (b) sections 59 and 60 of this Act do not apply in relation to an application lodged under section 190 of the Principal Act before those sections commenced; and
- (c) sections 83 and 84 of this Act do not apply in relation to an application lodged under section 251 of the Principal Act before those sections commenced.

