



ANNO VICESIMO SECUNDO

**ELIZABETHAE II REGINAE**

A.D. 1973

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**No. 8 of 1973**

An Act to amend the Consumer Transactions Act, 1972.

[Assented to 3rd September, 1973]

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

1. (1) This Act may be cited as the "Consumer Transactions Act Amendment Act, 1973". Short title.

(2) The Consumer Transactions Act, 1972, as amended by this Act, may be cited as the "Consumer Transactions Act, 1972-1973".

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

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

3. Section 2 of the principal Act is amended by inserting after the present contents thereof (which are hereby designated subsection (1) thereof) the following subsection:— Amendment of principal Act, s. 2—  
Commencement.

(2) Notwithstanding the provisions of subsection (1) of this section and notwithstanding that a proclamation has been made under that subsection, the Governor may, by proclamation suspend the operation of any specified provisions of this Act until a day fixed in the proclamation or a day to be fixed by subsequent proclamation.

(3) Any provisions whose operation has been suspended under subsection (2) of this section shall come into operation on the day fixed for the expiration of the suspension by the suspending proclamation, or if that proclamation provides for

that day to be fixed by subsequent proclamation, on the day fixed by the subsequent proclamation.

Amendment of  
principal Act,  
s. 4—  
Repeal and  
transitional  
provision.

4. Section 4 of the principal Act is amended—

(a) by striking out from subsection (3) the passage “This Act” and inserting in lieu thereof the passage “Subject to subsection (4) of this section, this Act”;

and

(b) by inserting after subsection (3) the following subsection:—

(4) Part VI of this Act shall apply to contracts, agreements, mortgages and other securities made or given before the commencement of this Act.

Amendment of  
principal Act,  
s. 5—  
Interpretation.

5. Section 5 of the principal Act is amended—

(a) by striking out the definition of “consumer credit contract” and inserting in lieu thereof the following definition:—

“consumer credit contract” means a credit contract—

(a) under which the principal does not exceed ten thousand dollars and in respect of which no security is taken over land;

or

(b) under which the principal does not exceed twenty thousand dollars and in respect of which security is taken over land,

but does not include a credit contract in respect of which security is taken over land where the amount of the principal exceeds ten thousand dollars and the consumer has made a statutory declaration that he does not use, or propose to use, the land as a place of dwelling for his own personal occupation;;

(b) by striking out from the definition of “consumer mortgage” the word “taken”;

and

(c) by striking out from subparagraph (i) of paragraph (a) of the definition of “statutory rebate” the passage “from month to month—means the amount of interest attributable to the period of complete months” and inserting in lieu thereof the passage “at periodic intervals—means the amount of interest attributable to the number of complete intervals”.

Amendment of  
principal Act,  
s. 6—  
Application of  
Act.

6. Section 6 of the principal Act is amended by striking out paragraph (b) and inserting in lieu thereof the following paragraph:—

(b) where—

- (i) in the case of a consumer contract, the goods or services are, or are to be, delivered or rendered in this State;
- (ii) in the case of a consumer credit contract, the consumer receives the credit, or the use or benefit of the credit, in this State;

or

- (iii) in the case of a consumer mortgage, the goods subject to the mortgage are situated in this State.

7. Section 20 of the principal Act is amended by inserting after subsection (5) the following subsection:—

Amendment of principal Act, s. 20—  
Information to be included in a consumer lease.

(6) Where the terms or conditions of a consumer lease are varied in any manner, the lessor shall within fourteen days after the date of the variation serve on the consumer a notice—

- (a) that sets out in a clear and concise manner the nature of the variation to the consumer's rights under the consumer lease, and the nature and extent of his obligations under the lease as varied;

and

- (b) that contains such other information as may be prescribed.

Penalty: Five hundred dollars.

8. Section 22 of the principal Act is amended—

Amendment of principal Act, s. 22—  
Rights of consumer in respect of lease.

- (a) by inserting after the passage "place of business" in subsection (2) the word "or";

and

- (b) by inserting after subsection (2) the following subsection:—

(3) There shall be no appeal from a determination of the Tribunal under subsection (2) of this section.

9. Section 27 of the principal Act is amended—

Amendment of principal Act, s. 27—  
Notice to be given to consumer where goods repossessed.

- (a) by striking out from paragraph (b) of subsection (2) the passage "the mortgage has been authorized by the Commissioner or" and inserting in lieu thereof the passage "the mortgagee has been authorized by";

and

- (b) by striking out from paragraph (b) of subsection (4) the passage "Commissioner or the".

Amendment of  
principal Act,  
s. 30—  
Consumer may  
require  
mortgages  
to enforce  
mortgage.

10. Section 30 of the principal Act is amended by striking out from paragraph (b) of subsection (2) the passage “Commissioner or the”.

Amendment of  
principal Act,  
s. 39—  
Interpretation.

11. Section 39 of the principal Act is amended by inserting in the definition of “prescribed contract of insurance” after the passage “a contract of insurance” the passage “in relation to goods”.

Amendment of  
principal Act,  
s. 43—  
Provisions as to  
guarantors.

12. Section 43 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “No guarantor” and inserting in lieu thereof the passage “Subject to subsection (2) of this section, no guarantor”;

and

(b) by striking out from subsection (2) the passage “to the performance of any obligation to the credit provider that is independent of the guarantee” and inserting in lieu thereof the passage “by an agreement that is independent of the guarantee to perform any contractual obligation”.

Amendment of  
principal Act,  
s. 50—  
Regulations.

13. Section 50 of the principal Act is amended—

(a) by striking out from paragraph (d) of subsection (2) the passage “or arbitrate”;

and

(b) by inserting after paragraph (d) the following paragraph:—

(da) for the purpose of promoting simplicity and uniformity of expression in consumer contracts, credit contracts and consumer mortgages, prescribe terminology and expressions that may be used therein and provide that in the absence of evidence of a contrary intention that terminology or those expressions shall, when appearing in any such contract or mortgage, bear an interpretation stipulated in the regulations;

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

M. L. OLIPHANT, Governor