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**CONSUMER AFFAIRS ACT 1988**

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**No. 53 of 1988**

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## CONSUMER AFFAIRS ACT 1988

—————  
 No. 53 of 1988  
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**AN ACT to establish a Consumer Affairs Council and an Office of Consumer Affairs for the purposes of making investigations into, collecting and disseminating information on, and reporting on matters relating to the interests of consumers, to provide for related and consequential matters, and to repeal the Consumer Affairs Act 1970.**

**[Royal Assent 14 December 1988]**

**B**E 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:—

### PART I

#### PRELIMINARY

1—This Act may be cited as the *Consumer Affairs Act 1988*. Short title.

2—This Act shall commence on the day on which it receives Commencement. the Royal assent.

## Interpretation.

- 3—(1) In this Act, unless the contrary intention appears—
- “advertising” includes any activity calculated or intended to promote or increase the sale or use of any goods or services;
  - “Agency” has the meaning assigned to that expression in the *Tasmanian State Service Act 1984*;
  - “authorized officer” means the Director or a person declared to be or appointed as an authorized officer under this Act;
  - “Chairman” means the Chairman of the Council;
  - “consumer” includes any person using, or taking advantage of, any service;
  - “Consumer Affairs Officer” means an employee employed in the Office of Consumer Affairs;
  - “Council” means the Consumer Affairs Council established under this Act;
  - “Director” means the Director of Consumer Affairs appointed under this Act;
  - “documents” includes books, papers, accounts, any written records, any computer discs or tapes or other means of storage on a computer, and any computer printouts;
  - “employee” has the meaning assigned to that expression in the *Tasmanian State Service Act 1984*;
  - “functions” includes duties;
  - “goods” includes anything that is the subject of trade, manufacture, or merchandise and anything growing on, or attached to, land that is severable from the land;
  - “Office” means the Office of Consumer Affairs;
  - “services” means the conferring of rights or benefits that are provided by a person in the carrying on of an industrial, commercial, business, profit-making, or remunerative undertaking (including a professional practice), and includes the provision for reward of lodging or accommodation;
  - “State Service” has the meaning assigned to that expression in the *Tasmanian State Service Act 1984*;
  - “supply”—
    - (a) in relation to goods, includes supply, and resupply, by way of gift, sale, exchange, lease, hire, or hire-purchase; and

(b) in relation to services, includes provision, granting, hiring, and conferring.

(2) A reference to any matter or matters affecting the interests of consumers shall be construed as including a reference to any matter or matters affecting the interests of a particular consumer or a particular class of consumers.

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## PART II

### CONSUMER AFFAIRS COUNCIL

4—There is constituted by this Act a Council to be known as the Consumer Affairs Council. Constitution of Council.

5—(1) The Council shall consist of 8 members appointed by the Governor, of whom— Membership of Council.

(a) one shall be the person appointed as Chairman of the Council by the Governor;

(b) one shall be a person representing the interests of manufacturers;

(c) one shall be a person representing the interests of persons engaged in the retail sale of goods or in the provision of services;

(d) one shall be a person appointed as representing the interests of persons engaged in the advertising of goods or services; and

(e) four shall be persons appointed as representing the interests of consumers.

(2) Each of the members referred to in subsection (1) (b), (c), and (d) shall be appointed on the advice of the Minister which the Minister shall give after consulting with such body or bodies as the Minister considers represent the interests of the classes of persons whose interests that member is appointed as representing.

(3) At least 2 of the members appointed under subsection (1) (e) shall be women.

(4) Subject to subsection (5), the Minister may pay to members of the Council such remuneration and allowances as the Governor may approve.

(5) An employee employed in the State Service shall not be paid any remuneration or allowances, other than allowances in respect of travelling necessary to the carrying out of that employee's functions as a member of the Council, under subsection (4).

(6) Schedule 1 has effect with respect to the membership of the Council.

(7) Schedule 2 has effect with respect to meetings of the Council.

Functions and  
powers of  
Council.

