

South Australia



MISREPRESENTATION (MISCELLANEOUS) AMENDMENT ACT 1995

No. 62 of 1995

SUMMARY OF PROVISIONS

1. **Short title**
2. **Commencement**
3. **Amendment of s. 4—Misrepresentation made in the course of a trade or business**
4. **Amendment of s. 6—Removal of certain bars to rescission**
5. **Further amendment of principal Act**

SCHEDULE

Statute Law Revision Amendments



ANNO QUADRAGESIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1995

No. 62 of 1995

An Act to amend the Misrepresentation Act 1972.

[Assented to 10 August 1995]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Misrepresentation (Miscellaneous) Amendment Act 1995*.

(2) The *Misrepresentation Act 1972* is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Amendment of s. 4—Misrepresentation made in the course of a trade or business

3. Section 4 of the principal Act is amended—

(a) by striking out from subsection (1) "and liable to a penalty not exceeding five hundred dollars";

(b) by inserting at the foot of subsection (1) the following penalty provision:

Penalty: (a) in the case of a body corporate—\$100 000;
or
(b) in any other case—\$20 000.;

(c) by striking out from subsection (5) "and liable to a penalty not exceeding five hundred dollars";

(d) by inserting at the foot of subsection (5) the following penalty provision:

Penalty: \$20 000.

Amendment of s. 6—Removal of certain bars to rescission

4. Section 6 of the principal Act is amended by striking out from subsection (3) "provisions of the *Land Agents Act, 1955-1964*, or the *Business Agents Act, 1938-1963*" and substituting "*Land Agents Act 1994, Conveyancers Act 1994, Land Valuers Act 1994 or Land and Business (Sale and Conveyancing) Act 1994*".

Further amendment of principal Act

5. The principal Act is further amended as set out in the schedule.

SCHEDULE
Statute Law Revision Amendments

Provision Amended	How Amended
Long Title	Strike out "to amend the Sale of Goods Act, 1895-1952;".
Section 2	Strike out this section.
Section 3	Strike out this section.
Section 4(1)	Insert "or her" after "his" (twice occurring). Strike out "shall each be" and substitute "are each".
Section 4(2)	Strike out "shall" and substitute "will".
Section 4(3)	Strike out "shall be" and substitute "is".
Section 4(3)(b)(i)	Insert "or her" after "his" (twice occurring).
Section 4(5)	Strike out "shall be" and substitute "is".
Section 4(8)	Strike out this subsection.
Section 4(9)	Strike out "shall" and substitute "must".
Section 4(10)	Strike out "shall" and substitute "will".
Section 6(1)	Strike out "shall be" and substitute "is". Strike out "notwithstanding" and substitute "despite".
Section 7(1)	Insert "or she" after "he". Insert "or her" after "him". Strike out "shall, subject to subsection (2) of this section, be" and substitute "is, subject to subsection (2),".
Section 7(2)	Strike out "shall be" and substitute "is". Strike out "of this section".
Section 7(4)	Strike out "of this section shall have" and substitute "has". Strike out "shall be" and substitute "is".
Section 7(5)	Strike out "of this section". Strike out "shall" and substitute "will".
Section 7(6)	Strike out "shall" (twice occurring) and substitute (in each case) "must".
Section 8	Strike out "him" and substitute "that party". Strike out "shall be of" and substitute "has".
Section 9	Strike out "shall" and substitute "does".
Part IV	Strike out this Part.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor