

South Australia



**STATUTES AMENDMENT (CONSUMER AFFAIRS) AMENDMENT
ACT 1998**

No. 22 of 1998

SUMMARY OF PROVISIONS

1. **Short title**
2. **Amendment of s. 2—Commencement**
3. **Substitution of Schedule**

SCHEDULE

Further Amendments



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ELIZABETHAE II REGINAE

A.D. 1998

No. 22 of 1998

An Act to amend the Statutes Amendment (Consumer Affairs) Act 1998.

[Assented to 2 April 1998]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Statutes Amendment (Consumer Affairs) Amendment Act 1998*.

(2) The *Statutes Amendment (Consumer Affairs) Act 1998* is referred to in this Act as "the principal Act".

Amendment of s. 2—Commencement

2. Section 2 of the principal Act is amended by inserting "(as amended by the *Statutes Amendment (Consumer Affairs) Amendment Act 1998*)" after "This Act".

Substitution of Schedule

3. The Schedule of the principal Act is repealed and the following Schedule is substituted:

SCHEDULE

Further Amendments

Provision Amended	How Amended
1. Building Work Contractors Act 1995	
Section 25(1)(b)	Strike out "\$8 000" and substitute "\$20 000".
Section 48	Strike out the penalty provision and substitute: Maximum penalty:
	(a) If the person made the statement knowing that it was false or misleading—\$10 000.
	(b) In any other case—\$2 500.

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Section 58(1)

Strike out this subsection and substitute:

(1) Proceedings for an offence against this Act must be commenced—

- (a) in the case of an expiable offence—within the time limits prescribed for expiable offences by the *Summary Procedure Act 1921*;
- (b) in any other case—within 2 years of the date on which the offence is alleged to have been committed or, with the authorisation of the Minister, at a later time within 5 years of that date.

2. Consumer Transaction Act 1972

Section 14 (previously section 45(2)) Strike out this section.

3. Conveyancers Act 1994

Section 5

Section 10

Section 11

Section 12

Section 15(1)

Section 15(2)

Section 15(3)

Section 18(4)

Section 18(5)

Section 23(1)

Section 23(2)

Section 23(3)

Section 23(4)

Section 24(3)

Section 26(2)

Section 26(3)

Section 27

Section 28(1)

Section 28(2)

Section 30

In each case, strike out the penalty provision and substitute:
Maximum penalty: \$20 000.

Section 49(1)(b)

Strike out "\$8 000" and substitute "\$20 000".

Section 50(1)

Section 50(2)

In each case, strike out the penalty provision and substitute:
Maximum penalty: \$35 000 or imprisonment for 6 months.

Section 56

Strike out the penalty provision and substitute:
Maximum penalty:

- (a) If the person made the statement knowing that it was false or misleading—\$10 000.
- (b) In any other case—\$2 500.

- Section 63(1) Strike out this subsection and substitute:
(1) Proceedings for an offence against this Act must be commenced—
- (a) in the case of an expiable offence—within the time limits prescribed for expiable offences by the *Summary Procedure Act 1921*;
- (b) in any other case—within 2 years of the date on which the offence is alleged to have been committed or, with the authorisation of the Minister, at a later time within 5 years of that date.
- Section 67(2)(e) Strike out "a division 7 fine" and substitute "\$2 500".
- Section 67(2)(f) Strike out " a division 7 fee" and substitute "\$210".
- 4. Land Agents Act 1994**
- Section 6(1) Strike out the penalty provision and substitute:
Maximum penalty: \$20 000.
- Section 10 Strike out the penalty provision and substitute:
Maximum penalty: \$20 000.
- Section 11(1) Strike out the penalty provision and substitute:
Maximum penalty: \$20 000.
- Section 11(2) Strike out the penalty provision and substitute:
Maximum penalty: \$5 000.
- Section 13(1)
Section 13(2)
Section 13(3)
Section 16(4)
Section 16(5)
Section 21(1)
Section 21(2)
Section 21(3)
Section 21(4)
Section 22(3)
Section 24(2)
Section 24(3)
Section 25
Section 26(1)
Section 26(2)
Section 28
Section 47(1)(b) Strike out "\$8 000" and substitute "\$20 000".
- Section 48(1)
Section 48(2) In each case, strike out the penalty provision and substitute:
Maximum penalty: \$35 000 or imprisonment for 6 months.
- Section 54 Strike out the penalty provision and substitute:
Maximum penalty:
- (a) If the person made the statement knowing that it was false or misleading—\$10 000.
- (b) In any other case—\$2 500.