**6—(1)** The functions of the Council, with regard to matters affecting the interests of consumers, are—

- (a) to ensure that the interests of consumers are considered and to assist consumer awareness in relation to the assessment and use of goods and services;
- (b) to carry out such investigations as it thinks necessary or desirable in the interests of consumers generally;
- (c) to carry out, at the request of the Minister and as soon as practicable, investigations in relation to a matter specified by the Minister; and
- (d) to report to the Minister on the results of an investigation referred to in paragraph (c).

**(2)** The Council may—

- (a) make recommendations to the Minister with respect to any matter arising in connection with the exercise of its functions and powers under this Act;
- (b) exercise any of its powers in relation to any matter referred to it by the Director;
- (c) where it considers it necessary for the purpose of conducting an investigation, or for the purpose of carrying out its functions or exercising its powers under this section, request the Director to provide such information as the Council requires to complete that investigation, or to carry out such a function or exercise such a power; and
- (d) take any other action incidental to the carrying out of its functions or the exercise of its powers under this section.

7—(1) The Council shall, as soon as practicable after 30th June in any year and not later than 30th September in that year, submit to the Minister a report on its proceedings during the 12 months ending on that day. Council to submit reports.

(2) The Council may submit a report to the Minister on any matter arising in the exercise of its functions and powers under this Act.

(3) Where the Council considers that any report made by it to the Minister under this Act, not being a report referred to in subsection (1), should be brought to the notice of Parliament, it shall include a statement to that effect in the report.

(4) As soon as practicable after the Council has submitted to the Minister a report referred to in subsection (1) or a report containing a statement referred to in subsection (3), the Minister shall lay a copy of that report before each House of Parliament.

8—(1) The Minister may, on the advice of the Chairman, appoint a person as an authorized officer, by an authority in writing under his hand, for the purpose of undertaking enquiries required by the Council with regard to matters affecting consumers. Authorized officers.

(2) An authorized officer appointed under subsection (1) shall be appointed on such terms and conditions as the Minister determines.

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### PART III

#### OFFICE OF CONSUMER AFFAIRS

9—(1) A Director of Consumer Affairs shall be appointed subject to and in accordance with the *Tasmanian State Service Act 1984* for the purposes of this Act. Director of Consumer Affairs.

(2) The Director has the administration and control of the Office of Consumer Affairs.

(3) The Director shall comply with any directions given to the Director by the Minister.

10—(1) There shall be an Office to be known as the Office of Consumer Affairs. Office of Consumer Affairs.

(2) The staff of the Office shall consist of authorized officers appointed under this Part, persons appointed subject to and in accordance with the *Tasmanian State Service Act 1984*, and employees, within the meaning of that Act, who have been assigned or allocated to that Office.

Functions of  
Office of  
Consumer  
Affairs.

**11—(1)** The functions of the Office are—

- (a) to receive complaints from consumers in relation to matters which affect their interests as consumers, to consider and, if the Director deems it warranted, to investigate those complaints, and to take such action in respect of those complaints as seems proper to the Director;
- (b) to receive complaints of fraudulent or deceptive practices in relation to matters which affect, or are likely to affect, the interests of consumers and to take such action in respect of those complaints as seems proper to the Director;
- (c) to advise and assist consumers who seek from the Office information or guidance on matters affecting their interests as consumers;
- (d) to consult with and undertake the dissemination of information in relation to matters which affect, or are likely to affect, the interests of consumers to manufacturers, wholesalers, retailers, advertisers, and any other suppliers of goods or services; and
- (e) to collect, collate, and disseminate information in respect of matters affecting the interests of consumers.

(2) The Office shall assist the Council in the carrying out of its functions and the exercise of its powers.

(3) Subsection (1) shall not be construed to require the Director or any staff of the Office to give, or hold himself out as ready or competent to give, to any consumer advice in relation to the rights and liabilities in law of the consumer concerning any matter, or aid in the enforcement of such rights.

Special powers  
and duties of  
Director.

