

TASMANIA

**AUSTRALIAN CONSUMER LAW (TASMANIA)
(CONSEQUENTIAL AMENDMENTS) BILL 2010**

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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.

THIS BILL IS COGNATE WITH THE AUSTRALIAN CONSUMER LAW (TASMANIA) BILL
2010

*Australian Consumer Law (Tasmania) (Consequential
Amendments) Act 2010*
Act No. of

s. 3

Part 2 – Civil Liability Act 2002 Amended

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

*Australian Consumer Law (Tasmania) (Consequential
Amendments) Act 2010*
Act No. of

Part 3 – Collections for Charities Act 2001 Amended

s. 5

**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 Section 17 repealed

Section 17 of the Principal Act is repealed.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

*Australian Consumer Law (Tasmania) (Consequential
Amendments) Act 2010*
Act No. of

s. 8

Part 4 – Conveyancing Act 2004 Amended

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

*Australian Consumer Law (Tasmania) (Consequential
Amendments) Act 2010*
Act No. of

Part 5 – Justices Order 2004 Amended

s. 12

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

*Australian Consumer Law (Tasmania) (Consequential
Amendments) Act 2010*
Act No. of

s. 14

Part 6 – Land Valuers Act 2001 Amended

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

*Australian Consumer Law (Tasmania) (Consequential
Amendments) Act 2010*
Act No. of

Part 6 – Land Valuers Act 2001 Amended

s. 18

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”.

*Australian Consumer Law (Tasmania) (Consequential
Amendments) Act 2010*
Act No. of

s. 19

Part 7 – Prepaid Funerals Act 2004 Amended

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.

*No. 11 of 2004

*Australian Consumer Law (Tasmania) (Consequential
Amendments) Act 2010*
Act No. of

Part 8 – Surveyors Act 2002 Amended

s. 21

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

*Australian Consumer Law (Tasmania) (Consequential
Amendments) Act 2010*
Act No. of

s. 25

Part 8 – Surveyors Act 2002 Amended

**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*”.

*Australian Consumer Law (Tasmania) (Consequential
Amendments) Act 2010*
Act No. of

Part 9 – Legislation repealed and revoked

s. 26

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.

*Australian Consumer Law (Tasmania) (Consequential
Amendments) Act 2010*
Act No. of

s. 28

Part 10 – Repeal and amendment

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.

*Australian Consumer Law (Tasmania) (Consequential
Amendments) Act 2010*
Act No. of

sch. 1

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)

Sale of Hazardous Goods Act 1977 (No. 69 of 1977)

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)

*Australian Consumer Law (Tasmania) (Consequential
Amendments) Act 2010
Act No. of*

sch. 2

SCHEDULE 2 – LEGISLATION REVOKED

Section 27

Sale of Hazardous Goods Amendment Order 2002 (No. 115 of 2002)

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 (Monkey Bikes) Order 2006 (No. 19 of 2006)

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

Sale of Hazardous Goods (Children's Cots) Order 2008 (No. 25 of 2008)

Sale of Hazardous Goods (Lead in Children's Toys) Order 2008 (No. 26 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 (Revocation) Order 2008 (No. 116 of 2008)

Sale of Hazardous Goods (Expandable Toys) Order 2008 (No. 117 of 2008)

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

*Australian Consumer Law (Tasmania) (Consequential
Amendments) Act 2010*
Act No. of

sch. 2

*Sale of Hazardous Goods (Children's Portable Folding Cots)
Order 2009 (No. 124 of 2009)*

*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)*