



Australian Capital Territory

Fair Trading (Consumer Affairs) Act 1973 No 17

Republication No 7

Republication date: 12 September 2001

Last amendment made by Act 2001 No 44

Amendments incorporated to 12 September 2001

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Fair Trading (Consumer Affairs) Act 1973* as in force on 12 September 2001. It includes any amendment, repeal or expiry affecting the republished law to 12 September 2001 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to
12 September 2001



Australian Capital Territory

Fair Trading (Consumer Affairs) Act 1973

Contents

		Page
Part 1	Preliminary	
1	Name of Act	2
2	Definitions for Act	2
Part 2	Fair trading advisory committees	
3	Appointment of committees	4
4	Functions of committees	4
5	Expenses	4

	Page
Part 3	Commissioner for fair trading
Division 3.1	Administration
6	Commissioner for fair trading 6
7	Functions of commissioner 6
8	Powers of commissioner 7
Division 3.2	Investigations
9	Investigators 7
10	Identity cards 7
11	Power not to be exercised before identity card shown 8
12	Power of investigator to enter etc 8
13	Investigator may require furnishing of information and production of documents 9
14	Copying of documents produced under s 13 11
15	Secrecy 11
16	Commissioner's power to institute or defend legal proceedings on behalf of consumers 13
Part 4	Consumer product safety orders and standards
Division 4.1	Product safety advisory committee
17	Product safety advisory committee 15
18	Appointment and tenure of office of members 15
19	Deputies of members 16
20	Coopted members 16
21	General procedure 16
22	Voting 16
23	Minutes 17
Division 4.2	Orders and standards
24	Advice concerning consumer product safety orders or standards 17
25	Consumer product safety standards 18
26	Interim safety orders 18
27	Consumer product safety orders 21
28	Consumer product information standards 22

	Page
29 Orders made by commissioner	22
30 Offences	24
31 Recovery of amount of loss or damage	26
32 Recovery of amount paid for goods	26
33 Finding in proceedings to be evidence	26
34 Contracting out	27
35 Notification of decisions	27
36 Appeals	28
Part 5 Product recall	
37 Recall etc of goods	29
38 Conferences relating to compulsory product recall	32
39 Certain amounts recoverable as debt or damages	35
40 Certain action not to affect insurance contracts	36
Part 6 Miscellaneous	
41 Certificate evidence	37
42 Liability for defamatory statement	37
43 Regulation-making power	38
44 References to Consumer Affairs Act	38
45 References to director of consumer affairs etc	38
Endnotes	
1 About the endnotes	39
2 Abbreviation key	39
3 Legislation history	40
4 Amendment history	42
5 Earlier republications	47
6 Renumbered provisions	47

Amendments incorporated to
12 September 2001



Australian Capital Territory

Fair Trading (Consumer Affairs) Act 1973

An Act to make provision for the protection of consumers, and for the protection of traders against unfair commercial practices

Part 1 Preliminary

1 Name of Act

This Act is the *Fair Trading (Consumer Affairs) Act 1973*.

2 Definitions for Act

In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

acquire—see the *Fair Trading Act 1992*.

advisory committee means a consumer affairs advisory committee appointed by the Minister under this Act.

certificate of identification means a certificate issued under section 11.

commissioner means the commissioner for fair trading.

consumer—see the *Fair Trading Act 1992*.

consumer product information standard, in relation to goods, means a standard established under section 28 in relation to those goods.

consumer product safety order means an order under section 27 or 29.

consumer product safety standard in relation to goods, means a standard established under section 25 in relation to those goods.

corporation—see the Corporations Act.

court includes any tribunal or person having authority under a law, or by consent of parties, to receive evidence.

dwelling house means premises that are used, or intended to be used, for the purpose of residence, and includes the premises of a lodging house or boarding house.

goods—see the *Fair Trading Act 1992*.

interest in land means—

- (a) a legal or equitable estate or interest in land; and
- (b) a right of occupancy of land or of a building erected on land, being a right that arises by virtue of holding shares, or a contract to purchase shares, in a corporation that is the owner of the land or the land on which the building is situated; and
- (c) a right, power or privilege over, or in connection with, land.

interim safety order means an order made by the Minister under section 26.

investigation means an investigation under part 3.

investigator means the commissioner or a person who is authorised by the commissioner under section 9.

owner means—

- (a) in the case of land held under a lease from the Commonwealth for a term of years—the person who is the lessee of the land; and
- (b) in the case of land held in fee simple—the person in whom the fee simple is vested.

services—see the *Fair Trading Act 1992*.

supply—see the *Fair Trading Act 1992*.

Part 2 Fair trading advisory committees

3 Appointment of committees

- (1) The Minister may appoint such advisory committees as he or she thinks fit.
- (2) An advisory committee shall consist of the commissioner and such other members as are considered by the Minister to be qualified by reason of their knowledge or expertise on matters affecting the interests of consumers.
- (3) The procedure at meetings of an advisory committee shall be as determined by that committee.

4 Functions of committees

- (1) The function of an advisory committee is to provide advice to the Minister or the commissioner about issues affecting the interests of consumers and unfair commercial practices affecting traders.
- (2) An advisory committee must provide advice as required by the Minister or the commissioner and may provide advice on its own initiative.
- (3) In carrying out its function, an advisory committee may consult with members of the public and with other entities interested in issues affecting the interests of consumers.

5 Expenses

- (1) Subject to subsection (2), a member of an advisory committee is not entitled to be paid in respect of duties or functions performed in connection with the work of the committee.

- (2) A member may apply to the commissioner for reimbursement of any expenses reasonably incurred by the member for the purpose of attending a meeting of a committee.

Part 3 Commissioner for fair trading

Division 3.1 Administration

6 Commissioner for fair trading

- (1) There is to be a Commissioner for Fair Trading of the Australian Capital Territory.
- (2) The chief executive must establish an office in the public service the duties of which include exercising the functions of the commissioner.
- (3) The commissioner is the public servant for the time being occupying the public service office mentioned in subsection (2).

7 Functions of commissioner

- (1) The commissioner may—
 - (a) receive complaints about conduct (including fraudulent or unfair practices) connected with the supply of—
 - (i) goods or services; or
 - (ii) the acquisition of interests in land; and
 - (b) deal with the complaints in a way the commissioner considers appropriate, including by investigating them or referring them to the entity the commissioner considers to be best able to take appropriate action; and
 - (c) conduct other investigations and research into consumer and fair trading issues and practices; and
 - (d) make information available to, and provide guidance to, the public about consumer and fair trading issues and practices and about related laws; and

- (e) be responsible for any other function given to the commissioner by the Minister or chief executive.
- (2) In carrying out his or her functions, the commissioner may collaborate or consult with advisory committees, members of the public, and other entities.

8 Powers of commissioner

- (1) The commissioner has power to do everything necessary or convenient to be done in relation to carrying out his or her functions.
- (2) The commissioner may delegate, in writing, all or any of the commissioner's powers to a person.

Division 3.2 Investigations

9 Investigators

An investigation for section 7 (1) (b) or (c) may be made by the commissioner or a person authorised, in writing, by the commissioner (an *investigator*).

10 Identity cards

- (1) The commissioner must issue an identity card to each investigator under this Act or the *Consumer Credit (Administration) Act 1996*.
- (2) The identity card must state that the person is an investigator.
- (3) The identity card must also—
 - (a) include a recent photograph of the person; and
 - (b) state—
 - (i) the person's name; and
 - (ii) the Acts for which the person is an investigator; and
 - (iii) the date of issue of the card; and
 - (iv) a date of expiry for the card; and

- (c) include anything else prescribed under the regulations.
- (4) A person who ceases to be an investigator must return his or her identity card to the commissioner as soon as practicable, but within 21 days, after ceasing to be an investigator.