**12—(1)** The Director is entitled to attend at, and participate in, the meetings of the Council.

(2) Subsection (1) shall not be construed as giving the Director a right to vote on any matter at a meeting of the Council.



(3) The Director shall refer to the Council for its consideration any matter that has come to his attention which is more appropriately the concern of the Council.

(4) The Director shall give assistance to the Council in the carrying out of its functions and the exercise of its powers.

(5) The Director shall, at the request of the Council, arrange for the collection and collation of, and the furnishing to the Council of, information relating to a matter affecting the interests of consumers.

(6) The Director shall annually submit to the Minister for tabling in both Houses of Parliament a report on the activities of the Office during the year covered by the report.

13—(1) The Director is an authorized officer for the purposes of this Act. Authorized officers.

(2) The Minister may declare that employees, within the meaning of the *Tasmanian State Service Act 1984*, whose positions are specified in the declaration are authorized officers for the purposes of this Act.

(3) Where the Minister, on the advice of the Director, is satisfied that it is necessary or desirable to appoint a person as an authorized officer to assist in carrying out an investigation under this Act, the Minister may so appoint a person as an authorized officer to assist in carrying out that investigation.

(4) An authorized officer appointed under subsection (3) shall be appointed on such terms and conditions as the Minister determines.

## PART IV

## POWERS, &amp;C., OF AUTHORIZED OFFICERS

Powers of  
authorized  
officers to enter  
premises, &c.

14—(1) For the purpose of the exercise by the Council or the Office of any of their functions under this Act, or for the purpose of any investigation that is being conducted in accordance with this Act, an authorized officer may, at all reasonable times and subject to subsection (2), do any or all of the following:—

- (a) enter any place where he knows or reasonably believes that—
  - (i) goods are produced, manufactured, assembled, prepared, sold, or stored;
  - (ii) services are supplied; or
  - (iii) invoices, documents, or other records relating to goods or services supplied or to be supplied are kept;
- (b) enter any place that he knows or reasonably believes to be used by any person as an office, depot, or premises for the purpose of carrying on any business or trade of supplying goods or services;
- (c) in any place lawfully entered by him—
  - (i) search for, examine, take possession of, or make copies of or extracts from invoices, documents, or other records relating to goods or services supplied or to be supplied or relating to any matter the subject of an investigation under this Act;
  - (ii) search for goods and examine goods;
  - (iii) open any package that he knows or reasonably suspects to contain goods; and
  - (iv) question with respect to matters with which this Act is concerned any person employed in that place; and
- (d) make such inquiries as he believes to be necessary or desirable in relation to the performance of his functions under this Act.

(2) An authorized officer shall not forcibly enter any place referred to in subsection (1) unless he has first obtained a warrant pursuant to subsection (4).

Penalty: Fine not exceeding 50 penalty units or imprisonment for a period not exceeding 9 months, or both.

(3) An authorized officer shall not enter any premises which are, or part of premises which part is, used as a dwelling unless he has the permission of the occupier of those premises or that part to his entry or has obtained a warrant pursuant to subsection (4).

Penalty: Fine not exceeding 50 penalty units or imprisonment for a period not exceeding 9 months, or both.

(4) A magistrate who is satisfied by evidence on oath upon the complaint of an authorized officer that there is reasonable cause to permit entry to any place referred to in subsection (1) for the purposes specified in that subsection may issue a warrant directed to the authorized officer to enter the place specified in the warrant for the purpose of his exercising in that place the powers conferred on the authorized officer by this Act.

(5) A warrant issued under this section shall, for a period of one month from its issue, be sufficient authority—

(a) to the authorized officer to whom it is directed and to all persons acting in aid of him to enter the place specified in the warrant; and

(b) to the authorized officer to whom it is directed to exercise in respect of the place specified in the warrant all the powers conferred on an authorized officer by this Act.

(6) Where an authorized officer has taken possession of any invoice, document, or other record for the purposes of this Act, that authorized officer may retain that invoice, document, or other record for so long as is necessary for those purposes.

