

AUSTRALIAN CAPITAL TERRITORY
CONSUMER AFFAIRS (AMENDMENT) ORDINANCE 1981
ORDINANCE NO. 26 OF 1981

EXPLANATORY STATEMENT

The Consumer Affairs Ordinance 1973 establishes a Consumer Affairs Bureau with certain powers to investigate complaints from consumers with respect to fraudulent or unfair commercial practices and to institute legal proceedings on behalf of consumers. Section 15E of the Ordinance provides that a person engaged in the administration of the Ordinance shall not produce to another person a document, or communicate to another person information, acquired in pursuance of the Ordinance, except in the performance of a duty under the Ordinance and that such a person shall not, in criminal proceedings, be required to produce in court a document or divulge or communicate to a court information, acquired under the Ordinance, except in proceedings for the failure to furnish information or produce documents, or proceedings relating to the falsity of information or of a statement in a document furnished or produced under the Ordinance.

The Senate Standing Committee on Regulations and Ordinances expressed disquiet at the fact that, because of the wording in sub-section 15E(3), a person might not be prohibited from voluntarily communicating information or producing a document gained under the Ordinance to a court in criminal proceedings. The Consumer Affairs (Amendment) Ordinance 1981 gives effect to an undertaking given by the Minister for the Capital Territory to the Senate Committee by removing the relevant words "be required to" from sub-section 15E(3). As a result of this amendment it became necessary to specify a penalty in relation to sub-section 15E(3) and the Ordinance also amends the penalty in relation to sub-section 15E(2) to bring both penalties into line with Commonwealth legislation.

Ord. No. 21/81.