

**CONSUMER PROTECTION (AMENDMENT)  
ACT, 1977**

**New South Wales**



ANNO VICESIMO SEXTO

**ELIZABETHÆ II REGINÆ**

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**Act No. 23, 1977.**

An Act to amend the Consumer Protection Act, 1969, with respect to the marking of packages containing certain goods, with respect to the prohibition of the supply of certain goods and with respect to certain other matters. [Assented to, 31st March, 1977.]

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*Consumer Protection (Amendment).*

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**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.           1. This Act may be cited as the "Consumer Protection (Amendment) Act, 1977".

Commence-           2. (1) Except as provided in subsection (2), this Act  
ment.                 shall commence on the date of assent to this Act.

(2) Section 3 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment           3. The Consumer Protection Act, 1969, is amended—  
of Act No.  
28, 1969.  
Sec. 2.  
(Division  
of Act.)

(a) by inserting in section 2 after the matter relating to Part IIIA the following matter:—

PART IIIB.—EXPIRY DATES FOR GOODS—ss.  
34D–34G.

Sec. 4.  
(Construc-  
tion and  
operation  
of this Act.)

(b) by inserting in section 4 (2) after the words "Poisons Act, 1966," the words "Public Health Act, 1902, ";

Sec. 5.  
(Interpre-  
tation.)

(c) by inserting in section 5 (1) after the definition of "Bureau" the following definition:—

"care", in relation to goods, includes storage of goods;

(d)

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*Consumer Protection (Amendment).*

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(d) by inserting in section 19 after paragraph (d) of the definition of "trade description" the following paragraph :— Sec. 19. (Definitions.)

(d1) the date on which the goods were manufactured, produced, selected, packed, graded or otherwise prepared;

(e) by inserting after Part IIIA the following Part :— Part IIIB.

PART IIIB.

EXPIRY DATES FOR GOODS.

34D. (1) In this Part, "expiry date", in relation to goods of a class or description prescribed for the purpose of section 34E (1), means the date on which the durable life of the goods, as determined by reference to and in accordance with the regulations, will expire. Interpretation: Part IIIB.

(2) For the purpose of this Part, a statement shall be deemed to be appended to goods in accordance with section 34E (1) if it is—

- (a) appended in the prescribed manner to the goods themselves; or
- (b) appended in the prescribed manner to any covering, label, reel or thing used in connection with the goods.

34E. (1) Where any goods of a class or description prescribed for the purpose of this subsection are manufactured or produced in, or are imported into, New South Wales, the manufacturer or producer or, as the case may be, the importer of those goods shall, before supplying those goods to any other person (whether a consumer or not), append to those goods a statement in or to the effect of the prescribed form specifying a date not later than the expiry date for those goods. Statement specifying expiry date to be appended to certain goods.

(2)

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(2) Except so far as may be authorised by or under the regulations, a supplier (not being a manufacturer, producer or importer referred to in subsection (1)) shall not supply to a consumer any goods to which a statement is required to be appended in accordance with subsection (1) unless such a statement is appended to those goods.

(3) Any person who—

- (a) being a manufacturer, producer or importer referred to in subsection (1), fails to comply with that subsection; or
- (b) being a supplier referred to in subsection (2), contravenes that subsection,

is guilty of an offence against this Act.

Alteration,  
etc., of  
statement  
appended  
to goods  
under  
section 34E.

34F. (1) Any supplier who, except so far as may be authorised by the regulations, alters or effaces any statement which has been appended to goods in accordance with section 34E (1) is guilty of an offence against this Act.

(2) Any person who supplies goods referred to in section 34E (1) when a statement which has been appended to those goods in accordance with section 34E (1) has been, except so far as may be authorised by the regulations, altered or effaced by any person is guilty of an offence against this Act unless he proves that he acted without intent to deceive and without intent to defraud.

(3)

*Consumer Protection (Amendment).*

(3) For the purpose of subsections (1) and (2), a statement appended to goods in accordance with section 34E (1) is altered not only when it is physically altered but also when a further statement, which has the effect of contradicting, qualifying or modifying it, is appended to the goods, or to any covering label, reel or thing used in connection with the goods, or is contained in any advertisement used to promote the supply of the goods or goods of the same class or description.

34G. An inspector may at any reasonable time—

- (a) enter any place where goods (being goods of a class or description prescribed for the purposes of section 34E (1)) are supplied, or where he has reasonable cause to believe that any such goods are supplied;
- (b) inspect any such goods in that place;
- (c) take any such goods, after paying a just price for them;
- (d) examine with respect to matters under this Part any person employed or engaged in any such place; and
- (e) make such examinations and inquiries as he thinks necessary to ascertain whether the provisions of this Part are being complied with or, as the case may be, contravened.

Powers of  
inspectors  
under  
Part IIIB.

4. The Consumer Protection Act, 1969, is further amended—

Further  
amendment  
of Act No.  
28, 1969.

- (a) by omitting from the matter in section 2 relating to Division 3 of Part II the matter "13" and by inserting instead the matter "12A";

Sec. 2.  
(Division  
of Act.)

(b)

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Sec. 39DA.

(b) by inserting after section 39D the following section :—

Power of Minister to make interim order on or before reference of question to Committee.

39DA. (1) Without limiting section 39E (3), where the Minister or the Commissioner refers a question to the Committee in accordance with section 39C (1), the Minister may, if he believes on reasonable grounds that goods of the class or description, or, as the case may be, the particular goods, to which the question relates are so dangerous that their supply ought, in the interests of the safety of the public, to be prohibited immediately, make an interim order prohibiting the supply of those goods for a period not exceeding 28 days from the date on which the order is published in the Gazette under subsection (2).

(2) If the Minister makes an interim order under subsection (1), he shall cause the order to be published in the Gazette.

(3) An order made under subsection (1) may, at any time before it expires or is revoked, be replaced by an order made under section 39E (3), and on the publication in the Gazette of such an order under section 39E (4), the order made under subsection (1) shall be deemed to be revoked.

(4) An order made under subsection (1) shall not be capable of being renewed or replaced by a further order under that subsection.

Sec. 39F.  
(Offence to contravene an order under section 39DA or section 39E.)

(c) by inserting in section 39F before the matter "section 39E (1) or (3)" the matter "section 39DA (1) or".

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5. The Consumer Protection Act, 1969, is further amended—

Further  
amendment  
of Act No.  
28, 1969.

(a) by omitting from section 59 (1A) (a) the word "and";

Sec. 59.  
(Regulations.)

(b) by omitting from section 59 (1A) (b) the word "regulation." and by inserting instead the following words and paragraph :—

regulation; and

(c) may authorise any matter or thing to be from time to time determined, applied or regulated by any person or body specified in the regulations.

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