(7) Any person otherwise entitled to possession of an invoice, document, or other record retained by an authorized officer under subsection (6) is, if he so requests it of the authorized officer, entitled to be furnished as soon as practicable with a copy of that invoice, document, or other record certified by the Director to be a true copy and that certified copy shall be received in all courts and elsewhere as evidence of the matters contained in that copy as if it were the original.

15—(1) Where an authorized officer has reason to believe that a person has in his possession any invoice, record, or other document, which is relevant to a matter under this Act, he may require that person to deliver that invoice, record, or other document, or a copy of that invoice, record, or other document, as directed.

Powers of authorized officers to require delivery of documents.

(2) The requisition under subsection (1) may specify that the document or copy is to be delivered—

- (a) at a specified place;
- (b) to the Director or any authorized officer;
- (c) at, by, or within a specified time; and
- (d) in person, by certified mail, or in a specified manner.

Obstruction, &c.,  
of authorized  
officer.

**16—(1)** A person shall not—

- (a) assault, resist, impede, or obstruct an authorized officer in the exercise of his powers, or in the discharge of his duties under this Act, or attempt so to do;
- (b) use threatening, abusive, or insulting language to an authorized officer engaged in the exercise of his powers or in the discharge of his duties under this Act or to any person assisting an authorized officer who is so engaged;
- (c) fail to furnish information when requested to do so by an authorized officer under this Act;
- (d) furnish false or misleading information to an authorized officer;
- (e) fail to comply with a lawful request, direction, or requisition of an authorized officer;
- (f) fail to produce to an authorized officer any invoice, document, or record whatsoever in his possession or at his disposal when required to do so; or
- (g) impersonate an authorized officer.

Penalty: Fine not exceeding 10 penalty units.

(2) Where a person is convicted of an offence against subsection (1) (c), (d), (e), or (f), the court may order that person to—

- (a) furnish the information;
- (b) comply with the lawful request, direction, or requisition; or
- (c) produce to an authorized officer the invoice, document, or record,

which was the subject of the offence, as the case may require.

(3) For the purposes of subsection (1), the conduct of an investigation by an authorized officer shall be considered as the discharge of duties under this Act.

(4) Where any information is obtained by an authorized officer under this section, evidence of that information, or the obtaining of that information is not admissible against any person in any civil or criminal proceedings, except in proceedings against that person for an offence under this Act.

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## PART V

### GENERAL PROVISIONS

**17**—The provisions of this Act shall operate in addition to and not in substitution for the provisions of any other Act or rule of law. Act not to affect other laws.

**18**—No proceeding against or conviction of any person for an offence against this Act shall affect any civil right or remedy available against that person independently of this Act. Saving of civil remedies.

**19**—(1) A person shall not, without the written consent of the Chairman or the Director, as the case may require, make or cause to be made any representation in any visual or aural form, either specifically or by implication, to the effect that— Name of Council or Office not to be used in advertisements.

(a) any goods or services supplied by any person have the approval of the Council, the Director, or the Office; or

(b) any activity carried on by any person has the approval of, or is conducted with the co-operation or assistance of, the Council, the Director, or the Office.

Penalty: Fine not exceeding 50 penalty units or imprisonment for a period not exceeding 9 months, or both.

(2) Where a person's name appears in relation to a representation referred to in subsection (1), that person shall be deemed for the purposes of this section to have caused the representation to be made unless it is shown that the representation was made without his knowledge or connivance.

Offences.

- 20—(1)** A prosecution for an offence against this Act—
- (a) may, with the consent of the Director, be instituted by an authorized officer; and
  - (b) shall be commenced within 2 years after the matter of complaint arose and within 6 months after the matter of complaint comes to the knowledge of the complainant.

(2) Where a body corporate is charged with an offence against this Act, any person who is concerned or takes part in the management of the body corporate may be charged with a like offence, and where the body corporate is convicted of the offence, any person who is charged with a like offence pursuant to this subsection may be convicted of the like offence unless that person satisfies the court that the act or omission constituting the offence took place without his knowledge or consent.

