

AUSTRALIAN CAPITAL TERRITORY

No. 42 of 1979

An Ordinance to amend the *Consumer Affairs Ordinance 1973*

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated this twelfth day of December 1979.

ZELMAN COWEN
Governor-General

By His Excellency's Command,

R. ELLICOTT
Minister of State for the Capital Territory

CONSUMER AFFAIRS (AMENDMENT) ORDINANCE 1979

1. This Ordinance may be cited as the *Consumer Affairs (Amendment) Ordinance 1979*.¹ Short title
2. In this Ordinance, "Principal Ordinance" means the *Consumer Affairs Ordinance 1973*.² Principal Ordinance
3. Section 3 of the Principal Ordinance is amended by inserting after the definition of "corporation" the following definition: Interpretation
 "'court' includes any tribunal or person having authority under a law, or by consent of parties, to receive evidence;".
4. Section 15C of the Principal Ordinance is amended by omitting sub-sections (2) and (3) and substituting the following sub-sections: Investigating officer may require furnishing of information and production of documents
 "(2) Subject to sub-section (3A), a person who, without reasonable excuse, fails to comply with a requirement under this section is guilty of an offence against this Ordinance.
 "(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 spouse or would tend to expose the person or his spouse to proceedings for an offence against a law in force in Australia or elsewhere.

“(3A) 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 legal adviser or patent attorney.”.

Copying of
documents
produced
under section
15C

5. Section 15D of the Principal Ordinance is amended by omitting sub-sections (1), (2) and (3) and substituting the following sub-sections:

“(1) A prescribed person may—

- (a) make copies of a document produced in accordance with a notice under section 15C; 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 sub-section (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 authorized by that person, to be afforded a reasonable opportunity to inspect and make copies of the document.”.

Secrecy

6. Section 15E of the Principal Ordinance is amended by omitting sub-section (3) and substituting the following sub-sections:

“(3) A person to whom this section applies shall not, for the purposes of criminal proceedings against a person, be required to communicate or produce to a court information, a document, or a copy of a document, that was furnished or produced by the second-mentioned person in accordance with a requirement under section 15C unless—

- (a) the proceedings are for an offence against sub-section 15C (2);
or
- (b) the proceedings are in respect of the falsity of the information or of a statement in the document.

“(4) Sub-section (2) does not apply to the communication of information, or the production of a document, to a court for the purposes of civil proceedings.”.

7. Section 16 of the Principal Ordinance is repealed and the following section substituted:

Liability for
defamatory
statement

“16. (1) An action or proceeding, civil or criminal, does not lie against the Chairman, another member, the Director, an investigating officer or a person acting under the direction or control of the Director in respect of a statement made by him in good faith to another person in the performance of his duties or functions under this Ordinance.

“(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 the Chairman or the Director for the information of the public.

“(3) Nothing in this section deprives a person of any defence upon which, apart from this section, he might have relied in a civil or criminal action or proceeding against him.”.

8. The Schedule to the Principal Ordinance is repealed.

Repeal of
Schedule

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 18 December 1979.
2. Ordinance No. 17, 1973 as amended by No. 53, 1973; and Nos. 49 and 61, 1976.