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SCHEDULE 1 – LEGISLATION REPEALED
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AUSTRALIAN CONSUMER LAW (TASMANIA)
(CONSEQUENTIAL AMENDMENTS) BILL 2010

(Brought in by the Minister for Corrections and Consumer Protection, the Honourable Nicholas James McKim)

A BILL FOR

An Act to amend, repeal and revoke certain legislative instruments consequential on the enactment of the Australian Consumer Law (Tasmania) Act 2010

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:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the Australian Consumer Law (Tasmania) (Consequential Amendments) Act 2010.

2. Commencement

This Act commences on the day on which Part 3 of the Australian Consumer Law (Tasmania) Act 2010 commences.
PART 2 – CIVIL LIABILITY ACT 2002 AMENDED

3. Principal Act

In this Part, the Civil Liability Act 2002* is referred to as the Principal Act.

4. Section 43A amended (Application of Part 9A)

Section 43A(1)(b) of the Principal Act is amended as follows:

(a) by omitting “Fair Trading Act 1990” and substituting “Australian Consumer Law (Tasmania) Act 2010”;

(b) by omitting “section 14” and substituting “section 236”.

*No. 54 of 2002
PART 3 – COLLECTIONS FOR CHARITIES ACT 2001 AMENDED

5. Principal Act

In this Part, the Collections for Charities Act 2001* is referred to as the Principal Act.

6. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended by omitting the definition of “authorised officer”.

7. Section 17 repealed

Section 17 of the Principal Act is repealed.

*No. 28 of 2001
PART 4 – CONVEYANCING ACT 2004 AMENDED

8. Principal Act

In this Part, the Conveyancing Act 2004* is referred to as the Principal Act.

9. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended by omitting the definition of “authorised officer”.

10. Section 36 repealed

Section 36 of the Principal Act is repealed.

11. Section 37 amended (Grounds for disciplinary action)

Section 37(h) of the Principal Act is amended by omitting “Fair Trading Act 1990” and substituting “Australian Consumer Law (Tasmania) Act 2010”.

*No. 22 of 2004
PART 5 – JUSTICES ORDER 2004 AMENDED

12. Principal Order

In this Part, the *Justices Order 2004* is referred to as the Principal Order.

13. Clause 4 amended (Acts to which section 26(1)(b) applies)

Clause 4(o) of the Principal Order is amended by omitting “Fair Trading Act 1990” and substituting “Australian Consumer Law (Tasmania) Act 2010”.

*S.R. 2004, No. 63*
PART 6 – LAND VALUERS ACT 2001 AMENDED

14. Principal Act

In this Part, the *Land Valuers Act 2001* is referred to as the Principal Act.

15. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended by omitting “*Fair Trading Act 1990*” from the definition of “authorised officer” and substituting “*Consumer Affairs Act 1988*”.

16. Section 7 amended (Investigations)

Section 7 of the Principal Act is amended by omitting subsection (2).

17. Section 9 amended (Grounds for disciplinary action)

Section 9(a) of the Principal Act is amended by omitting “*Fair Trading Act 1990*” and substituting “*Australian Consumer Law (Tasmania) Act 2010*”.

*No. 101 of 2001*
18. Section 15 amended (Register of disciplinary action)

Section 15(1) of the Principal Act is amended by omitting “and must make a note in the register of any assurance accepted by the Director under the *Fair Trading Act 1990* in respect of a land valuer”.
PART 7 – PREPAID FUNERALS ACT 2004 AMENDED

19. Principal Act

In this Part, the Prepaid Funerals Act 2004* is referred to as the Principal Act.

20. Section 27 repealed

Section 27 of the Principal Act is repealed.
PART 8 – SURVEYORS ACT 2002 AMENDED

21. Principal Act

In this Part, the Surveyors Act 2002* is referred to as the Principal Act.

22. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended by omitting “Fair Trading Act 1990” from the definition of “authorised officer” and substituting “Consumer Affairs Act 1988”.

23. Section 9 amended (Particulars to be entered in register)

Section 9(5) of the Principal Act is amended by omitting paragraph (b).

24. Section 30 amended (Investigations)

Section 30 of the Principal Act is amended by omitting subsection (2).

*No. 36 of 2002
25. **Section 32 amended (Grounds for disciplinary action)**

Section 32(a) of the Principal Act is amended by omitting “Fair Trading Act 1990” and substituting “Australian Consumer Law (Tasmania) Act 2010”.
PART 9 – LEGISLATION REPEALED AND REVOKED

26. Legislation repealed

The legislation specified in Schedule 1 is repealed.

27. Legislation revoked

The legislation specified in Schedule 2 is revoked.
PART 10 – REPEAL AND AMENDMENT

28. Effect of amendment of *Justices Order 2004*

The amendment by this Act of a provision of the *Justices Order 2004* does not prevent that provision or any other provision of that order from being amended or rescinded by a subsequent order.

29. Repeal

This Act is repealed on the ninetieth day from the day on which it commenced.
SCHEDULE 1 – LEGISLATION REPEALED

Section 26

Goods (Trade Descriptions) Act 1971 (No. 1 of 1971)

Unordered Goods and Services Act 1973 (No. 9 of 1973)


Door to Door Trading Act 1986 (No. 19 of 1986)

Fair Trading Act 1990 (No. 29 of 1990)

Fair Trading (Reinstatement of Regulations) Act 2008 (No. 48 of 2008)
Schedule 2 – Legislation Revoked

Section 27


Sale of Hazardous Goods (Baby Bath Aids, Basketball Rings and Backboards and Moveable Soccer Goals) Order 2006 (No. 11 of 2006)


Sale of Hazardous Goods (Babies’ Dummies) Order 2008 (No. 24 of 2008)


Sale of Hazardous Goods (No Holes Tongue Studs) Order 2008 (No. 27 of 2008)

Sale of Hazardous Goods (Toothpaste Safety) Order 2008 (No. 28 of 2008)


Sale of Hazardous Goods (Hot Water Bottles) Order 2008 (No. 156 of 2008)

Sale of Hazardous Goods (Prams and Strollers) Order 2009 (No. 125 of 2009)

Sale of Hazardous Goods (Revocation) Order 2009 (No. 190 of 2009)

Sale of Hazardous Goods (Treadmills) Order 2010 (No. 20 of 2010)