



ANNO VICESIMO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1979

No. 69 of 1979

An Act to amend the Consumer Transactions Act, 1972-1973.

[Assented to 22nd November, 1979]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Consumer Transactions Act Amendment Act, 1979".

(2) The Consumer Transactions Act, 1972-1973, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Consumer Transactions Act, 1972-1979".

Repeal of
s. 35 of
principal Act
and enactment
of section in
its place.

2. Section 35 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Fraudulent
sale or
disposal of
goods subject
to mortgage or
lease.

35. (1) A person who sells, or purports to sell, goods that are subject to a consumer lease or a consumer mortgage without the consent of the lessor or the mortgagee shall be guilty of an offence and liable to a penalty not exceeding five thousand dollars or imprisonment for twelve months.

(2) It shall be a defence to a charge of an offence against this section for the defendant to prove that he did not know and could not by the exercise of reasonable diligence have ascertained that the goods to which the charge relates were subject to a consumer lease or consumer mortgage.

(3) An offence against this section is a minor indictable offence.

(4) This section does not derogate from any other criminal liability that may arise by reason of the sale, or purported sale, of goods subject to a consumer lease or consumer mortgage.

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

K. D. SEAMAN, Governor