Maximum penalty (subsection (4)): 1 penalty unit.

11 Power not to be exercised before identity card shown

An investigator under this Act or the *Consumer Credit (Administration) Act 1996* may exercise a power under a Territory law in relation to a person only if the investigator first shows the person his or her identity card.

12 Power of investigator to enter etc

- (1) Where a magistrate is satisfied by information on oath that, for the purpose of an investigation under section 11, it is reasonably necessary for the commissioner to enter and inspect—
 - (a) premises where goods are manufactured, prepared or sold or offered for hire; or
 - (b) premises as to which there are reasonable grounds for believing that goods are manufactured, prepared or sold or offered for hire on the premises;he or she may issue a warrant authorising the commissioner or a person named in the warrant to enter the premises.
- (2) A warrant under subsection (1) shall be in writing signed by the magistrate issuing it and shall state shortly the matters of the information upon which it is founded.
- (3) A warrant under subsection (1) may be issued on a Sunday or on any other day.
- (4) A person authorised by a warrant under subsection (1) to enter premises may—

- (a) at any reasonable hour of the day, enter the premises, by force if necessary; and
 - (b) inspect the premises and any goods on the premises; and
 - (c) remove from the premises any goods, whether manufactured or prepared or partly manufactured or prepared, found on the premises, first paying a just price for them, or take samples of materials used in their manufacture or preparation.
- (5) A person who obstructs, threatens or intimidates the commissioner or a person named in a warrant in the exercise of a power or the performance of a duty conferred or imposed on him or her commits an offence.

Maximum penalty (subsection (5)): 50 penalty units, imprisonment for 6 months or both.

13 Investigator may require furnishing of information and production of documents

- (1) An investigator making an investigation—
- (a) upon giving a person other than a corporation a warning, orally or in writing, of his or her obligation to comply with a requirement under this section, may, by notice in writing, require that person—
 - (i) to furnish to the investigator, by writing signed by that person, information specified in the notice; or
 - (ii) to furnish to the investigator, orally, information specified in the notice; or
 - (iii) to produce to the investigator a document specified in the notice;
 - (b) may, upon giving a person being a corporation a written warning of its obligation to comply with a requirement under this section, by notice in writing require the person—

- (i) to furnish to the investigator, through a competent officer of the corporation by writing signed by that officer, information specified in the notice; and
 - (ii) to furnish to the investigator, through such a competent officer, orally, information specified in the notice; and
 - (iii) to produce to the investigator, through such a competent officer, a document specified in the notice; and
- (c) may require a person referred to in paragraph (a) or (b) so to furnish the information or produce the document—
 - (i) at a place specified in the notice; and
 - (ii) at or within a time specified in the notice.
- (2) Subject to subsection (4), a person who, without reasonable excuse, fails to comply with a requirement under this section commits an offence.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.
- (3) A person is not excused from furnishing information, or producing a document, in accordance with a requirement under this section on the ground that the information or document would incriminate, or would tend to incriminate, the person or his or her spouse or would tend to expose the person or his or her spouse to proceedings for an offence against a law in force in Australia or elsewhere.
- (4) A person is excused from furnishing information, or producing a document, in accordance with a requirement under this section if, in proceedings in the Supreme Court by or against the person, the information or document would have been privileged by reason that the information or document was a communication that passed in professional confidence between a person and his or her legal practitioner or patent attorney.
- (5) A reference in this section to information or a document specified in a notice under this section shall be construed as a reference to

information or a document, as the case may be, reasonably required for the purposes of this Act.

- (6) An investigator who enters premises under section 12 is not authorised to remain on the premises if the investigator does not produce his or her identity card for inspection if asked to do so by the occupier or a person apparently in charge of the premises.

14 Copying of documents produced under s 13

- (1) A prescribed person may—
- (a) make copies of a document produced in accordance with a notice under section 13; and
 - (b) retain possession of such a document for as long as is necessary to make those copies.
- (2) A prescribed person who for the purposes of subsection (1) is in the possession of a document shall comply with a request made by the person who produced the document, or by a person authorised by that person, to be afforded a reasonable opportunity to inspect and make copies of the document.
- (3) In this section:
- prescribed person* means—
- (a) the commissioner; or
 - (b) a person authorised by the commissioner in writing under his or her hand for the purposes of this section.

15 Secrecy

- (1) This section applies to every person who is, or has been, a person engaged in the administration of this Act, including a person who receives information or a document from the commissioner under section 7 (2).

- (2) Subject to this section, a person to whom this section applies shall not, either directly or indirectly, except in the performance of a duty under, or in connection with, this Act—
- (a) make a record of, or divulge or communicate to a person, information concerning the affairs of another person acquired by him or her by reason of his or her office or employment under, or for the purposes of, this Act; or
 - (b) produce to a person a document produced in pursuance of this Act.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) A person to whom this section applies shall not, for the purposes of criminal proceedings against a person, communicate or produce to a court information, a document, or a copy of a document, that was furnished or produced by the secondmentioned person in accordance with a requirement under section 13 unless—
- (a) the proceedings are for an offence against section 13 (2); or
 - (b) the proceedings are in respect of the falsity of the information or of a statement in the document.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (4) Subsection (2) does not apply to the communication of information, or the production of a document, to a court for the purposes of civil proceedings.
- (5) Subsection (2) does not apply in relation to the communication, to a person appointed, or a body established, under a law of a State or another Territory for a purpose relating to matters affecting the interests of consumers, of information relating to a complaint received from a consumer that is being or has been investigated by the commissioner if the consumer, prior to the communication being made, consents, in writing, to the communication of that information.

16 Commissioner's power to institute or defend legal proceedings on behalf of consumers

- (1) Where, after a complaint or other matter involving a consumer is made or referred to the commissioner, the commissioner is satisfied that—
- (a) a consumer has a cause of action or a good defence to an action; or
 - (b) it is otherwise in the public interest to do so;
- he or she may, on behalf of the consumer and either alone or jointly, institute legal proceedings against any other person or defend proceedings brought against the consumer with a view to enforcing or protecting the rights of the consumer in relation to an infringement, or suspected infringement, by that other person of—
- (c) those rights; or
 - (d) a provision of a law in force in the Territory relating to the interests of consumers.
- (2) Notwithstanding subsection (1), the commissioner shall not institute or defend proceedings under this section unless he or she first obtains—
- (a) the written consent of the consumer; and
 - (b) the written consent of the Minister.
- (3) Nothing in subsection (2) requires the commissioner to get the consent of the consumer or the Minister in relation to the defence of a counterclaim, set-off or cross-action.
- (4) A consent given under subsection (2) (a) is irrevocable except with the consent of the commissioner.
- (5) A consent given under subsection (2) (b) is subject to such conditions as the Minister thinks fit.
- (6) Subject to subsection (2), the commissioner may, without consulting or seeking the consent of the consumer, conduct proceedings under

this section in the name of the consumer and in such manner as the commissioner considers appropriate and proper.

