

AUSTRALIAN CAPITAL TERRITORY

CONSUMER AFFAIRS ORDINANCE (NO. 2) 1973

AGENTS ORDINANCE (NO. 2) 1973

MILK AUTHORITY ORDINANCE (NO. 2) 1973

EXPLANATORY MEMORANDUM

No. 54 of 1973

Section 16 of the Consumer Affairs Ordinance 1973 provides protection from Court action for officers who make statements or perform acts in the course of their duties which would be actionable without this protection.

One element to be shown before this protection is available is that the statement or acts in question were made or done in good faith. Sub-section 16(2) specifies that a statement or act is made or done in good faith if it was not actuated by ill-will towards the person affected or by any other improper motive.

The Senate Standing Committee on Regulations and Ordinances criticised sub-section 16(2) as altering the accepted meaning of “good faith” and requested the repeal of the sub-section. Accordingly, the proposed Consumer Affairs Ordinance (No. 2) 1973 will repeal sub-section 16(2) of the existing Consumer Affairs Ordinance.

The effect of the repeal will mean that the term “good faith” will be given its normal legal meaning as interpreted by the Court in a particular case.

Identical provisions are found in sub-section 94(2) of the Agents Ordinance 1968-1973 and sub-section 51(2) of the Milk Authority Ordinance 1971-1973 and these provisions will be repealed by the proposed Agents Ordinance (No. 2) 1973 and the proposed Milk Authority Ordinance (No. 2) 1973.

G. M. B.

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Minister's Initials