Protection for certain persons in relation to certain publications and acts or things done.

**21—(1)** A person shall not incur any personal liability on account of any disclosure or publication made to a member of the Council, the Director, any Consumer Affairs Officer, or any authorized officer in relation to any of the matters specified in subsection (2).

(2) The matters to which subsection (1) refers are—

- (a) the supply of goods;
- (b) the supply of services;
- (c) any matter concerning the commercial or business reputation of any person associated with the supply of goods or services;
- (d) the quality of, price of, quantity of, or any other matter relating to goods supplied by any supplier of goods; and
- (e) the quality of, price of, quantity of, or any other matter relating to services supplied by any supplier of services.

(3) The Minister, a member of the Council, the Director or any person acting on behalf of the Director, a Consumer Affairs Officer, or an authorized officer shall not incur any personal liability in respect of any act or thing done, or omitted to be done, in good faith in the administration or execution, or purported administration or execution, of this Act.

(4) Nothing in subsection (3) precludes the Council from being subject to any action, liability, claim, or demand to which the Council is subject.

(5) The Council and the Director shall not incur any liability in respect of any matter, information, representation, or allegation contained in a report referred to in section 7 or 12.

22—(1) A person who is or was at any time a member of the Council, the Director, an authorized officer, or a Consumer Affairs Officer shall not, save in the course of his duty, the performance of his functions, or the exercise of his powers under this Act or where it is competent to him so to do by reason of a provision of this Act, directly or indirectly communicate any information that came to his knowledge in consequence of his being a member of the Council, the Director, an authorized officer, or a Consumer Affairs Officer, as the case may be. Preservation of  
secrecy.

(2) It is competent to the Director and every other authorized officer to communicate to a consumer whose complaint concerning any matter has been investigated by the Office, or to the Small Claims Division of the Court of Requests, information concerning that matter which has come to his knowledge as a result of the investigation and which is of a class of information that the Director has authorized, either generally or in a particular case, to be so communicated.

(3) The provisions of subsection (1) shall not be construed to prohibit—

(a) the Chairman or the Director or any person authorized in writing by the Director from communicating to the appropriate Minister or official of the Crown in right of the Commonwealth or of Tasmania or of any other State or Territory of the Commonwealth information which the Director considers should be communicated for the purpose of the administration of any law of the Commonwealth or of Tasmania or of such other State or of any Act; or

(b) any person referred to in that subsection, when called as a witness in a proceeding for an offence against this Act, from answering any question that he is compellable to answer in that proceeding.

23—(1) A certificate purporting to be a certificate signed by the Chairman stating that the Council on such date as is specified in the certificate proceeded to investigate any matter so specified is sufficient evidence that the Council so proceeded. Evidentiary  
provision.

(2) A certificate purporting to be a certificate signed by an authorized officer certifying that—

(a) a person—

(i) failed to furnish information to an authorized officer when requested to do so; or

(ii) furnished false or misleading information, under this Act;

(b) a person failed to comply with a lawful request, direction, or requisition of the authorized officer; or

(c) a person failed to produce to the authorized officer any invoice, document, or record in his possession or at his disposal when required to do so,

is admissible in any proceedings under this Act and shall be evidence of the matters so certified.

Service of  
documents, &c.

**24—(1)** Where under this Act a document or a notice may be, or is required to be, served on a person, the document or notice may be served—

(a) in the case of a person who is neither a body corporate nor a firm—

(i) by delivering it to him personally;

(ii) by leaving it at that person's place of residence last known to the person required to serve the document or notice with someone who apparently resides there, or at that person's place of business or employment last known to the person required to serve the document or notice with someone who is apparently employed there, being in either case a person who has or apparently has attained the age of 16 years; or

(iii) by sending it by post to that person's place of residence, business, or employment last known to the person required to serve the document or notice;