- (7) For the purpose of conducting proceedings under this section, the commissioner has in all respects the same rights as the consumer would have had in the conduct of the proceedings, including the right—
- (a) to sign documents in connection with the proceedings on behalf of the consumer; and
 - (b) to settle an action or part of an action; and
 - (c) to give undertakings with regard to costs.
- (8) Moneys (other than costs) recovered by the commissioner as a result of proceedings under this section shall be paid to the consumer without deduction.
- (9) Where an order for costs is made against the consumer—
- (a) the costs shall be paid by the commissioner; and
 - (b) the order may be enforced against the commissioner as if he or she were the consumer; and
 - (c) the order shall not be enforced against the consumer.
- (10) Where an order for costs is made in favour of the consumer—
- (a) the costs are payable to the commissioner; and
 - (b) the order may be enforced by the commissioner.
- (11) In proceedings under this section, a court has the same powers as it would have had if the proceedings had been instituted by the consumer.
- (12) The commissioner is not personally liable as a result of proceedings instituted or defended by him or her in pursuance of this section but an amount that the commissioner becomes liable to pay by virtue of subsection (9) shall be paid by the Territory.

Part 4 **Consumer product safety orders and standards**

Division 4.1 **Product safety advisory committee**

17 **Product safety advisory committee**

- (1) There is established a product safety advisory committee having the functions conferred or imposed on it by this Act.
- (2) The product safety advisory committee consists of—
 - (a) a person appointed by the Minister as chairperson of the committee; and
 - (b) a public servant appointed by the Minister as executive officer of the committee; and
 - (c) such other persons appointed by the Minister as the Minister considers to be qualified by reason of their knowledge or expertise on matters related to product safety.
- (3) If the chairperson is unable to exercise the functions of chairperson, they shall be exercised by a member of the committee appointed by the Minister as acting chairperson.

18 **Appointment and tenure of office of members**

- (1) Subject to subsection (4) a member of the product safety advisory committee holds office in accordance with the terms of his or her appointment.
- (2) On the expiration of any period of appointment or reappointment, a member of the committee may be reappointed for a further period.
- (3) A member of the committee may at any time resign from the committee by notice in writing addressed to the Minister and delivered to the commissioner.

- (4) The Minister may at any time remove from office a member of the committee by notice in writing addressed and delivered to the member.
- (5) The executive officer of the committee vacates office as a member of the committee on ceasing to be a public servant.

19 Deputies of members

If a member of the product safety advisory committee is unable to carry out his or her duties for any period, the Minister may appoint another person whom the Minister considers to have knowledge or expertise on matters related to product safety to act in the place of that member for that period, and a person so appointed is deemed during that period to be a member of the committee.

20 Coopted members

- (1) The product safety advisory committee with the prior approval of the Minister may coopt any person whom it considers to have expertise in relation to the functions of the committee.
- (2) A person coopted under subsection (1) is, when attending a meeting of the committee, deemed to be a member of the committee and has a right to vote and participate in the committee's proceedings.

21 General procedure

The procedure for the calling of meetings of the committee and for the conduct of business at those meetings shall be as determined by the committee.

22 Voting

A decision supported by a majority of the votes cast at a meeting of the product safety advisory committee shall be the decision of the committee.

23 Minutes

The product safety advisory committee shall cause full and accurate minutes to be kept of the proceedings at each meeting of the committee.

Division 4.2 Orders and standards

24 Advice concerning consumer product safety orders or standards

- (1) The commissioner—
- (a) shall, at the request of the Minister; or
 - (b) may, of his or her own motion;
- advise the Minister, after due consideration, whether—
- (c) a consumer product safety order or recall or notification order made under section 37 (1) should be made, amended or revoked; or
 - (d) a consumer product safety standard should be prescribed or a prescribed product safety standard should be amended or repealed; or
 - (e) a consumer product information standard should be prescribed or a prescribed consumer product information standard should be amended or repealed;
- in relation to any goods or any class of goods.
- (2) The advice of the commissioner shall be furnished to the Minister in writing as soon as practicable following consideration of the matter and such advice shall include a recommendation of the action (if any) that should be taken.
- (3) The commissioner shall not recommend action of a kind referred to in subsection (1) (c), (d) or (e) in relation to any goods or any class of goods unless the commissioner considers such action is reasonable and necessary to prevent or reduce the risk of injury to,

or impairment of health of, any person arising out of the possession, handling or use of those goods by that person or any other person.

- (4) The product safety advisory committee may of its own motion request the commissioner to consider advising the Minister to take action of the kind referred to in subsection (1) (c), (d) or (e) in relation to any goods or any class of goods.

25 Consumer product safety standards

- (1) The regulations may prescribe a consumer product safety standard to be used for a specified kind of goods.
- (2) A consumer product safety standard in relation to goods shall consist of such requirements as to—
- (a) performance, composition, contents, methods of manufacture or processing, design, construction, finish or packaging of the goods; and
 - (b) the testing of the goods during, or after the completion of, manufacture or processing; and
 - (c) the form and content of markings, warnings or instructions to accompany the goods or be placed on a vending machine for the goods or a display stand or sign adjacent to the goods; and
 - (d) equipment or accessories to be supplied with the goods;
- as are reasonable and necessary to prevent or reduce risk of injury to a person.

26 Interim safety orders

- (1) Where for the purpose of—
- (a) providing advice to the Minister under section 24; or
 - (b) a request under subsection (2) concerning advice by the product safety advisory committee;

in relation to goods or a class of goods, the commissioner considers that, before the relevant advice is provided, the supply of the goods or the class of goods should be prohibited or restricted in order to prevent or reduce the risk of injury to, or impairment of health of, any person arising out of the possession, handling or use of those goods by that person or any other person, the commissioner may, before that advice is provided, recommend that the Minister make an interim safety order in relation to the relevant goods or class of goods.

- (2) Where for the purpose of providing advice in relation to goods or a class of goods in accordance with this Act, the product safety advisory committee considers that, before providing that advice, the supply of the goods or the class of goods should be prohibited or restricted in order to prevent or reduce the risk of injury to, or impairment of health of, any person arising out of the possession, handling or use of those goods by that person or any other person, the committee may request the commissioner to consider recommending in accordance with subsection (1) that the Minister make an interim safety order.
- (3) Where the Minister is satisfied, on the recommendation of the commissioner made under subsection (1), that, pending advice from the commissioner or the product safety advisory committee, as the case may be, it is reasonable and necessary to prohibit or restrict the supply of any goods or any class of goods in order to prevent or reduce the risk of injury to, or impairment of health of, any person arising out of the possession, handling or use of those goods by that person or any other person, the Minister may, in writing, make an interim safety order—
 - (a) prohibiting the supply of goods or a class of goods specified in the order; or

- (b) imposing conditions or restrictions specified in the order on the supply of the relevant goods or class of goods.

Note A power given under an Act to make a statutory instrument (including an interim safety order) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

- (4) An interim safety order is a notifiable instrument.

Note 1 A notifiable instrument must be notified under the *Legislation Act 2001*.

Note 2 An amendment or repeal of an interim safety order is also a notifiable instrument (see *Legislation Act 2001*, s 46 (2)).

- (5) Unless the effect of an interim safety order is extended under subsection (7), the order expires on the earlier of the following:

- (a) 28 days after the day the notice is notified under the *Legislation Act 2001*;
- (b) the commencement of a consumer product safety order under section 27 in relation to the goods or class of goods specified in the order.

- (6) If an interim safety order (the *first order*) is in force under this section in relation to specified goods or a specified class of goods, the Minister may make a further interim safety order in relation to the same goods or class of goods only if the further order relates to an aspect of the goods or class of goods not covered by the first order.

