

Serial 68
Consumer Affairs and Essential Goods and Services Legislation Amendment
Bill 2026
Ms Cahill

A Bill for an Act to amend the *Consumer Affairs and Fair Trading Act 1990*,
the *Consumer Affairs and Fair Trading (Fuel Retailers) Regulations 2017*, the
Consumer Affairs and Fair Trading (Infringement Notice Offences)
Regulations 2012, the *Essential Goods and Services Act 1981* and for related
purposes

NORTHERN TERRITORY OF AUSTRALIA

CONSUMER AFFAIRS AND ESSENTIAL GOODS AND SERVICES
LEGISLATION AMENDMENT ACT 2026

Act No. [] of 2025

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2025

5

An Act to amend the *Consumer Affairs and Fair Trading Act 1990*, the *Consumer Affairs and Fair Trading (Fuel Retailers) Regulations 2017*, the *Consumer Affairs and Fair Trading (Infringement Notice Offences) Regulations 2012*, the *Essential Goods and Services Act 1981* and for related purposes

10

[Assented to [] 2025]
[Introduced [] 2025]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

15

1 Short title

This Act may be cited as the *Consumer Affairs and Essential Goods and Services Legislation Amendment Act 2026*.

2 Commencement

20

- (1) Subject to subsection (2), this Act commences on the day fixed by the Administrator by *Gazette* notice.
- (2) If a provision of this Act does not commence before 11 May 2028, it commences on that day.

Part 2 Amendment of consumer affairs and fair trading legislation

Division 1 Consumer Affairs and Fair Trading Act 1990

3 Act amended

5 This Division amends the *Consumer Affairs and Fair Trading Act 1990*.

4 Section 4 amended (Interpretation)

Section 4(1), definition *discounted fuel price*
omit

5 Section 185 amended (Definitions)

10 Section 185, definition *discounted fuel price*
omit

6 Section 186 amended (Application of Criminal Code)

Section 186

15 *omit*

Part.

insert

Part or any regulations made for this Part.

7 Sections 187 to 189 replaced

20 Sections 187 to 189

repeal, insert

187 Scheme for fuel retailers

(1) The regulations may provide for a scheme for fuel retailers.

(2) The scheme may provide for any of the following:

25 (a) the registration of service stations for the scheme;

- (b) the reporting by fuel retailers of the following:
- (i) the normal fuel price of prescribed fuel offered for retail sale;
 - (ii) the proposed normal fuel price of prescribed fuel offered for retail sale in respect of a period specified in the regulations;
 - (iii) information in relation to the availability, or unavailability, of prescribed fuel usually offered for retail sale;
- (c) restrictions on increases to the normal fuel price of prescribed fuel offered for retail sale during a specified period or once reported under the scheme;
- (d) requirements for fuel retailers to offer prescribed fuel for retail sale in accordance with prices reported under the scheme;
- (e) the publication of information reported under the scheme;
- (f) requirements in relation to the use of, and information to be displayed on, a price board;
- (g) a power for the Commissioner to exempt a fuel retailer from a requirement of the scheme in the circumstances prescribed by regulation.

Division 2 Consumer Affairs and Fair Trading (Fuel Retailers) Regulations 2017

8 Regulations amended

This Division amends the *Consumer Affairs and Fair Trading (Fuel Retailers) Regulations 2017*.

9 Regulation 2A inserted

After regulation 2

insert

2A Definition

In these Regulations:

reporting period means a period of 24 hours commencing at 6 am on a day.

10 Regulation 4 amended (Registering for MyFuel NT)

After regulation 4(4)

insert

5 (4A) The fuel retailer for a service station commits an offence of strict liability if:

(a) the fuel retailer is required to register the service station under this regulation; and

(b) the service station is not registered in accordance with this regulation.

10 Maximum penalty: 100 penalty units.

(4B) It is a defence to a prosecution for an offence against subregulation (4A) if the defendant has a reasonable excuse.

