

TASMANIA

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**FAIR TRADING (MISCELLANEOUS  
AMENDMENTS) BILL 2003**

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**CONTENTS**

1. Short title
2. Commencement
3. Miscellaneous amendments

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 “shallnot” 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 –

- (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*.