



## CONSUMER AFFAIRS

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No. 31 of 1976

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**AN ACT to amend the Consumers Protection Act 1970.**

[21 June 1976]

**BE** it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1—(1)** This Act may be cited as the *Consumer Affairs Act 1976*. Short title and citation.

(2) The *Consumers Protection Act* 1970, as subsequently amended, is in this Act referred to as the Principal Act.

Long title. **2** The long title to the Principal Act is amended by omitting the words “Consumers Protection” and substituting “Consumer Affairs”.

Short title. **3** Section 1 of the Principal Act is amended by omitting the words “*Consumers Protection*” and substituting the words “*Consumer Affairs*”.

Interpretation. **4** Section 2 of the Principal Act is amended by omitting from the definition of “Council” the words “Consumers Protection” and substituting the words “Consumer Affairs”.

The Consumer Affairs Council. **5** Section 3 of the Principal Act is amended by omitting from subsection (1) the words “Consumers Protection” and substituting the words “Consumer Affairs”.

Requirement as to written information.

**6** Section 9A of the Principal Act is amended—

(a) by transposing the word “or” at the end of paragraph (a) of subsection (9) to the end of paragraph (b) of that subsection;

(b) by adding at the end of that subsection the following paragraph:—

“(c) by leaving it addressed to him at his usual or last known place of abode or business with some person apparently over the age of 16 years and apparently residing or employed thereat.”; and

(c) by adding at the end of that section the following subsection:—

“(11) In any proceedings for an offence against subsection (7) an averment in a complaint that the chairman of the Council is satisfied as mentioned in subsection (1) shall be received in evidence as *prima facie* proof of the matters so averred.”.

**7** After section 9A of the Principal Act the following section is inserted:—

“ 9B—(1) No person in an advertisement shall, without the written consent of the chairman of the Council, make any representation that, or suggesting or inferring that, any activities carried on by any person have the approval of or are conducted with the co-operation or assistance of the Council. Council's name not to be used in advertisements.

Penalty: \$1000.

“(2) Where a person's name appears in an advertisement as a person carrying on the activities to which the representation relates he shall be deemed for the purposes of this section to have caused the advertisement to be published unless it is shown that the advertisement was published without his knowledge or connivance.

“(3) For the purposes of this section ‘ advertisement ’ includes every visual or aural form of advertising whether, in a publication, or by the display of notices, or by means of catalogues, price lists, labels, cards, or other documents, or by exhibition of cinematographic film or photographs, or by way of radio broadcasting or television, or in any other way.”.

**8** A reference in any Act to the *Consumers Protection Act 1970* and the Consumers Protection Council shall be construed as references to the *Consumer Affairs Act 1970* and the Consumer Affairs Council respectively. Consequential amendments.