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- Section 61(1) Strike out this subsection and substitute:
(1) Proceedings for an offence against this Act must be commenced—
- (a) in the case of an expiable offence—within the time limits prescribed for expiable offences by the *Summary Procedure Act 1921*;
- (b) in any other case—within 2 years of the date on which the offence is alleged to have been committed or, with the authorisation of the Minister, at a later time within 5 years of that date.
- Section 65(2)(f) Strike out "a division 7 fine" and substitute "\$2 500".
- Section 65(2)(g) Strike out " a division 7 fee" and substitute "\$210".
- 5. Land Valuers Act 1994**
- Section 5 Strike out the penalty provision and substitute:
Maximum penalty: \$20 000.
- Section 6 Strike out the penalty provision and substitute:
Maximum penalty: \$20 000.
- Section 11(1)(b) Strike out "\$8 000" and substitute "\$20 000".
- Section 12(1) Strike out the penalty provision and substitute:
Maximum penalty: \$35 000 or imprisonment for 6 months.
- Section 12(2) Strike out the penalty provision and substitute:
Maximum penalty: \$35 000 or imprisonment for 6 months.
- Section 24(2)(c) Strike out " a division 7 fine" and substitute "\$2 500".
- 6. Plumbers, Gas Fitters and Electricians Act 1995**
- Section 6(1) In each case, strike out the penalty provision and substitute:
Section 12 Maximum penalty: \$20 000.
- Section 13 Strike out the penalty provision and substitute:
Maximum penalty: \$2 500.
- Section 24(1)(b) Strike out "\$8 000" and substitute "\$20 000".
- Section 25 Strike out the penalty provision and substitute:
Maximum penalty: \$35 000 or imprisonment for 6 months.
- Section 32 Strike out the penalty provision and substitute:
Maximum penalty:
- (a) If the person made the statement knowing that it was false or misleading—\$10 000.
- (b) In any other case—\$2 500.
- Section 33 Strike out the penalty provision and the expiation fee and substitute:
Maximum penalty: \$2 500.
Expiation fee: \$80.

Section 40(1)	Strike out this subsection and substitute: (1) Proceedings for an offence against this Act must be commenced— (a) in the case of an expiable offence—within the time limits prescribed for expiable offences by the <i>Summary Procedure Act 1921</i> ; (b) in any other case—within 2 years of the date on which the offence is alleged to have been committed or, with the authorisation of the Minister, at a later time within 5 years of that date.
Section 44(2)(d)	Strike out "a division 7 fine" and substitute "\$2 500".
Section 44(2)(e)	Strike out " a division 7 fee" and substitute "\$210".
7. Retirement Villages Act 1987	
Section 4(4)	Strike out the penalty provision and substitute: Maximum penalty: \$10 000.
Section 6(6)	Strike out the penalty provision and substitute: Maximum penalty: \$35 000.
Section 7(8)	In each case, strike out the penalty provision and substitute:
Section 8(3)	Maximum penalty: \$10 000.
Section 8(5)	Strike out the penalty provision and substitute: Maximum penalty: \$35 000.
Section 10(11)	Strike out the penalty provision and substitute: Maximum penalty: \$20 000.
Section 10AA(3)	Strike out the penalty provision and substitute: Maximum penalty: \$10 000.
Section 12(1)	In each case, strike out the penalty provision and substitute:
Section 12(2)	Maximum penalty: \$2 500.
Section 13(7)	
Section 13(8)	
Section 13(10)	
Section 14(10)	
Section 15(2)	Strike out the penalty provision and substitute: Maximum penalty: \$35 000.
Section 16(4)	Strike out the penalty provision and substitute: Maximum penalty: \$10 000.
Section 18(1)	Strike out the penalty provision and substitute: Maximum penalty: \$35 000.
Section 21A(3)	Strike out "a division 7 fine" and insert "a fine not exceeding \$2 500".
Section 22(1)	Strike out this subsection.
Section 23(2)(c)	Strike out "a division 7 fine" and substitute "\$2 500".
Schedule 3, clause 5(2)	Strike out the penalty provision and substitute: Maximum penalty: \$1 250.
Schedule 3, clause 6(6)	Strike out the penalty provision and substitute: Maximum penalty: \$750.