11 Regulation 5 replaced

Regulation 5

15 *repeal, insert*

5 Reporting proposed normal fuel price

20 (1) The fuel retailer for a service station that intends to offer prescribed fuel for retail sale at the service station during a reporting period must report to the Commissioner the normal fuel price (the ***proposed normal fuel price***) at which the retailer proposes to offer each prescribed fuel for retail sale during the reporting period.

(2) A report under subregulation (1) must be made between 8.30 am and 2.00 pm on the day before the reporting period commences.

25 (3) The fuel retailer for a service station commits an offence of strict liability if the fuel retailer:

(a) offers prescribed fuel for retail sale during a reporting period; and

(b) has not made a report under subregulation (1).

Maximum penalty: 100 penalty units.

30 (4) It is a defence to a prosecution for an offence against subregulation (3) if the defendant has a reasonable excuse.

- (5) If the fuel retailer wishes to reduce the proposed normal fuel price of a prescribed fuel after making a report under subregulation (1), the fuel retailer must report the reduced proposed normal fuel price to the Commissioner before the reporting period commences.

5 **5A Reporting reduced normal fuel price**

If, during the reporting period, the fuel retailer wishes to reduce the normal fuel price of a prescribed fuel, the fuel retailer must report to the Commissioner:

- 10 (a) the reduced normal fuel price for the prescribed fuel, which must be lower than the normal fuel price of the prescribed fuel at the time the report is made; and
- (b) the time at which the reduced normal fuel price is effective.

5B Offering prescribed fuel for retail sale

- 15 (1) The fuel retailer for a service station commits an offence of strict liability if the fuel retailer offers prescribed fuel for retail sale other than:
- (a) at the proposed normal fuel price reported under regulation 5; or
- 20 (b) if a reduced price has been reported under regulation 5A – at the reduced price.

Maximum penalty: 100 penalty units.

- (2) It is a defence to a prosecution for an offence against subregulation (1) if the defendant has a reasonable excuse.

5C Unavailability of fuel

- 25 (1) If a prescribed fuel ordinarily offered for retail sale at a service station is temporarily unavailable, the fuel retailer must report the following to the Commissioner:
- (a) the unavailability;
- (b) the reason for the unavailability;
- 30 (c) when the fuel is expected to become available.
- (2) The fuel retailer of a service station commits an offence of strict liability if the retailer contravenes subregulation (1).

Maximum penalty: 100 penalty units.

- (3) It is a defence to a prosecution for an offence against subregulation (2) if the defendant has a reasonable excuse.

5D Publication of information

5 The Commissioner may arrange for information reported under these Regulations to be published as the Commissioner thinks fit, including by making it available on a website or through a telecommunication system or by any other means.

12 Regulation 6 amended (Changing price displayed on price board)

- 10 (1) Regulation 6(2)(a)

omit

regulation 5(a)

insert

regulation 5A

- 15 (2) After regulation 6(2)

insert

Note for subregulation (2)(b)

An increase in the normal fuel price of prescribed fuel during a reporting period is not permitted once the proposed normal fuel price for the prescribed fuel has been reported under regulation 5.

20

13 Regulation 7 amended (Discounted fuel price not to be displayed on price board)

After regulation 7(2)

insert

- 25 (3) In this section:

discounted fuel price, in relation to a prescribed fuel, means the price per litre at which the prescribed fuel is offered for retail sale to consumers after any discount (whether by a voucher, discount rate, reward scheme or any other means) is applied.

14 Regulation 7A inserted

After regulation 7

insert

7A Offence relating to price boards

- 5 (1) The fuel retailer for a service station commits an offence of strict liability if information is displayed on a price board at the service station other than in accordance with regulations 6 and 7.

Maximum penalty: 20 penalty units.

- 10 (2) It is a defence to a prosecution for an offence against subregulation (1) if the defendant has a reasonable excuse.

Division 3 Consumer Affairs and Fair Trading (Infringement Notice Offences) Regulations 2012**15 Regulations amended**

15 This Division amends the *Consumer Affairs and Fair Trading (Infringement Notice Offences) Regulations 2012*.

16 Schedule amended (Infringement notice offences and prescribed amounts)

- (1) Schedule, items 1 and 3

omit

- 20 (2) Schedule, after item 4

insert

Consumer Affairs and Fair Trading (Fuel Retailers) Regulations 2017

4A regulations 4(4A), 5(3), 5B(1) and 5C(2) 20

4B 7A(1) 4

Part 3 Amendment of Essential Goods and Services Act 1981**17 Act amended**

25 This Part amends the *Essential Goods and Services Act 1981*.

18 Long title amended

Long title

omit

prescribed

5 *insert*

essential

19 Section 2 amended (Interpretation)

(1) Section 2(1), definitions **community**, **notice** and **service**

omit

10 (2) Section 2(1)

insert

authorised officer means a person appointed under section 11B.

essential service means the following:

- 15 (a) public transportation of persons or freight other than taxi, ridesharing, limousine and courtesy vehicle services;
- (b) fire fighting services;
- (c) police;
- (d) courts;
- (e) correctional services;
- 20 (e) child protection services;
- (f) postal and communications services;
- (g) ambulance services;
- (h) hospitals administered under the *Medical Services Act 1982*;
- 25 (i) electricity supplied by electricity entities (as defined in the *Electricity Reform Act 2000*);
- (j) water supply or distribution services;
- (k) gas supply or distribution services;

- (l) garbage collection, sanitary cleansing or sewerage services;
- (m) a service or facility concerned with the maintenance of public health or hygiene or a public utility;
- (n) any other service comprising the supply or distribution of goods necessary for providing a service mentioned in paragraphs (a) to (m) that is prescribed by regulation.

(3) Section 2(1), definition **declaration**

omit

or (2).

insert

or (4).

(4) Section 2(1), definition **goods**

omit

goods

insert

essential goods

(5) Section 2(1), definition **goods**, paragraph (c), all words after "health or"

omit, insert

hygiene or the provision of an essential service, as prescribed by regulation.

20 Section 5 replaced

Section 5

repeal, insert

4A Request for information

- (1) The Minister may, by written notice, direct a person who extracts, produces, holds, transports or distributes essential goods or essential services to give the Minister information regarding the provision, supply or distribution of the essential goods or essential services.

(2) A direction under subsection (1) may be made for the following purposes:

(a) considering whether there are grounds for making a declaration under section 5(1);

5 (b) considering whether there are grounds for extending a declaration under section 5(4).

(3) A notice under subsection (1) must specify the following:

(a) the essential goods or essential services in relation to which the direction is made;

10 (b) the information required;

(c) the date by which the information is to be provided to the Minister.

5 Declaration of shortage

15 (1) The Administrator may, by *Gazette* notice, declare that a shortage exists in relation to one or more essential goods or essential services if the Administrator is satisfied that the provision, supply or distribution of the goods or services is, or is likely to become, less than is sufficient for the reasonable functioning of any of the following:

20 (a) a community or region of the Territory;

(b) the whole of the Territory.

(2) A declaration under subsection (1) must:

(a) specify the essential goods or essential services to which the declaration applies; and

25 (b) state that the declaration applies in respect of a stated community in or a region of the Territory or in the whole of the Territory; and

(c) specify the period during which the declaration is in force.

30 (3) A declaration made under subsection (1) commences on the date it is published in the *Gazette* or a later date specified in the declaration and, subject to subsection (4), continues in force for the period, not exceeding 1 month, stated in the declaration.

(4) The Administrator may, by *Gazette* notice, extend the period the declaration is in force by one or more further periods, each not exceeding 1 month, if the Administrator continues to be satisfied of the matter mentioned in subsection (1).

5 (5) To avoid doubt, a declaration may be made in relation to one or more goods or services or a combination of one or more goods and services.

