TASMANIA

FAIR TRADING (MISCELLANEOUS AMENDMENTS) BILL 2003

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Schedule 1 - Miscellaneous Amendments
FAIR TRADING (MISCELLANEOUS AMENDMENTS) BILL 2003

(Brought in by the Minister for Justice and Industrial Relations, the Honourable Judith Louise Jackson)

A BILL FOR

An Act to amend the Consumer Affairs Act 1988, the Fair Trading Act 1990 and the Justices Act 1959 to facilitate the prosecution of breaches of certain fair trading laws

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

Short title

1. This Act may be cited as the Fair Trading (Miscellaneous Amendments) Act 2003.

Commencement

2. The provisions of this Act commence on a day or days to be proclaimed.

Miscellaneous amendments

3. The legislation specified in Schedule 1 is amended as specified in that Schedule.
SCHEDULE 1 - MISCELLANEOUS AMENDMENTS

Section 3

Consumer Affairs Act 1988

1. Section 20(1) is amended by omitting paragraph (b) and substituting the following paragraph:

(b) must be commenced within –

(i) 3 years from the time when the matter of complaint arose; and

(ii) 6 months from the time when the matter of complaint came to the attention of the Director.

Fair Trading Act 1990

1. Section 14(1) is amended as follows:

(a) by omitting “shall not” and substituting “must not”;

(b) by inserting the following penalty after subsection (1):

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 1 000 penalty units; or

(b) an individual, a fine not exceeding 200 penalty units.
2. Section 15(1) is amended as follows:

   (a) by omitting “shall not” and substituting “must not”;
   
   (b) by inserting the following penalty after subsection (1):

   Penalty: In the case of –
   
   (a) a body corporate, a fine not exceeding 1 000 penalty units; or
   
   (b) an individual, a fine not exceeding 200 penalty units.

3. Section 26B(5) is amended by omitting “goods and services” and substituting “goods or services”.

**Justices Act 1959**

1. Section 26 is amended by omitting subsection (1) and substituting the following subsections:

   (1) In the case of a simple offence that is not an indictable offence, or of a breach of duty, unless some other time is limited for making complaint by the law relating to the particular case, complaint must be made –

   (a) within 6 months from the time when the matter of complaint arose; or
   
   (b) against a provision of an Act that has been declared in accordance with subsection (1A) to be an Act to which this paragraph applies –
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(i) within 3 years from the time when the matter of complaint arose; and

(ii) within 6 months from the time when the matter of complaint came to the attention of the Director of Consumer Affairs and Fair Trading.

(1A) The Minister responsible for administering the Consumer Affairs Act 1988 may declare, by order published in the Gazette, an Act to be an Act to which subsection (1)(b) applies.

(1B) An order under subsection (1A) is a statutory rule within the meaning of the Rules Publication Act 1953.