

## EXPLANATORY STATEMENT

### SEAT OF GOVERNMENT (ADMINISTRATION) ACT 1910 AUSTRALIAN CAPITAL TERRITORY CONSUMER AFFAIRS (AMENDMENT) ORDINANCE 1986

No 23, 1986

Sub-section 12(1) of the Seat of Government (Administration) Act 1910 provides that the Governor-General may make Ordinances for the peace, order and good government of the Territory.

The Consumer Affairs (Amendment) Ordinance 1986 amends the Consumer Affairs Ordinance 1973 to include additional matters in the definitions of "consumer" and "services" so as to clarify and strengthen the role of the ACT Consumer Affairs Bureau.

The secrecy provisions of the Consumer Affairs Ordinance are also amended to formally empower the Bureau to communicate information on consumer complaints to relevant bodies outside the Territory.

Details of the amending Ordinance are set out below.

Section 1 cites the short title of the amending Ordinance as the Consumer Affairs (Amendment) Ordinance 1986.

Section 2 defines the 'Principal Ordinance' for the purposes of the amending Ordinance as the Consumer Affairs Ordinance 1973.

Section 3 introduces new definitions and new parts of definitions into the Principal Ordinance.

In paragraphs 3(a), 3(b) and 3(c) the definitions of 'acquire', 'interest in land' and 'owner' are amended so that the purchase, exchange or taking on lease of a legal or equitable interest in land or a right of occupancy of land arising from a shareholding in a corporation or a right, power or privilege over or in connection with land may be dealt with under the Ordinance.

In paragraphs 3(d) and 3(e) the definition of 'services' is amended to allow the Ordinance to deal with the provision of various forms of energy, the loan of money, the provision of credit facilities, the provision of insurance or life assurance, the provision of means of travel, the provision of tours and the provision of lodgings, accommodation or the hire of premises.

In paragraph 3(f) the definition of a 'consumer' is amended to have application to persons who intend to buy goods, hire goods or obtain services, as well as to persons who acquire or intend to acquire an interest in land.

Paragraph 3(f) further provides that a person who carries on a business, trade, profession or calling shall not be deemed to be a consumer in respect of goods intended to be bought or hired, a service intended to be rendered, an interest in land acquired or an interest in land intended to be acquired where these are done for a purpose connected with the carrying on of the business, trade, profession or calling.

Section 4 inserts into the Principal Ordinance a new sub-section 15E(5), which exempts from the secrecy provision of the Ordinance the communication of information relating to a consumer complaint to a relevant person or body dealing with consumer matters outside the Territory, provided that the consumer consents in writing to this course of action.

The Ordinance has been agreed to by the ACT House of Assembly.

Ord 69/85