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8. Second-hand Vehicle Dealers Act 1995

- Section 7(1) Strike out the penalty provision and substitute:
Maximum penalty: \$20 000.
- Section 13 Strike out the penalty provision and substitute:
Maximum penalty: \$20 000.
- Section 14(1)
Section 14(5)
Section 16(1) In each case, strike out the penalty provision and the expiation fee
and substitute:
Maximum penalty: \$2 500.
Expiation fee: \$105.
- Section 16(5)
Section 16(6) In each case, strike out the penalty provision and substitute:
Maximum penalty: \$2 500.
- Section 16(7) Strike out the penalty provision and substitute:
Maximum penalty: \$1 250.
- Section 17(3) Strike out the penalty provision and the expiation fee and
substitute:
Maximum penalty: \$2 500.
Expiation fee: \$105.
- Section 17(4)
Section 17(5)
Section 17(6)
Section 18
Section 20(1)
Section 20(3) In each case, strike out the penalty provision and substitute:
Maximum penalty: \$2 500.
- Section 20(5) Strike out the penalty provision and the expiation fee and
substitute:
Maximum penalty: \$2 500.
Expiation fee: \$105.
- Section 20(6) Strike out the penalty provision and substitute:
Maximum penalty: \$1 250.
- Section 21
Section 22(1)
Section 22(2) In each case, strike out the penalty provision and the expiation fee
and substitute:
Maximum penalty: \$2 500.
Expiation fee: \$105.
- Section 31(1)(b) Strike out "\$8 000" and substitute "\$20 000".
- Section 32(1)
Section 32(2) In each case, strike out the penalty provision and substitute:
Maximum penalty: \$35 000 or imprisonment for 6 months.
- Section 33(3)
Section 33(4)
Section 33(5) In each case, strike out the penalty provision and substitute:
Maximum penalty: \$10 000.
- Section 34(1) Strike out the penalty provision and substitute:
Maximum penalty: \$5 000.
- Section 41 Strike out the penalty provision and substitute:
Maximum penalty:
(a) If the person made the statement knowing that it was
false or misleading—\$10 000.
(b) In any other case—\$2 500.
- Section 42 Strike out the penalty provision and the expiation fee and
substitute:
Maximum penalty: \$2 500.
Expiation fee: \$105.

Section 49(1)

Strike out this subsection and substitute:

(1) Proceedings for an offence against this Act must be commenced—

- (a) in the case of an expiable offence—within the time limits prescribed for expiable offences by the *Summary Procedure Act 1921*;
- (b) in any other case—within 2 years of the date on which the offence is alleged to have been committed or, with the authorisation of the Minister, at a later time within 5 years of that date.

Section 53(2)(f)

Strike out "a division 7 fine" and substitute "\$2 500".

Section 53(2)(g)

Strike out "a division 7 fee" and substitute "\$210".

Schedule 4, clause 5A(1)

Strike out the penalty provision and substitute:
Maximum penalty: \$5 000.**9. Security and Investigation Agents Act 1995**

Section 6(1)

Strike out the penalty provision and substitute:
Maximum penalty: \$20 000.

Section 23(1)

Strike out the penalty provision and substitute:
Maximum penalty: \$20 000.

Section 29(1)(b)

Strike out "\$8 000" and substitute "\$20 000".

Section 44(1)

Strike out this subsection and substitute:

(1) Proceedings for an offence against this Act must be commenced—

- (a) in the case of an expiable offence—within the time limits prescribed for expiable offences by the *Summary Procedure Act 1921*;
- (b) in any other case—within 2 years of the date on which the offence is alleged to have been committed or, with the authorisation of the Minister, at a later time within 5 years of that date.

10. Travel Agents Act 1986

Section 18B(1)(b)

Strike out "\$8 000" and substitute "\$20 000".

Section 42(1)

Strike out this subsection and substitute:

(1) Proceedings for an offence against this Act must be commenced—

- (a) in the case of an expiable offence—within the time limits prescribed for expiable offences by the *Summary Procedure Act 1921*;
- (b) in any other case—within 2 years of the date on which the offence is alleged to have been committed or, with the authorisation of the Minister, at a later time within 5 years of that date.

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

E. J. NEAL Governor