21 Section 6 amended (Presentation of declaration to Legislative Assembly)

10 Section 6

omit

notice

insert

declaration

15 **22 Section 7 amended (Power of Minister)**

(1) Section 7(1)

omit

goods or services specified in the notice

insert

20 essential goods or essential services specified in the declaration

(2) Section 7(1)

omit

a community.

insert

25 the community, region of the Territory or the whole of the Territory, as specified in the declaration.

(3) Section 7(2)

omit

to goods or services specified in a notice

insert

to essential goods or essential services specified in a declaration

(4) Section 7(2)(d)

omit

5 services:

insert

the services:

(5) Section 7(2)(d)(v) and (vi)

omit

10 a service which, in the Minister's opinion, is

23 Part IIIA inserted

After section 11

insert

Part IIIA Authorised officers

15 11A Application of Criminal Code

Part IIAA of the Criminal Code applies to an offence against this Part.

Note for section 11A

20 *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.*

11B Appointment of authorised officers

25 The Chief Executive Officer may appoint a person to be an authorised officer.

11C Identity card

(1) The Chief Executive Officer must give an authorised officer an identity card stating the person's name and that the person is an authorised officer.

(2) The identity card must:

- (a) show a recent photograph of the authorised officer; and
- (b) show the card's date of issue; and
- (c) be signed by the authorised officer.

5 (3) This section does not prevent the issue of a single identity card to a person for this and another Act.

10 (4) An authorised officer to whom an identity card is issued who is exercising a power or performing a function under this Act must produce that card for inspection if requested to do so by any person affected by the exercise of the power or the performance of the function.

11D Return of identity card

(1) A person commits an offence of strict liability if the person:

- (a) ceases to be an authorised officer; and
- 15 (b) fails to return the person's identity card to the Chief Executive Officer within 15 business days after the cessation.

Maximum penalty: 20 penalty units.

(2) An offence against subsection (1) is an offence of strict liability.

20 (2) It is a defence to a prosecution for an offence against subsection (1) if the person has a reasonable excuse.

11E Powers of authorised officers: purposes

An authorised officer may do anything or cause anything to be done or take any action the authorised officer believes on reasonable grounds is necessary for the purpose of the following:

- 25 (a) monitoring compliance with this Act;
- (b) investigating a suspected contravention of this Act.

11F General powers of authorised officers

(1) Subject to section 11G, an authorised officer may do any of the following:

- 30 (a) enter any land or premises;
- (b) move any vehicle;

- (c) inspect any land or premises and anything on the land or premises;
- (d) search any land or premises entered and anything found there;
- 5 (e) take photographs and make sketches or other records of land or premises or things found on land or premises;
- (f) take photographs of any person on or in land or premises;
- (g) make recordings in any medium, including audio, visual and audio-visual recordings, of land or premises or things found on
10 land or premises;
- (h) inspect and take copies of documents and records;
- (i) seize any documents and any equipment required to access any documents;
- (j) operate any equipment;
- 15 (k) bring equipment or materials on to the land or premises and install and maintain equipment or materials;
- (l) measure anything, or take samples of anything on land or premises;
- (m) examine or test any equipment or machinery or other thing;
- 20 (n) require a relevant person to:
- (i) provide the person's name, address and date of birth and evidence of these; and
- (ii) if the relevant person is acting as a member of a partnership – provide the name and address and telephone number of any other partner in the
25 partnership; and
- (iii) if the relevant person is acting as a member of the committee of management of an unincorporated body – provide the name and address and telephone number of
30 any other member of the committee of management;
- (o) require a person on the land or premises to give the authorised officer reasonable assistance to exercise or perform the authorised officer's powers or functions including:
- (i) operate any computer or other equipment; and

(ii) provide any access or assistance to access any computer or other equipment or any service;

5 (p) authorise a person to provide assistance to an authorised officer in the exercise or performance of the authorised officer's powers or functions;

(q) do any other act or thing necessary for, or incidental to, the exercise of a power mentioned in this Part.

