

AUSTRALIAN CAPITAL TERRITORY
CONSUMER AFFAIRS (AMENDMENT) ORDINANCE 1979

NO. 42 OF 1979

EXPLANATORY STATEMENT

The Consumer Affairs (Amendment) Ordinance 1979 deals with the powers and responsibilities of investigating officers under the Ordinance and the rights, duties and privileges of persons whose co-operation is sought by those officers in the course of their investigations. It amends the Consumer Affairs Ordinance 1973 to give greater protection to the rights of persons whose co-operation is sought in this way and also protects the rights of investigating officers carrying out their functions under the Ordinance.

Section 15C(2) of the Consumer Affairs Ordinance 1973 made it an offence to refuse or fail to comply with a requirement made under the Ordinance to furnish information or documents to an investigating officer. The Consumer Affairs (Amendment) Ordinance 1979 changes this offence to failure to comply with such a requirement without reasonable excuse.

Section 4 of the amending Ordinance provides that a person is not excused from furnishing information on the ground that it may incriminate either him or his spouse. Section 6 however provides that a person engaged in the administration of the Ordinance shall not, for the purposes of criminal proceedings against any person, be required to produce to a court information or documents furnished by that person unless those proceedings relate to the falsity of the information given or that person's refusal or failure to supply the information. The use to which such information can be put will thus be narrower than is presently the case under the Consumer Affairs Ordinance 1973 and a person will not have such information used against him in criminal proceedings other than those referred to above.

Section 7 of the Ordinance provides that an action, civil or criminal, will not lie against the Chairman of the Consumer Affairs Council, the Director of Consumer Affairs or anyone acting under their control in respect of a statement made by them in good faith in the course of their duties under the Ordinance. It also gives similar protection to the publishers of notices or reports issued by the Director or the Chairman for the information of the public.