

LEGISLATIVE ASSEMBLY

Read 1° 26 November 1981

(Brought in by Mr Ramsay and Mr Maclellan)

A BILL

To amend the *Consumer Affairs Act 1972* and
for other purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty by and
with the advice and consent of the Legislative Council and
the Legislative Assembly of Victoria in this present Parliament
assembled and by the authority of the same as follows (that is to
5 say):

1. (1) This Act may be cited as the *Consumer Affairs* Short title.
(*Amendment*) Act 1981.

(2) In this Act the *Consumer Affairs Act 1972* is called the
Principal Act. Principal Act
No. 8276.
Reprinted to
No. 9197.
Subsequently
amended by
No. 9427.
Commence-
ment.

10 (3) This Act shall come into operation on the day on which it
receives the Royal Assent. Commence-
ment.

2. (1) Section 5 (1) of the Principal Act shall be amended as
follows: Amendment of
No. 8276 s. 5.
Membership
of Council.

15 (a) For the words "at least seven and not more than nine"
there shall be substituted the words "at least eight and
not more than ten";

(b) After paragraph (b) there shall be inserted the following
paragraph:

20 "(ba) at least one shall be experienced in the provision
of finance;".

(2) In section 5 (5) of the Principal Act for the word "five" there shall be substituted the word "six".

Amendment of No. 8276 s. 8.

3. After section 8 (1) of the Principal Act there shall be inserted the following section:

- (1A) For the purposes of this section— 5
 - (a) "services" includes the rights and benefits that are to be supplied under a contract of insurance (including life insurance);
 - (b) "consumer" includes an insured party who enters into a contract of insurance; 10
 - (c) "supplier" includes an insurer who enters into a contract of insurance.;

Amendment of No. 8276. New section 9D.

4. After section 9C of the Principal Act there shall be inserted the following:

"9D. (1) The Director may withdraw from any proceedings which he has instituted or defended on behalf of the consumer under section 9B. 15

(2) Where the Director has withdrawn from proceedings under sub-section (1)—

- (a) he shall notify the consumer in writing at his last known place of address; 20
- (b) he shall be entitled to receive such amount in respect of costs recovered in the proceedings as is attributable to the costs up to the date of withdrawal from the proceedings; 25
- (c) he shall be liable to pay the costs of and incidental to the proceedings that are payable by the consumer up to the date of the withdrawal from the proceedings."

Amendment of No. 8276 s. 13.

5. Section 13 of the Principal Act shall be amended as follows:

(a) After sub-section (2A) there shall be inserted the following: 30

"(2AA) A person who publishes or causes to be published a statement relating to real property or a leasehold interest in real property that is intended or likely to promote the sale or disposal of that real property or leasehold interest at a price or for the consideration specified in the statement and who does not, or does not intend to offer the real property or leasehold interest for sale or disposal at the price or consideration specified in the statement is guilty of an offence. 35

Penalty: 10 penalty units.";

(b) In

(b) In sub-section (2B) before the word "goods" there shall be inserted the words "real property leasehold interest in real property";

5 (c) After sub-section (2C) there shall be inserted the following:

10 "(2D) The provisions of sub-section (2B) shall not apply in any case where the person to whom the private box number is rented or obtained has obtained an exemption from the Director from complying with the provisions of sub-section (2B).

15 (2E) The Director shall not issue an exemption under sub-section (2D) unless he is satisfied that the publisher of the statement will retain for a period of twelve months from the date of the publication a record of the name and address of the place of business or residence of the person by whom the private box number is rented or was obtained and will make the record available to the Director on request."

20 6. Section 13A of the Principal Act shall be amended as follows:

Amendment of
No. 8276 s.
13A.

(a) In sub-section (1) for the words "to supply" there shall be substituted the words "to sell or supply real property or" and before the words "goods or services" (where second occurring) there shall be inserted the words "real property";

25 (b) In sub-section (1A) before the words "goods and services" (where twice occurring) there shall be inserted the words "real property" and before the word "supply" there shall be inserted the words "sale or";

30 (c) In sub-section (2)—

(i) before the words "to supply" there shall be inserted the words "to sell real property or";

(ii) before the word "supply" (where second occurring) there shall be inserted the words "sale or";

35 (iii) before the words "goods or services" (where second, third, fourth and fifth occurring) there shall be inserted the words "real property";

(d) In sub-section (3) before the words "goods or services" (wherever occurring) there shall be inserted the words "real property".

40 7. After section 30 of the Principal Act there shall be inserted the following:

Amendment of
No. 8276.
New s. 31.
Unauthorized
advertisement.

"31. (1) A person shall not assert a right to payment of any charge or fee for the publishing of an advertisement in a newspaper

OR

or any other publication printed or published in Victoria where the publication of the advertisement has not been authorized by the person against or in relation to whom the right of payment is asserted.

Penalty: 10 penalty units.

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(2) It is a defence to a prosecution under sub-section (1) if the defendant proves that his contravention was due to his believing on reasonable grounds that the person against or in relation to whom the right of payment is asserted had authorized the publishing of the advertisement.”

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Amendment of
No. 8276
s. 63.

8. In section 63 (1) of the Principal Act for the words “Secretary of Labour and Industry” there shall be substituted the word “Director”.

Amendment of
No. 8276 s. 70.

9. Section 70 (2) of the Principal Act shall be repealed.

Saving.

10. Every certificate of appointment within the meaning of section 63 of the Principal Act issued by the Secretary for Labour and Industry prior to the commencement of this Act shall after the commencement of this Act be as valid and effectual as though it were issued by the Director of Consumer Affairs under the provisions of the Principal Act as amended by this Act.

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