- (7) If—

- (a) an interim safety order is in force in relation to goods or a class of goods; and
- (b) further time is required for the commissioner to provide advice under section 24 (Advice concerning consumer product safety orders or standards), or for the product safety advisory committee to provide advice in accordance with this Act, in relation to the goods or class of goods;

the Minister, on the commissioner's recommendation, may, in writing, extend the period of the effect of the order.

- (8) If the effect of an interim safety order is extended under subsection (7), the order expires on the earlier of the following:
- (a) 28 days after the period of 28 days mentioned in subsection (5) (b);
 - (b) the commencement of a consumer product safety order under section 27 in relation to the goods or the class of goods specified in the interim safety order.
- (9) An extension under subsection (7) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

27 Consumer product safety orders

- (1) Where the Minister is satisfied that the making of a consumer product safety order in relation to goods or a class of goods is reasonable and necessary to prevent or reduce the risk of injury to, or impairment of health of, any person arising out of the possession, handling or use of those goods by that person or any other person, the Minister may, in writing, make a consumer product safety order—
- (a) prohibiting the supply of goods or a class of goods specified in the order; or
 - (b) imposing conditions or restrictions specified in the order on the supply of the relevant goods or class of goods.

Note A power given under an Act to make a statutory instrument (including a consumer product safety order) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

- (2) A consumer product safety order is a notifiable instrument.

Note 1 A notifiable instrument must be notified under the *Legislation Act 2001*.

Note 2 An amendment or repeal of a consumer product safety order is also a notifiable instrument (see *Legislation Act 2001*, s 46 (2)).

28 Consumer product information standards

The regulations may prescribe a consumer product information standard to be used for a specified kind of goods consisting of requirements for, and for the form and manner of, disclosure of such information as to—

- (a) the price, performance, composition, contents, methods of manufacture or processing, design, construction, finish or packaging of the goods; and
- (b) the place of manufacture or production of the goods; and
- (c) the identity of the manufacturer, producer or supplier of the goods; and
- (d) the date of the manufacture or production, or the durable life, of the goods; and
- (e) care and storage of the goods;

as is reasonably necessary to give persons using the goods information as to their origin, quantity, quality, nature, durability or value.

29 Orders made by commissioner

- (1) Subject to this section, where a prescribed authority in a State or another Territory has, by order or other instrument—
 - (a) prohibited the supply in that State or Territory of any goods, or of goods included in any class of goods; or
 - (b) imposed conditions or restrictions on the supply of those goods in that State or Territory;

the commissioner may, in writing, at any time when that order or instrument is in force, make a consumer product safety order—

- (c) where the order or instrument made by the prescribed authority is of a kind referred to in paragraph (a)—prohibiting the supply

in the Territory of those goods or of goods included in that class of goods; or

- (d) where the order or instrument made by the prescribed authority is of a kind referred to in paragraph (b)—imposing conditions or restrictions on the supply of those goods in the Territory.

Note A power given under an Act to make a statutory instrument (including a consumer product safety order) includes power to amend or repeal the instrument (see *Legislation Act 2001*, s 46 (1)).

- (2) A consumer product safety order made under this section is a notifiable instrument.

Note 1 A notifiable instrument must be notified under the *Legislation Act 2001*.

Note 2 An amendment or repeal of a consumer product safety order is also a notifiable instrument (see *Legislation Act 2001*, s 46 (2)).

- (3) The commissioner shall not make a consumer product safety order under this section in relation to any goods or any class of goods in respect of which the Minister has made, or has refused to make, an interim safety order or a consumer product safety order.

- (4) The commissioner shall not make a consumer product safety order under this section in relation to any goods, or goods included in any class of goods, unless he or she is satisfied that the making of the order is reasonable and necessary to prevent or reduce the risk of injury to, or impairment of health of, any person arising out of the possession, handling or use of those goods by that person or any other person.

- (5) Without limiting the powers implied by subsection (1), the Minister may, in writing, amend or repeal a consumer product safety order made under this section.

- (6) An amendment or repeal under subsection (5) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (7) A consumer product safety order made under this section expires on the earlier of the following:

- (a) if the order provides for its expiry—on the date or at the time provided by the order for its expiry; or
 - (b) the commencement of a consumer product safety order under section 27 in relation to the goods or class of goods specified in the order made under this section.
- (8) In this section:

prescribed authority means a Minister of a State or another Territory responsible for consumer affairs in that State or Territory, or a person or authority appointed or established under a law of the Commonwealth or of a State or another Territory, with powers and functions that are the same, or substantially the same, as the powers and functions conferred on the Minister or the commissioner under this part.

30 Offences

- (1) Subject to this section, a person shall not supply goods that are intended to be used, or are of a kind likely to be used, by a consumer if—
- (a) there is a prescribed consumer product safety standard in respect of the goods and the goods do not comply with that standard; or
 - (b) the supplying of the goods contravenes an order under section 26, 27 or 29; or
 - (c) there is a consumer product information standard applicable to the goods and the goods do not comply with that standard.

Maximum penalty: 200 penalty units.

- (2) Subsection (1) (a) does not apply to, or in relation to, the supply of goods—
- (a) for the value of the material of which the goods are composed and not for the use of the goods as finished articles; or
 - (b) as damaged goods to—

- (i) a person who carries on the business of repairing damaged goods for the purpose of reselling those goods; or
 - (ii) a person by whom those goods were insured against damage.
- (3) It is a defence to a prosecution for an offence against subsection (1) (a) that the defendant believed on reasonable grounds at the time he or she supplied the goods that they complied with the prescribed consumer product safety standard or prescribed consumer product information standard.
- (4) Where—
 - (a) the supplying of goods by a person constitutes a contravention of subsection (1) by reason that the goods do not comply with a prescribed product safety standard or prescribed consumer product information standard; and
 - (b) a person suffers loss or damage by reason that the goods do not comply with that standard or by reason of his or her not having particular information in relation to the goods; and
 - (c) the person referred to in paragraph (b) would not have suffered the loss or damage if the good had complied with that standard;the person referred to in paragraph (b) shall be deemed, for the purposes of this part, to have suffered the loss or damage by the supplying of the goods.
- (5) Where—
 - (a) the supplying of goods by a person constitutes a contravention of subsection (1) by reason that the supplying contravenes an order under section 26, 27 or 29; and
 - (b) a person suffers loss or damage, being loss or damage caused by the goods or a defect in the goods or a dangerous characteristic of the goods or by reason of his or her not having particular information as to a characteristic of the goods;

the person referred to in paragraph (b) shall be deemed, for the purposes of this part, to have suffered the loss or damage by the supplying of the goods.

31 Recovery of amount of loss or damage

A person who suffers loss or damage by the supplying of goods in contravention of section 30 (1) may recover the amount of the loss or damage by action against the person by whom the goods were so supplied.

32 Recovery of amount paid for goods

- (1) Subject to this section, a person to whom goods have been supplied in contravention of section 30 (1) may recover, as a debt due to him or her, against the person who supplied the goods—
 - (a) the amount paid in respect of the supplying of the goods by the secondmentioned person; and
 - (b) where the firstmentioned person has returned the goods to the secondmentioned person—the amount of any reasonable expenses incurred in so returning the goods.
- (2) A person to whom goods have been supplied in contravention of section 30 (1) and who supplies those goods to another person in contravention of that subsection shall not be entitled to recover any amount under subsection (1) unless he or she has paid to that other person such amounts as that other person is entitled to recover under subsection (1).

33 Finding in proceedings to be evidence

In an action against a person under section 31 or 32, a finding of any fact by a court in proceedings for an offence against section 30 (1), in which that person has been found to have contravened that section, is evidence of that fact.