(b) in the case of a body corporate—

- (i) by delivering it to the secretary of the body corporate personally;
- (ii) by leaving it at the registered office of the body corporate or at the place or principal place of business of the body corporate in Tasmania with a person apparently employed there, being a person who has or apparently has attained the age of 16 years; or
- (iii) by sending it by post to the registered office of the body corporate or to the place or principal place of business of the body corporate; or

(c) in the case of a firm—

- (i) by delivering it to a member of the firm personally;
- (ii) by leaving it at the place or principal place of business of the firm in Tasmania last known to the person required to serve the document or notice with a person apparently employed there, being a person who has or apparently has attained the age of 16 years; or
- (iii) by sending it by post to the place or principal place of business of the firm in Tasmania last known to the person required to serve the document or notice.

(2) A reference in subsection (1) to the registered office of a body corporate includes a reference to a registered office that is outside Tasmania.

(3) The provisions of this section are in addition to the provisions of section 528 of the *Companies (Tasmania) Code*.

**25**—The expenses incurred in the administration of this Act shall be provided out of money provided by Parliament for the purpose. Expenses of Act.

**26**—(1) A member of the Consumer Affairs Council appointed under the *Consumer Affairs Act 1970* shall continue to hold office for the remainder of the term specified in his instrument of appointment as if the appointment had been made under this Act. Transitional.

(2) The secretary of the Consumer Affairs Council appointed under the *Consumer Affairs Act 1970* shall be appointed as the Director in accordance with this Act.

Repeals and  
amendments.

**27—(1)** The Acts specified in Schedule 3 are repealed.

(2) Each Act specified in column 1 of Schedule 4 is amended in the manner specified opposite the reference to that Act in column 2 of that Schedule.

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## SCHEDULE 1

## Section 5 (6)

## PROVISIONS WITH RESPECT TO THE MEMBERSHIP OF THE COUNCIL

1—(1) A member of the Council shall hold office for such term, not exceeding 5 years, as may be specified in the instrument of appointment. Term of office.

(2) A person who has attained the age of 65 years is not eligible to be appointed or reappointed as a member of the Council.

2—The provisions of the *Tasmanian State Service Act 1984* do not apply to or in respect of the appointment of a member of the Council, or to or in respect of a member of the Council in that member's capacity as such during his term of office but an employee employed in the State Service may hold office as a member of the Council in conjunction with his office in the State Service. Tasmanian State Service Act 1984 not to apply.

3—(1) The office of a member of the Council becomes vacant— Vacation of office.

(a) when the term for which that member was appointed to hold office expires;

(b) when the member attains the age of 65 years;

(c) when the member dies;

(d) if the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors, or makes an assignment of his or her remuneration or estate for their benefit;

(e) if the member is absent from 3 consecutive meetings of the Council of which reasonable notice has been given to him or her, either personally or in the ordinary course of post, unless on leave granted by the Council or, unless, before the expiration of 3 weeks after the last of those meetings, the member is excused by the Council for his or her absence from those meetings;

(f) if the member becomes liable to be detained under the *Mental Health Act 1963* in a hospital, being a hospital within the meaning of section 3 (1) of that Act;

(g) if the member is convicted of a crime or an offence in this State which is punishable by imprisonment for a term of 6 months or more, or has been convicted elsewhere than in this State of a crime or an offence which, if committed in this State, would be a crime or an offence so punishable;

(h) if the member resigns his or her office by writing under his or her hand addressed to the Governor; or

(i) if the member is removed from office by the Governor under subclause (2) or (3).

(2) The Governor may remove a member of the Council from office—

(a) for misbehaviour or incompetence; or

(b) where the Governor is satisfied that the member has participated in or connived at any act that resulted in the Council not being managed in an effective, efficient, or economical manner.

(3) The Governor may remove a member of the Council from office if the Governor is satisfied that the member is no longer qualified to be appointed to the Council, having regard to the interests the member was appointed as representing as referred to in section 5 (2).

Filling of  
vacancies.