(2) In this section:

associated person, of a person, means:

10 (a) if the person is a member of a partnership – a partner of the person; or

(b) if the person is a member of and acting on behalf of an unincorporated body – a member of the committee of management of the body; or

15 (c) an employee, agent, licensee, contractor or subcontractor of the person or of a partnership or body mentioned in paragraph (a) or (b).

relevant person means:

20 (a) a person who is on, or in the vicinity of, the land or premises; or

(b) a person who the authorised officer reasonably suspects is travelling to or from the land or premises; or

(c) a person who the authorised officer reasonably suspects is the owner or occupier of the land or premises; or

25 (d) a person who the authorised officer reasonably suspects is a person who is under investigation for a suspected contravention of this Act; or

30 (e) a person who the authorised officer reasonably suspects is a person who is an associated person of a person mentioned in paragraph (c) or (d).

11G Entry of residential premises

- (1) The power to enter premises given by section 11F does not apply to residential premises unless:
- (a) the entry is with the consent of the occupier obtained under subsection (2); or
 - (b) the entry is under a search warrant issued under section 11M.
- (2) An authorised officer seeking an occupier's consent to enter residential premises must:
- (a) show the officer's identity card to the occupier; and
 - (b) give the occupier the reasons why the entry is sought; and
 - (c) inform the occupier that the occupier may refuse to give consent.
- (3) An authorised officer is not entitled to remain on residential premises if the authorised officer does not show the officer's identity card to an occupier of those premises.
- (4) Having entered residential premises, an authorised officer may remain on the premises for as long as is reasonably necessary to enable the officer to perform the officer's functions.
- (5) This section does not affect any powers a police officer may exercise under another law of the Territory.

11H Entry on Aboriginal land

The power of an authorised officer to enter land or premises may be exercised under this Act, despite:

- (a) the land or premises being Aboriginal land; and
- (b) the officer not holding a permit under the *Aboriginal Land Act 1978* to enter or remain on Aboriginal land.

11J Duties of authorised officer on land or premises

An authorised officer must take reasonable steps to:

- (a) minimise disruption caused by the entry or inspection of land or premises or the taking of an action specified in section 11F; and
- (b) ensure the authorised officer does not remain on land or premises any longer than is reasonably necessary.

11K Duty of authorised officer in relation to seized thing

- 5 (1) As soon as practicable but within 5 business days after an authorised officer seizes a thing under section 11F, the officer must give a receipt for the seized thing to the person from whom it was seized.
- (2) The receipt must describe generally each thing seized and its condition.
- (3) If, for any reason, it is not practicable to comply with subsection (1), the authorised officer must:
- 10 (a) leave the receipt at the place of seizure; and
- (b) ensure the receipt is left in a reasonably secure way and in a conspicuous position.
- (4) The authorised officer must allow a person who would be entitled to the seized thing if it were not in the authorised officer's possession to inspect it and, if it is a document, to take extracts from it or make copies of it.
- 15 (5) The authorised officer must return the seized thing to its owner at the end of the later of:
- (a) 3 years; or
- 20 (b) if a prosecution for an offence involving the seized thing is started within the 3 years – 12 months after the end of the prosecution for the offence and any appeal from the prosecution.
- (6) Despite subsection (5), the authorised officer must return the seized thing to its owner immediately if the authorised officer stops being satisfied its retention as evidence is necessary.
- 25 (7) However, the authorised officer may keep the seized thing if the authorised officer believes on reasonable grounds that it is necessary to continue to keep it to prevent its use in committing an offence.
- 30 (8) An authorised officer must give written notice to the owner of a seized thing as soon as practicable if the authorised officer decides under subsection (7) to keep the thing.

11L Offence to contravene requirement

- (1) A person commits an offence of strict liability if:
- (a) the person has been required to do a thing under section 11F(1); and
 - (b) the person contravenes the requirement.

Maximum penalty: 100 penalty units.

- (2) It is a defence to a prosecution for an offence against subsection (1) if the defendant took reasonable steps and exercised due diligence to prevent the commission of the offence.

