

1990

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**CONSUMER AFFAIRS (AMENDMENT) BILL 1990**

**EXPLANATORY MEMORANDUM**

(Circulated by authority of the  
Attorney-General  
Bernard Collaery, MLA)

## CONSUMER AFFAIRS (AMENDMENT) BILL 1990

### GENERAL OUTLINE

The basic purpose of the Bill is to replace a structure adapted to pre-self-government circumstances with an advisory mechanism enabling direct community input to government on consumer matters.

The Bill achieves this by abolishing the Consumer Affairs Council and enabling the establishment of voluntary, non-remunerated advisory committees on consumer affairs. Executive powers in respect of product safety previously held by the Council are transferred to the Minister who is advised by the relevant government agency, the Consumer Affairs Bureau.

The Bill also makes some minor consequential changes to the Principal Act and updates the penalty provisions to realistic levels in line with other jurisdictions.

### FINANCIAL IMPACT

The Bill will achieve savings by removing the need for expenditure on Council sitting fees.

### NOTES ON CLAUSES

Clauses 1, 2 and 3 provide for the short title, the commencement of the Bill and for the Principal Act, the Consumer Affairs Act 1973.

Clause 4 substitutes references to consumer affairs advisory committees for references to the Consumer Affairs Council in the long title of the Principal Act.

Clause 5 makes similar consequential amendments to the definitions provision of the Principal Act.

Clause 6 inserts into the Principal Act a new Part II providing for consumer affairs advisory committees and also has the effect of abolishing the old Consumer Affairs Council.

The function of the new committees is to advise the Minister and the Director of the Consumer Affairs Bureau on matters affecting the interests of consumers. Committees may consult with persons and other consumer bodies for this purpose.

The committee members are appointed by the Minister on the basis of their knowledge or expertise in the field and the Director of the Bureau is an ex-officio member. Committees may determine their own meeting procedure

Members may apply to the Director for reimbursement of reasonable expenses incurred for the purpose of attending a meeting (eg parking fees), but are not entitled to remuneration as members.

Clause 7 enables the Director of the Bureau to provide administrative assistance to committees with the consent of the Minister and to consult with committees.

Clause 8 replaces penalties for unlawful disclosure of information by persons administering the Act with maximum penalties of \$5000 and/or 2 years imprisonment.

Clause 9 abolishes the product safety powers of the old Council and vests them in the Minister who is advised by the Director of the Bureau. The Minister may also require the Director to furnish advice on these matters.

A committee may request the Director make a recommendation on product safety to the Minister.

The exercise of these product safety powers may involve the banning or restricting of the supply of dangerous goods, or the prescribing of a safety standard in respect of such goods (eg that it have a warning label). The Minister may also issue an interim safety order banning or restricting the supply of potentially dangerous goods while the goods are being investigated by the Director.

Decisions relating to product safety orders remain appealable to the Administrative Appeals Tribunal.

Clause 10 is a consequential amendment. It removes references to the old Council from a provision of the Principal Act enabling the Director to issue product safety orders when goods have been banned or restricted interstate.

Clause 11 inserts new maximum penalties for breaching safety orders or standards of \$5000 and/or 6 months imprisonment for a natural person and \$25000 for a body corporate.

Clause 12 inserts new maximum penalties for obstructing or hindering an officer administering the Act of \$1000 and/or 6 months imprisonment for a natural person and \$5000 for a body corporate.

Clause 13 is a consequential amendment substituting references to committees for references to the old Council. The relevant provision of the Principal Act limits defamation liability for statements made in good faith in performance of functions under the Act.

Clause 14 requires the Consumer Affairs Bureau to prepare an annual report to the Minister and removes references to the old Council. It is intended that the Bureau report will form part of the report of the Department of Justice and Community Services.

Clause 15 is a transitional provision preserving the effectiveness of product safety orders made under the old provisions of the Principal Act.