4—On the occurrence of a vacancy in the office of a member of the Council, otherwise than by the expiration of the term for which the member was appointed, the Governor may appoint a person to the vacant office for the residue of his or her predecessor's term of office, being a person suitably qualified and selected by the Minister after consultation with the body or bodies referred to in section 5 (2), as the case may require.

Validity of  
proceedings, &c.

5—(1) No act or proceeding of the Council or of any person acting pursuant to any direction of the Council is invalidated or prejudiced by reason only of the fact that, at the time when the act or proceeding was done, taken, or commenced, there was a vacancy in the membership of the Council.

(2) All acts and proceedings of the Council or of any person acting pursuant to any direction of the Council are, notwithstanding the subsequent discovery of any defect in the appointment of any member of the Council or that any person was disqualified from acting as, or incapable of being, a member of the Council, as valid as if the member had been duly appointed and was qualified to act as, or capable of being, a member, and as if the Council had been fully constituted.

Presumptions.

6—In any proceedings by or against the Council, unless evidence is given to the contrary, no proof shall be required of—

- (a) the constitution of the Council;
- (b) any resolution of the Council;
- (c) the appointment of any member of the Council; or
- (d) the presence of a quorum at any meeting of the Council.

## SCHEDULE 2

## Section 5 (7)

## PROVISIONS WITH RESPECT TO MEETINGS OF THE COUNCIL

1—Meetings of the Council may be convened by the chairman of the Council or by any 2 or more members of the Council. Convening of meetings of Council.

2—(1) Five members of the Council shall form a quorum at any duly convened meeting of the Council. Procedure at meetings.

(2) Any duly convened meeting of the Council at which a quorum is present shall be competent to transact any business of the Council.

(3) A question arising at a meeting of the Council shall be determined by a majority of votes of the members of the Council present and voting and, in the event of an equality of votes, the matter shall stand adjourned to the next meeting of the Council.

3—(1) The Chairman shall preside at all meetings of the Council at which he is present. Chairman.

(2) If the Chairman is not present at a meeting of the Council, a member of the Council elected by the members present shall preside at that meeting.

4—The Council shall cause full and accurate minutes to be kept at meetings. Minutes.

5—The procedure for the calling of, and for the conduct of business at, meetings of the Council shall, subject to any procedure that is specified in this Act, be as determined by the Council. General procedure.

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SCHEDULE 3

Section 27 (1)

REPEALED ACTS

Act	Number and Year
<i>Consumer Affairs Act 1970</i> .....	No. 26 of 1970
<i>Consumer Affairs Act 1976</i> .....	No. 31 of 1976

SCHEDULE 4

Section 27 (2)

AMENDMENTS

COLUMN 1		COLUMN 2
Short title of Act	Year and number of Act	Amendments
<i>Court of Requests (Small Claims Division) Act 1985</i> .....	No. 6 of 1985	<p>Section 3—</p> <p>(a) Before the definition of “barrister”, insert the following definition:—                      “authorized officer” means the Director or a person declared to be or appointed as an authorized officer under Part III of the <i>Consumer Affairs Act 1988</i>;</p> <p>(b) Omit the definition of “Council”;</p> <p>(c) After the definition of “court of requests”, insert the following definition:—                      “Director” means the Director of Consumer Affairs appointed under the <i>Consumer Affairs Act 1988</i>;</p> <p>Section 11 (3) (a)—                      Omit “Chairman or Secretary of the Council” and substitute “Director”.</p> <p>Section 26 (1) (b)—                      Omit “a member or an officer of the Council” and substitute “the Director or any authorized officer”.</p>
<i>Flammable Clothing Act 1973</i> .....	No. 111 of 1973	<p>Section 2 (1)—                      Omit the definition of “authorized officer” and substitute the following definition:—                      “authorized officer” means the Director of Consumer Affairs and a person declared to be or appointed as an authorized officer under Part III of the <i>Consumer Affairs Act 1988</i>;</p>
<i>Goods (Trade Descriptions) Act 1971</i> .....	No. 1 of 1971	<p>Section 2—</p> <p>(a) After the definition of “covering”, insert the following definition:—                      “Director” means the Director of Consumer Affairs appointed under the <i>Consumer Affairs Act 1988</i>;</p> <p>(b) Omit the definition of “Secretary”.</p> <p>Section 5—</p> <p>(a) Omit paragraphs (a) and (b) of subsection (1) and substitute the following paragraphs:—                      (a) the Director; and                      (b) any person declared to be or appointed as an authorized officer under Part III of the <i>Consumer Affairs Act 1988</i>;</p> <p>(b) Omit “Secretary” from subsection (2) and substitute “Director”.</p>
<i>Pyramid Selling Act 1974</i> .....	No. 111 of 1974	<p>Section 6 (3)—                      Omit “Secretary” and substitute “Director”.</p> <p>Section 2 (1)—</p> <p>(a) Omit the definition of “authorized officer” and substitute the following definition:—                      “authorized officer” means the Director or a person declared to be or appointed as an authorized officer under Part III of the <i>Consumer Affairs Act 1988</i>;</p> <p>(b) Omit the definition of “Council” and substitute the following definition:—                      “Director” means the Director of Consumer Affairs appointed under the <i>Consumer Affairs Act 1988</i>;</p>