11M Application for and issue of search warrant

- (1) An authorised officer may apply to a judicial officer for a search warrant to enter land or premises:

- (a) by appearing in person before the judicial officer; or
- (b) if it is not practicable to appear in person – by telephone, radio or other means of communication.

- (2) If the judicial officer is satisfied that there are reasonable grounds to permit the authorised officer to enter the land or premises, the judicial officer may issue a warrant directed to the authorised officer.

- (3) If the judicial officer issues a warrant on an application made under subsection (1)(b), the judicial officer must:

- (a) complete and sign the warrant (the **original warrant**); and
- (b) record on the original warrant the reasons for issuing it; and
- (c) inform the authorised officer by telephone, radio or other means of communication of its terms.

- (4) When informed of the terms of the warrant under subsection (3)(c), the authorised officer must as soon as practicable:

- (a) complete 2 copies of the form of warrant in the terms provided by the judicial officer; and
- (b) write on each copy the name of the judicial officer and the date and time of the issue of the original warrant; and
- (c) forward one copy to the judicial officer.

(5) The authorised officer may use the remaining copy of the warrant to exercise the powers granted by the original warrant.

5 (6) If the judicial officer is satisfied, after comparing the forwarded copy with the original warrant, that the copy is in substance identical to the original warrant, the judicial officer must certify the copy as being in substance identical to the original warrant.

(7) In this section:

judicial officer means any of the following:

(a) a Supreme Court Judge;

10 (b) an Associate Judge;

(c) a Local Court Judge.

11N Effect and term of search warrant

(1) A search warrant permits the authorised officer to whom it is directed, and any other authorised officer, to:

15 (a) enter the land or premises specified in the warrant; and

(b) exercise the powers of the authorised officer under this Act in relation to the land or premises.

(2) A warrant remains in force for 30 business days from its date of issue.

20 **11P Offence to obstruct authorised officer**

(1) A person commits an offence if:

(a) the person intentionally obstructs another person; and

(b) the other person is an authorised officer; and

25 (c) the authorised officer is acting in an official capacity and the person has knowledge of that circumstance.

Maximum penalty: 200 penalty units or imprisonment for 2 years.

(2) Strict liability applies to subsection (1)(b).

(3) In this section:

acting in an official capacity, in relation to a person, means the person is exercising powers or performing functions under, or otherwise related to the administration of, this Act.

5 **11Q Compliance with requirement to provide information**

(1) This section applies in relation to a requirement to provide information under section 11F.

10 (2) It is not an excuse for a person to refuse or fail to provide the information in response to the requirement or direction on the ground that to do so might tend to incriminate the person or make the person liable to a penalty.

15 (3) Information provided by an individual in response to a requirement or direction that might tend to incriminate the individual or make the individual liable to a penalty is not admissible in evidence against the individual in a proceeding for an offence or the imposition of a penalty.

20 (4) Subsection (3) does not prevent the use of information provided by an individual in response to a requirement or direction to locate or identify further evidence that may be used in evidence against the individual in a proceeding for an offence or the imposition of a penalty.

(5) Subsection (3) does not apply to a proceeding in relation to the provision of false or misleading information or documents.

24 Section 13 amended (Offences and penalties)

25 (1) Section 13(2)

omit

of:

insert

of 100 penalty units.

30 (2) Section 13(2)(a) and (b)

omit

(3) Section 13(3)

omit

of:

insert

5 of 5 penalty units for each day during which the offence continues.

(4) Section 13(3)(a) and (b)

omit

(5) Section 13(3)

omit

10 for each day during which the offence continues.

25 Section 18 amended (Regulations)

Section 18(2)(a)

omit

**Part 4 Amendment of Fines and Penalties (Recovery)
Regulations 2001**

26 Regulations amended

This Division amends the *Fines and Penalties (Recovery) Regulations 2001*.

27 Schedule 1 amended

Schedule 1

insert (in alphabetical order)

Essential Goods and Services Act 1981

Part 5 Repeal

28 Repeal of Act

25 This Act is repealed on the day after it commences.