34 Contracting out

Any agreement whereby the rights and entitlements conferred on a person under section 31 or 32 are waived, limited or modified is void.

35 Notification of decisions

- (1) If the Minister makes a decision—
 - (a) under section 26 (3) to make, amend or repeal an interim safety order; or
 - (b) under section 26 (7) to extend the period of effect of an interim safety order; or
 - (c) under section 27 (1) to make, amend or repeal a consumer product safety order; or
 - (d) under section 29 (5) to amend or repeal a consumer product safety order;

the Minister must prepare a written notice of the decision.

- (2) The Minister must publish the notice in a newspaper circulating in the ACT.
- (3) If the Minister makes a decision—
 - (a) under section 26 (3) to refuse to make an interim safety order; or
 - (b) under section 27 (1) to refuse to make a consumer product safety order;

the Minister must prepare a written notice of the decision.

- (4) The notice under subsection (3) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (5) The Minister must also publish the notice in a newspaper circulating in the ACT.

- (6) If the commissioner makes a decision under section 29 (1) to make, amend or repeal a consumer product safety order, the commissioner must prepare a written notice of the decision.
- (7) The commissioner must publish the notice in a newspaper.
- (8) If the commissioner makes a decision under section 29 (1) to refuse to make a consumer product safety order, the commissioner must prepare a written notice of the decision.
- (9) The notice under subsection (8) is a notifiable instrument.
Note A notifiable instrument must be notified under the *Legislation Act 2001*.
- (10) The commissioner must also publish the notice in a newspaper circulating in the ACT.
- (11) A notice under this section must be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

36 Appeals

- (1) Application may be made to the administrative appeals tribunal for review of a decision of the Minister—
 - (a) under section 26 (3) to make, amend or repeal, or to refuse to make, an interim safety order; or
 - (b) under section 26 (7) to extend the period of effect of an interim safety order; or
 - (c) under section 27 (1) to make, amend or repeal, or to refuse to make, a consumer product safety order.
- (2) Application may be made to the administrative appeals tribunal for review of a decision of the commissioner under section 29 (1) to make, amend or repeal, or to refuse to make, a consumer product safety order.

Part 5 Product recall

37 Recall etc of goods

- (1) This section applies if—
 - (a) a person supplies goods; and
 - (b) any of the following subparagraphs apply:
 - (i) it appears to the Minister that the goods are of a kind that will or may cause injury to someone;
 - (ii) a consumer product safety standard prescribed under section 28 applies to the goods and the goods do not comply with the standard;
 - (iii) an interim safety order under section 26, or a consumer product safety order under section 27 or 29, applies to the goods; and
 - (c) it appears to the Minister that the supplier has not taken satisfactory action to prevent the goods causing injury.
- (2) The Minister may, by written notice, require the supplier to take action within the period specified in the notice to—
 - (a) recall the goods in the manner specified in the order; or
 - (b) disclose to the public, or to a class of persons specified in the order in the manner so specified 1 or more of the following:
 - (i) the nature of any defect in the goods identified in the order;
 - (ii) the circumstances in which the use of the goods is dangerous;
 - (iii) procedures for disposing of the goods; or

- (c) notify the public, or a class of persons specified in the order, in the manner and within the period so specified, that the supplier undertakes to do whichever of the following the supplier thinks is appropriate:
- (i) except where the order identifies a dangerous characteristic of the goods—repair the goods;
 - (ii) replace the goods;
 - (iii) refund to a person to whom the goods were supplied (whether by the supplier or by another person) the price of the goods;
- within the period specified in the order.
- (3) A notice under subsection (2) is a notifiable instrument.
- Note* A notifiable instrument must be notified under the *Legislation Act 2001*.
- (4) If an order so provides, where—
- (a) the supplier undertakes to refund the price of the goods; and
 - (b) a period of more than 12 months has elapsed since a person (whether or not the person to whom the refund is to be made) acquired the goods from the supplier;
- the amount of the refund may be reduced by an amount, specified in the order, which represents the use which that person has had of the goods.
- (5) If a supplier undertakes to repair goods, the supplier shall cause the goods to be repaired so that—
- (a) any defect in the goods identified in the order is remedied; and
 - (b) if there is a consumer product safety standard for goods of that kind—the goods comply with the standard.
- (6) If a supplier undertakes to replace goods, the supplier shall replace the goods with like goods which—

- (a) if a defect in the goods to be replaced was identified in the order—do not contain that defect; and
 - (b) if there is a consumer product safety standard for goods of that kind—comply with that standard.
- (7) If a supplier undertakes to repair goods or replace goods, the cost of the repair or replacement, including any necessary transport costs, shall be borne by the supplier.
- (8) While an order under subsection (1) is in force, a supplier of goods to which the order relates shall not—
- (a) fail to comply with a requirement of, or a direction in, the order; or
 - (b) where the order identifies a defect in the goods—supply goods of the kind to which the order relates and which contain that defect; or
 - (c) in a case other than a case referred to in paragraph (b)—supply goods of the kind to which the order relates; or
 - (d) fail to carry out an undertaking notified by the supplier under subsection (1); or
 - (e) having given such an undertaking to repair or replace goods—fail to comply with subsection (5), (6) or (7), where applicable.

Maximum penalty: 200 penalty units.

- (9) Where goods are recalled, whether voluntarily or in accordance with an order under subsection (1), a person who has supplied any of the recalled goods to another person outside the Territory shall, as soon as practicable after the supply of those goods, give notice in writing to that other person—
- (a) stating that the goods are subject to recall; and
 - (b) if the goods have a defect—stating the nature of the defect; and

- (c) if the goods do not comply with a consumer product safety standard for the goods—setting out the nature of the noncompliance.

Maximum penalty: 20 penalty units.

- (10) A supplier who voluntarily takes action to recall goods shall, not later than 2 days after that action is taken, give to the commissioner notice in writing—
 - (a) stating that the goods are subject to recall; and
 - (b) if the goods have a defect—stating the nature of the defect; and
 - (c) if the goods do not comply with a consumer product safety standard for the goods—setting out the nature of the noncompliance.

Maximum penalty: 20 penalty units.

- (11) It is a sufficient compliance with subsection (10) if a copy of the notice relating to the goods is given under the *Trade Practices Act 1974* (Cwlth), section 65R to the commissioner.

38 Conferences relating to compulsory product recall

- (1) If the Minister—
 - (a) makes in conjunction with a consumer product safety order under section 27 any order under section 37 relating to goods the subject of the consumer product safety order; or
 - (b) has under consideration a draft of any order under section 37 that is not proposed to be made in conjunction with a consumer product safety order under section 27;

the Minister must prepare a written notice that complies with subsection (2) in relation to the order or draft order.