COLUMN 1		COLUMN 2
Short title of Act	Year and number of Act	Amendments
<i>Sale of Hazardous Goods Act 1977</i> .....	No. 69 of 1977	<p>Section 4—</p> <p>(a) From subsection (1), omit “Council” and substitute “Director”;</p> <p>(b) From subsection (2), omit “Council, the secretary and officers of the Council,” and substitute “Director”;</p> <p>(c) From subsection (2), omit “<i>Consumer Affairs Act 1970</i>” and substitute “<i>Consumer Affairs Act 1988</i>”;</p> <p>(d) From subsection (2), omit “Council, its secretary and other officers,” and substitute “Director”;</p> <p>(e) From subsection (3), omit “sections 6 and 6A of the <i>Consumer Affairs Act 1970</i>” and substitute “the <i>Consumer Affairs Act 1988</i>”.</p> <p>Section 5 (4)— Omit “Council”, where twice occurring, and substitute “Director”.</p> <p>Section 3—</p> <p>(a) From subsection (2) (a), omit “secretary of the Consumer Affairs Council” and substitute “Director of Consumer Affairs”;</p> <p>(b) From subsection (4), omit “secretary of the Consumer Affairs Council” and substitute “Director of Consumer Affairs”;</p> <p>(c) From subsection (5), omit “secretary of the Consumer Affairs Council” and substitute “Director of Consumer Affairs”.</p> <p>Section 4— Omit “secretary of the Consumer Affairs Council” and substitute “Director of Consumer Affairs”.</p> <p>Section 3 (1)—</p> <p>(a) Omit “<i>Consumer Affairs Act 1970</i>” from the definition of “authorized officer” and substitute “<i>Consumer Affairs Act 1988</i>”;</p> <p>(b) Omit the definition of “secretary”.</p> <p>Section 7 (1) (b)— Omit “secretary;” and substitute “Director of Consumer Affairs;”.</p> <p>Section 9—</p> <p>(a) Omit, from subsection (1), “The secretary,” and substitute “The Director of Consumer Affairs.”;</p> <p>(b) Omit, from subsection (1), “secretary of the Consumer Affairs Council,” and substitute “Director of Consumer Affairs.”;</p> <p>(c) Omit, from subsection (2), “Consumer Affairs Council.” and substitute “Office of Consumer Affairs.”.</p> <p>Section 51—</p> <p>(a) Omit, from subsection (1), “secretary.” and substitute “Director of Consumer Affairs.”;</p> <p>(b) Omit, from subsection (2), “secretary.” and substitute “Director of Consumer Affairs.”.</p>
<i>Travel Agents Act 1987</i> .....	No. 111 of 1987	