

NORTHERN TERRITORY OF AUSTRALIA
CONSUMER AFFAIRS AND FAIR TRADING AMENDMENT
REGULATIONS (NO. 2) 2006

Subordinate Legislation No. 35 of 2006

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 35 of 2006*

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

I, EDWARD JOSEPH EGAN, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Consumer Affairs and Fair Trading Act*.

Dated 2 November 2006.

E. J. EGAN
Administrator

By His Honour's Command

CLARE MARTIN
Chief Minister
acting for the
Minister for Justice and Attorney-General

* Notified in the *Northern Territory Government Gazette* on 8 November 2006.

PART 1 – PRELIMINARY MATTERS

1. Citation

These Regulations may be cited as the *Consumer Affairs and Fair Trading Amendment Regulations (No. 2) 2006*.

2. Commencement

These Regulations commence on the commencement of the *Consumer Affairs and Fair Trading Amendment Act 2006*.

PART 2 – AMENDMENT OF CONSUMER AFFAIRS AND FAIR TRADING (DOOR-TO-DOOR TRADING) REGULATIONS

3. Regulations amended

This Part amends the *Consumer Affairs and Fair Trading (Door-to-Door Trading) Regulations*.

4. Repeal and substitution of regulation 3

Regulation 3

repeal, substitute

3. Forms

(1) For section 101(1)(g)(i) of the Act, Form 1 in the Schedule is the notice in the prescribed form.

(2) For section 101(1A)(b)(ii) of the Act, Form 2 in the Schedule is the notice in the prescribed form.

(3) For section 101(1)(g)(ii) and (1A)(b)(iii) and section 108 of the Act, Form 3 in the Schedule is the notice in the prescribed form.

4. Prescribed contracts

For section 100(1)(b) of the Act, the prescribed amount is \$100.

5. Repeal and substitution of Schedule

Schedule

repeal, substitute

SCHEDULE

Regulation 3(1)

Consumer Affairs and Fair Trading Act

FORM 1

Section 101(1)(g)(i)

NOTICE OF RIGHT TO RESCIND DOOR-TO-DOOR CONTRACT

The contract you have signed is subject to a cooling-off period of 10 days beginning on the date you signed it. You may rescind (cancel) the contract at any time during the cooling-off period. To rescind the contract you must send a notice in the attached form (or similar) to the supplier.

In addition, you may be allowed to rescind the contract under section 107 of the *Consumer Affairs and Fair Trading Act* within 6 months after the date you signed it if:

- (a) the contract contains terms which exclude or restrict the operation of Northern Territory laws; or
- (b) the contract is not properly filled out or is not signed and copies of the contract and associated documents are not given to you; or
- (c) without an appointment, the dealer called on you:
 - (i) before 9am or after 8pm on a weekday; or
 - (ii) before 9am or after 5pm on a Saturday; or
 - (iii) at any time on a Sunday or a public holiday; or
- (d) the dealer failed to produce to you an identity card or failed to inform you of the purpose of the call as soon as practicable after arriving on your premises; or
- (e) the dealer failed to leave your premises when asked; or
- (f) the dealer harassed or coerced you.

If you think you have a right to rescind the contract for one of these reasons, you

should seek legal advice or check with Consumer and Business Affairs (Department of Justice).

Regulation 3(2)

Consumer Affairs and Fair Trading Act

FORM 2

Section 101(1A)(b)(ii)

NOTICE OF RIGHT TO RESCIND TELEPHONE CONTRACT

The contract you have entered into is subject to a cooling-off period of 10 days beginning on the date you received the following documents:

- (a) this document;
- (b) a written document containing all the contractual terms;
- (c) a notice that may be used to rescind the contract.

You may rescind (cancel) the contract at any time during the cooling-off period. To rescind the contract you must send a notice in the attached form (or similar) to the supplier.

In addition, you may be allowed to rescind the contract under section 107 of the *Consumer Affairs and Fair Trading Act* within 6 months after the date you received the documents listed above if:

- (a) the contract contains terms which exclude or restrict the operation of Northern Territory laws; or
- (b) you were not fully informed of the terms of the contract, the contract is not properly filled out or copies of the contract and associated documents are not given to you; or
- (c) without an appointment, the dealer called on or telephoned you:
 - (i) before 9am or after 8pm on a weekday; or
 - (ii) before 9am or after 5pm on a Saturday; or
 - (iii) at any time on a Sunday or a public holiday; or
- (d) the dealer failed to inform you of the purpose of the call as soon as practicable; or
- (e) the dealer continued negotiations when asked to stop; or
- (f) the dealer harassed or coerced you.

If you think you have a right to rescind the contract for one of these reasons, you should seek legal advice or check with Consumer and Business Affairs (Department of Justice).

Regulation 3(3)

Consumer Affairs and Fair Trading Act

FORM 3

Section 101(1)(g)(ii) and (1A)(b)(iii)
and section 108

NOTICE OF RESCISSION OF CONTRACT

To:
(*name and address of supplier*)

I
rescind the contract made by me on
to
(*brief description of the goods or services which were to be supplied*)

I am exercising my right to rescind the contract:

*(a) within the 10-day cooling-off period;

OR

*(b)
because
.....
(*brief description of reason for rescission*)

I require you to repay all money due to me under that contract.

Dated Signed
(*consumer's signature*)

(*Delete if not applicable)

INSTRUCTIONS

This notice must be given by delivering it personally to the supplier or sending it by post in an envelope addressed to the supplier:

- (a) within the 10 day cooling-off period; or
- (b) within 6 months of the date on which the contract was made, in the case of a rescission under section 107 of the *Consumer Affairs and Fair Trading Act*.

PART 3 – AMENDMENT OF *CONSUMER AFFAIRS AND FAIR TRADING (MOTOR VEHICLE DEALERS) REGULATIONS*

6. Regulations amended

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

7. New regulation 3A

After regulation 3

insert

3A. Exclusion of classes of vehicles

For Part 10 of the Act, the following vehicles are not motor vehicles:

- (a) cranes, hoists or conveyors;
- (b) excavators, road graders, road rollers, bulldozers or forklift trucks;
- (c) vehicles that:
 - (i) have attached earthmoving, grading or lifting apparatus similar to that of a vehicle mentioned in paragraph (a); and
 - (ii) are not constructed on a chassis of a type normally used in the construction of a vehicle intended to be used primarily for the carriage of goods or animals;
- (d) vehicles constructed or adapted for road construction or maintenance such as road sweeping, cleaning or watering;
- (e) commercial vehicles exceeding 5 tonnes in mass.

8. Amendment of regulation 9 (Registrar of Motor Vehicle Dealers)

Regulation 9, heading

omit, substitute

Register of Motor Vehicle Dealers