- (2) A notice relating to an order or draft order complies with this subsection if it specifies—

- (a) that a supplier of the goods to which the order or draft order relates may, before a day specified in the notice (being a day that is not earlier than 10 days after publication of the notice) lodge with the product safety advisory committee a request for a conference with that committee; and
 - (b) in the case of a draft order—the terms of the draft order and a summary of the reasons why it is under consideration.
- (3) A notice under subsection (1) is a notifiable instrument.
- Note* A notifiable instrument must be notified under the *Legislation Act 2001*.
- (4) If a notice under subsection (1) is notified, the commissioner must, within 2 days after the day it is notified under the *Legislation Act 2001* or, if it is not practicable to do so within the 2 days, as soon as practicable afterwards, either—
- (a) give a copy of the notice to each person who, to the commissioner's knowledge, supplies goods to which the notice relates; or
 - (b) publish a copy of the notice in a daily newspaper published and circulating in the ACT.
- (5) Any failure to comply with subsection (4) in relation to a notice does not invalidate the notice.
- (6) The product safety advisory committee may allow further time for the lodging of a request for a conference and shall—
- (a) where no request for a conference has been lodged inform the Minister accordingly; or
 - (b) where a request for a conference has been lodged—notify the Minister and each supplier who has duly requested the conference, of the time and place for the holding of the conference, being a time not later than 14 days after the expiration of the time for lodging a request for the conference.
- (7) If a conference is held—

- (a) the product safety advisory committee shall be represented by a member nominated by the chairperson; and
 - (b) each supplier who has requested the conference, and any other person whose presence at the conference is considered by the product safety advisory committee to be appropriate, is entitled to be present or be represented; and
 - (c) the Minister or a person or persons nominated in writing by the Minister is or are entitled to be present.
- (8) A person in attendance at the conference may—
- (a) inspect documents in the possession of the member representing the product safety advisory committee that relate to the goods to which the order or draft order relates (not being documents specifying a secret formula or process); and
 - (b) be heard by, and make submissions to, the member representing the product safety advisory committee with respect to the order or draft order.
- (9) The member representing the product safety advisory committee shall keep a record of proceedings at a conference under this section.
- (10) After a conference is held, the product safety advisory committee shall—
- (a) where the conference related to a draft order—make a written recommendation to the Minister as to whether the Minister should—
 - (i) publish an order in terms of the draft order; or
 - (ii) publish an order in terms of the draft order with amendments; or
 - (iii) refrain from publishing an order affecting the goods to which the draft order relates; or

- (b) where the conference related to an order under section 37—
make a written recommendation to the Minister as to whether
the order should remain in force, be varied or be revoked.
- (11) The product safety advisory committee shall cause a copy of a
recommendation made under subsection (10) to be given to each
supplier who was present or represented at the conference.
- (12) The Minister is not bound by a recommendation under
subsection (10) but, if the Minister decides not to act in accordance
with the recommendation, the Minister must prepare a written notice
stating the reasons for that decision.
- (13) A notice under subsection (12) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

39 Certain amounts recoverable as debt or damages

- (1) If a supplier fails to carry out an undertaking given under section 37
to refund the price of goods, the amount that should have been
refunded is recoverable as a debt due by the supplier to the person to
whom the undertaking was given.
- (2) If a supplier fails to carry out an undertaking under section 37 to
repair or replace goods, the supplier is deemed to have given instead
an undertaking, notified under section 37, to refund the price of the
goods within the period specified for the repair or replacement of
the goods.
- (3) If—
 - (a) a person fails to comply with any requirement of an order
made under section 37 or supplies goods in contravention of
such an order disclosing a defect in, or dangerous characteristic
of, the goods; and
 - (b) another person suffers loss or damage because of a defect in, or
a dangerous characteristic of, the goods or by not having
particular information as to a characteristic of the goods;

the person who suffered the loss or damage is deemed, for the purposes of this Act, to have suffered it because of the failure or contravention.

40 Certain action not to affect insurance contracts

The liability of an insurer under a contract of insurance with a person, being a contract relating to the recall of goods supplied or proposed to be supplied by the person or to the liability of the person with respect to possible defects in goods supplied or proposed to be supplied by the person, shall not be affected only because the person gives to the Minister, to the product safety advisory committee or to an officer information relating to any goods supplied or proposed to be supplied by the person.

Part 6 Miscellaneous

41 Certificate evidence

- (1) A certificate that appears to be signed by the commissioner, and states any of the following matters, is evidence of the matter:
 - (a) that a stated investigation made, or being made, by the commissioner or another stated person was made, or being made, under part 3;
 - (b) that on a stated date, or during a stated period, a stated person was an investigator.
- (2) A court must accept a certificate under this section as proof of the matters stated in it if there is no evidence to the contrary.

42 Liability for defamatory statement

- (1) An action or proceeding, civil or criminal, does not lie against a member of an advisory committee or the product safety advisory committee, the commissioner, an investigator or a person acting under the direction or control of the commissioner in respect of a statement made by him or her in good faith to another person in the performance of his or her duties or functions under this Act.
- (2) An action or proceeding, civil or criminal, does not lie against a person in respect of the publication in good faith of a notice or report issued by an advisory committee, the product safety advisory committee or the commissioner for the information of the public.
- (3) Nothing in this section deprives a person of any defence upon which, apart from this section, he or she might have relied in a civil or criminal action or proceeding against him or her.

43 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

44 References to Consumer Affairs Act

In an Act or document, a reference to the *Consumer Affairs Act 1973* is a reference to this Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

45 References to director of consumer affairs etc

- (1) In relation to anything done or to be done after the commencement of this section, a reference in an Act or document to the director of consumer affairs or director of fair trading is a reference to the commissioner.
- (2) In relation to anything done or to be done after the commencement of this section, a reference in an Act or document to the consumer affairs bureau or office of fair trading is a reference to the commissioner.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnotes.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
ins = inserted/added	renum = renumbered
LA = Legislation Act 2001	reloc = relocated
LR = legislation register	R[X] = Republication No
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
o = order	sub = substituted
om = omitted/repealed	SL = Subordinate Law
	<u>underlining</u> = whole or part not commenced

Endnotes

3 Legislation history

3 Legislation history

The *Fair Trading (Consumer Affairs) Act 1973* was originally the *Consumer Affairs Ordinance 1973*. It became an ACT Act on self-government (11 May 1989). It was renamed by the *Law Reform (Miscellaneous Provisions) Act 1999* (see s 6 sch 3).

Legislation before self-government

Legislation	Year and number	Gazette notification	Commencement
Consumer Affairs Act 1973	1973 No 17	31 May 1973	31 May 1973
Consumer Affairs Ordinance (No 2) 1973	1973 No 53	19 Dec 1973	19 Dec 1973
Consumer Affairs (Amendment) Ordinance 1976	1976 No 49	12 Oct 1976	12 Oct 1976
Ordinances Revision (Remuneration) Ordinance 1976	1976 No 61	16 Nov 1976	16 Nov 1976
Consumer Affairs (Amendment) Ordinance 1979	1979 No 42	18 Dec 1979	18 Dec 1979
Consumer Affairs (Amendment) Ordinance 1981	1981 No 26	17 Sept 1981	17 Sept 1981
Ordinances Revision (Companies Amendments) Ordinance 1982	1982 No 38	30 June 1982	1 July 1982
Consumer Affairs (Amendment) Ordinance 1982	1982 No 100	31 Dec 1982	31 Dec 1982
Limitation Ordinance 1985	1985 No 66	19 Dec 1985	19 Dec 1985
Consumer Affairs (Amendment) Ordinance 1986	1986 No 23	25 July 1986	25 July 1986
Self-Government (Consequential Amendments) Ordinance 1989	1989 No 38	10 May 1989	ss 1 and 2: 10 May 1989 remainder: 11 May 1989 (see s 2 (2) and Gaz 1989 No S164)
Remuneration (Miscellaneous Amendments) Ordinance 1989	1989 No 50	10 May 1989	10 May 1989

Legislation	Year and number	Gazette notification	Commencement
Legislation after self-government			
Consumer Affairs (Amendment) Act 1990	1990 No 44	8 Nov 1990	ss 1 and 2: 8 Nov 1990 remainder: 5 Dec 1990 (see Gaz 1990 No S88)
Statute Law Revision (Miscellaneous Provisions) Act 1992	1992 No 23	4 June 1992	4 June 1992
Consumer Affairs (Amendment) Act 1992	1992 No 73	8 Dec 1992	ss 1-3: 8 Dec 1992 remainder (ss 4-16): 1 Jan 1993 (see Gaz 1992 No S245 p 2)
Acts Revision (Position of Crown) Act 1993	1993 No 44	27 Aug 1993	27 Aug 1993 (see s 2)
Administrative Appeals (Consequential Amendments) Act 1994	1994 No 60	11 Oct 1994	ss 1 and 2: 11 Oct 1994 remainder: 14 Nov 1994 (see s 2 (2) and Gaz 1994 No S250)
Statute Law Revision (Penalties) Act 1994	1994 No 81	29 Nov 1994	ss 1 and 2: 29 Nov 1994 remainder: 29 Nov 1994 (see Gaz 1994 No S269 p 2)
Statutory Offices (Miscellaneous Provisions) Act 1994	1994 No 97	15 Dec 1994	ss 1 and 2: 15 Dec 1994 remainder: 15 Dec 1994 (see Gaz 1994 No S293)
Annual Reports (Government Agencies) (Consequential Provisions) Act 1995	1995 No 25	5 Sept 1995	5 Sept 1995
Statute Law Revision Act 1995	1995 No 46	18 Dec 1995	18 Dec 1995
Legal Practitioners (Consequential Amendments) Act 1997	1997 No 96	1 Dec 1997	ss 1 and 2: 1 Dec 1997 remainder: 1 June 1998 (see s 2 (2))
Law Reform (Miscellaneous Provisions) Act 1999	1999 No 66	10 Nov 1999	10 Nov 1999

Endnotes

4 Amendment history

Legislation	Year and number	Gazette notification	Commencement
Justice and Community Safety Legislation Amendment Act 2000 (No 3)	2000 No 17	1 June 2000	1 June 2000
Legislation (Consequential Amendments) Act 2001 pt 139	2001 No 44	26 July 2001	ss 1 and 2: 26 July 2001 pt 139: 12 Sept 2001 (s 2 and Gaz 2001 No S65)

4 Amendment history

title	am 1990 No 44 sub 1999 No 66 s 6 sch 3; 2000 No 17 s 3 sch 1
s 1	sub 1976 No 49; 1999 No 66 s 6 sch 3
s 2	orig s 2 om 1976 No 49 (prev s 3) am 1976 No 49; 1979 No 42; 1982 Nos 38 and 100; 1986 No 23; 1989 No 38; 1990 No 44; 1992 No 73; 1994 Nos 60 and 97; 1995 No 46; 1999 No 66 s 6 sch 3; 2000 No 17 s 3 sch 1 renum 2000 No 17 s 3 sch 1
s 3A	ins 1992 No 73 om 1993 No 44
pt 2 hdg	sub 1990 No 44 am 1999 No 66 s 6 sch 3
s 3	(prev s 4) sub 1990 No 44 renum 2000 No 17 s 3 sch 1
s 4	(prev s 5) am 1976 No 49; 1989 No 38 sub 1990 No 44; 2000 No 17 s 3 sch 1 renum 2000 No 17 s 3 sch 1
s 5	(prev s 6) sub 1990 No 44 am 2000 No 17 s 3 sch 1 renum 2000 No 17 s 3 sch 1
pt 3 hdg	am 1999 No 66 s 6 sch 3 sub 2000 No 17 s 3 sch 1
div 3.1 hdg	(prev pt 3 div 1 hdg) ins 1976 No 49 renum 2000 No 17 s 3 sch 1
s 6	(prev s 12) am 1989 No 38; 1994 No 97 sub 1999 No 66 s 6 sch 3; 2000 No 17 s 3 sch 1 renum 2000 No 17 s 3 sch 1
s 7	orig s 7 sub 1976 No 61; 1989 No 50

- om 1990 No 44
(prev s 13) am 1989 No 38
sub 1992 No 23; 1994 No 97; 1999 No 66 s 6 sch 3; 2000
No 17 s 3 sch 1
renum 2000 No 17 s 3 sch 1
- s 8orig s 8 am 1976 No 49; 1989 No 38
om 1990 No 44
(prev s 14) am 1976 No 49; 1992 No 73
sub 1999 No 66 s 6 sch 3; 2000 No 17 s 3 sch 1
renum 2000 No 17 s 3 sch 1
- div 3.2 hdg(prev pt 3 div 2 hdg) ins 1976 No 49
renum 2000 No 17 s 3 sch 1
- s 9orig s 9 om 1990 No 44
(prev s 14A) ins 2000 No 17 s 3 sch 1
renum 2000 No 17 s 3 sch 1
- s 10orig s 10 am 1976 No 49
om 1990 No 44
(prev s 15) am 1976 No 49; 1989 No 38; 1990 No 44;
1999 No 66 s 6 sch 3
sub 2000 No 17 s 3 sch 1
renum 2000 No 17 s 3 sch 1
- s 11orig s 11 am 1982 No 100
om 1990 No 44
(prev s 15A) ins 1976 No 49
am 1999 No 66 s 6 sch 3
sub 2000 No 17 s 3 sch 1
renum 2000 No 17 s 3 sch 1
- s 11A.....ins 1982 No 100
om 1990 No 44
- s 12 hdg(prev s 15B hdg) am 2000 No 17 s 3 sch 1
- s 12orig s 12 am 1989 No 38; 1994 No 97
sub 1999 No 66 s 6 sch 3; 2000 No 17 s 3 sch 1
(prev s 15B) ins 1976 No 49
am 1992 No 73; 1994 No 81; 1999 No 66 s 6 sch 3; 2000
No 17 s 3 sch 1
renum 2000 No 17 s 3 sch 1
- s 13 hdg(prev s 15C hdg) am 2000 No 17 s 3 sch 1
- s 13orig s 13 am 1989 No 38
sub 1992 No 23; 1994 No 97; 1999 No 66 s 6 sch 3; 2000
No 17 s 3 sch 1
(prev s 15C) ins 1976 No 49
am 1979 No 42; 1992 No 73; 1994 No 81; 1997 No 96;
2000 No 17 s 3 sch 1
renum 2000 No 17 s 3 sch 1

Endnotes

4 Amendment history

- s 14orig s 14 am 1976 No 49; 1992 No 73
sub 1999 No 66 s 6 sch 3; 2000 No 17 s 3 sch 1
(prev s 15D) ins 1976 No 49
am 1979 No 42; 1992 No 73; 2000 No 17 s 3 sch 1
renum 2000 No 17 s 3 sch 1
- s 15orig s 15 am 1976 No 49; 1989 No 38; 1990 No 44; 1999
No 66 s 6 sch 3
sub 2000 No 17 s 3 sch 1
(prev s 15E) ins 1976 No 49
am 1979 No 42; 1981 No 26; 1986 No 23; 1990 No 44;
1992 No 73; 1994 No 81; 1999 No 66 s 6 sch 3; 2000 No
17 s 3 sch 1
renum 2000 No 17 s 3 sch 1
- s 15H.....ins 1976 No 49
am 1990 No 44
om 1994 No 81
- 16 hdg(prev s 15F hdg) am 2000 No 17 s 3 sch 1
- s 16(prev s 15F) ins 1976 No 49
am 1989 No 38; 1992 No 73; 1999 No 66 s 6 sch 3; 2000
No 17 s 3 sch 1
renum 2000 No 17 s 3 sch 1
- pt 4 hdg(prev pt IIIA hdg) ins 1982 No 100
renum 2000 No 17 s 3 sch 1
- div 4.1 hdg(prev pt 4 div 1 hdg) ins 1992 No 73
renum 2000 No 17 s 3 sch 1
- s 17orig s 17 am 1989 No 38; 1990 No 44
om 1995 No 25
(prev s 15FAA) ins 1992 No 73
am 1999 No 66 s 6 sch 3; 2000 No 17 s 3 sch 1
renum 2000 No 17 s 3 sch 1
- s 18(prev s 15FAB) ins 1992 No 73
am 1999 No 66 s 6 sch 3; 2000 No 17 s 3 sch 1
renum 2000 No 17 s 3 sch 1
- ss 19-23(prev ss 15FAC-15FAG) ins 1992 No 73
renum 2000 No 17 s 3 sch 1
- div 4.2 hdg(prev pt 4 div 2 hdg) ins 1992 No 73
renum 2000 No 17 s 3 sch 1
- s 24(prev s 15FA) ins 1982 No 100
am 1989 No 38
sub 1990 No 44
am 1992 No 73; 2000 No 17 s 3 sch 1
renum 2000 No 17 s 3 sch 1
- s 25(prev s 15FBA) ins 1992 No 73
renum 2000 No 17 s 3 sch 1

-
- s 26(prev s 15FB) ins 1982 No 100
sub 1990 No 44
am 1992 No 73; 2000 No 17 s 3 sch 1
renum 2000 No 17 s 3 sch 1
am 2001 No 44 amdts 1.1590-1.1592
- s 27(prev s 15FC) ins 1982 No 100
sub 1990 No 44
renum 2000 No 17 s 3 sch 1
am 2001 No 44 amdts 1.1593-1.1595
- s 28(prev s 15FCA) ins 1992 No 73
renum 2000 No 17 s 3 sch 1
am 2001 No 44 amdt 1.1596, amdt 1.1597
- s 29 hdg(prev s 15FD hdg) am 2000 No 17 s 3 sch 1
- s 29(prev s 15FD) ins 1982 No 100
am 1990 No 44; 1992 No 73; 2000 No 17 s 3 sch 1
renum 2000 No 17 s 3 sch 1
am 2001 No 44 amdts 1.1598-1.1602
- s 30(prev s 15FE) ins 1982 No 100
am 1990 No 44; 1992 No 73; 1994 No 81
renum 2000 No 17 s 3 sch 1
- s 31(prev s 15FF) ins 1982 No 100
am 1985 No 66
renum 2000 No 17 s 3 sch 1
- s 32(prev s 15FG) ins 1982 No 100
am 1992 No 73; 2000 No 17 s 3 sch 1
renum 2000 No 17 s 3 sch 1
- ss 33, 34(prev ss 15FH, 15FI) ins 1982 No 100
renum 2000 No 17 s 3 sch 1
- ss 35, 36(prev ss 15FJ, 15FK) ins 1982 No 100
am 1989 No 38; 1994 No 60; 2000 No 17 s 3 sch 1
renum 2000 No 17 s 3 sch 1
sub 2001 No 44 amdt 1.1603
- pt 5 hdg(prev pt IIIB hdg) ins 1992 No 73
renum 2000 No 17 s 3 sch 1
- s 37(prev s 15FKA) ins 1992 No 73
am 1994 No 81; 2000 No 17 s 3 sch 1
renum 2000 No 17 s 3 sch 1
am 2001 No 44 amdts 1.1604-1.1606; LA (see 2001 No
44 amdt 1.1607)
- s 38(prev s 15FKB) ins 1992 No 73
am 2000 No 17 s 3 sch 1
renum 2000 No 17 s 3 sch 1
am 2001 No 44 amdts 1.1608-1.1611; LA (see 2001 No
44 amdt 1.1612)
-

Endnotes

4 Amendment history

- ss 39, 40(prev ss 15FKC, 15FKD) ins 1992 No 73
renum 2000 No 17 s 3 sch 1
- pt 6 hdg(prev pt 4 hdg) renum 2000 No 17 s 3 sch 1
- s 41(prev s 15G) ins 1976 No 49
am 1999 No 66 s 6 sch 3
sub 2000 No 17 s 3 sch 1
renum 2000 No 17 s 3 sch 1
- s 42(prev s 16) am 1973 No 53
sub 1976 No 49; 1979 No 42
am 1990 No 44; 1992 No 73; 2000 No 17 s 3 sch 1
renum 2000 No 17 s 3 sch 1
- s 43(prev s 18) am 1982 No 100; 1989 No 38; 1992 No 73
renum 2000 No 17 s 3 sch 1
sub 2001 No 44 amdt 1.1613
- s 44(prev ss 19, 20) ins 2000 No 17 s 3 sch 1
renum 2000 No 17 s 3 sch 1
am 2001 No 44 amdt 1.1614, amdt 1.1615
- s 45(prev ss 19, 20) ins 2000 No 17 s 3 sch 1
renum 2000 No 17 s 3 sch 1
am 2001 No 44 amdt 1.1614
- pt 7 hdg(prev pt 5 hdg) ins 2000 No 17 s 3 sch 1
renum 2000 No 17 s 3 sch 1
exp 1 June 2001 (s 50 (1))
- ss 46-50(prev ss 21-25) ins 2000 No 17 s 3 sch 1
renum 2000 No 17 s 3 sch 1
exp 1 June 2001 (s 50 (1))
- s 51(prev s 26) ins 2000 No 17 s 3 sch 1
renum 2000 No 17 s 3 sch 1
om R6 (LRA)
- schins 1976 No 49
om 1979 No 42

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Republication No	Amendments to	Republication date
1	Act 1990 No 44	31 March 1991
2	Act 1992 No 73	1 January 1993
3	Act 1993 No 44	31 January 1994
4	Act 1994 No 97	31 January 1995
5	Act 1995 No 46	30 November 1996
6	Act 2000 No 17	31 July 2000

6 Renumbered provisions

as made by Act 2000 No 17 and under the *Legislation (Republication) Act 1996*

Previous	Renumbered as	Previous	Renumbered as
3	2	15D (4)	14 (3)
4	3	15E	15
5	4	15F	16
6	5	pt IIIA hdg	pt 4 hdg
div 1 of pt 3 hdg	div 3.1 hdg	div 1 of pt IIIA hdg	div 4.1 hdg
12	6	15FAA	17
13	7	15FAB	18
14	8	15FAC	19
div 2 of pt 3 hdg	div 3.2 hdg	15FAD	20
14A	9	15FAE	21
15	10	15FAF	22
15A	11	15FAG	23
15B	12	div 2 of pt IIIA hdg	div 4.2 hdg
15C	13	15FA	24
15C (3A)	13 (4)	15FBA	25
15C (4)	13 (5)	15FB	26
15C (5)	13 (6)	15FC	27
15D	14	15FCA	28

Endnotes

6 Renumbered provisions

15FD	29
15FE	30
15FF	31
15FG	32
15FH	33
15FI	34
15FJ	35
15FK	36
pt IIIB	pt 5
15FKA	37
15FKB	38
15FKC	39
15FKD	40
pt IV	pt 6
15G	41
16	42
18	43
19	44
20	45
pt 5	pt 7
21	46
22	47
23	48
24	49
25	50
26	51

Authorised when accessed at www.legislation.act.gov.au or in authorised printed form

© Australian Capital Territory 2001