

AUSTRALIAN CAPITAL TERRITORY

Consumer Affairs (Amendment) Ordinance 1986

No. 23 of 1986

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 17 July 1986.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

G. SCHOLES
Minister of State for Territories

An Ordinance to amend the *Consumer Affairs Ordinance 1973*

Short title

1. This Ordinance may be cited as the *Consumer Affairs (Amendment) Ordinance 1986*.¹

Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Consumer Affairs Ordinance 1973*.²

Interpretation

3. Section 3 of the Principal Ordinance is amended—

- (a) by inserting before the definition of "certificate of identification" in sub-section (1) the following definition:

“ ‘acquire’, in relation to an interest in land, means acquire by way of purchase, exchange or taking on lease or by any other method by which an interest in land may lawfully be acquired for a valuable consideration;”;

- (b) by inserting after the definition of “goods” in sub-section (1) the following definition:

“ ‘interest in land’ means—

- (a) a legal or equitable estate or interest in land;
- (b) a right of occupancy of land or of a building erected on land, being a right that arises by virtue of holding shares, or a contract to purchase shares, in a corporation that is the owner of the land or the land on which the building is situated; and
- (c) a right, power or privilege over, or in connection with, land;”;

- (c) by inserting after the definition of “member” in sub-section (1) the following definition:

“ ‘owner’ means—

- (a) in the case of land held under a lease from the Commonwealth for a term of years—the person who is the lessee of the land; and
- (b) in the case of land held in fee simple—the person in whom the fee simple is vested;”;

- (d) by omitting “or” (last occurring) from paragraph (b) of the definition of “services” in sub-section (1);

- (e) by adding at the end of the definition of “services” in sub-section (1) the following paragraphs:

- “(d) the provision of gas or electricity or another form of energy;
 - (e) the loan of money or the provision of credit facilities;
 - (f) the provision of insurance or life assurance;
 - (g) the provision for travellers of a means of conveyance or a tour;
- and

- (h) the provision of lodging or accommodation or the hiring of premises;” and
- (f) by omitting sub-sections (2) and (3) and substituting the following sub-sections:

“(2) In this Ordinance, a reference to a consumer shall, subject to sub-section (3), be read as a reference to—

- (a) a buyer of goods or a person who intends to buy goods;
- (b) a person who hires, or intends to hire, goods from another person, either with or without an option to purchase the goods;
- (c) a person for whom services are rendered, or a person who intends that services be rendered for him or her, for fee or reward; and
- (d) a person who acquires, or intends to acquire, an interest in land.

“(3) A person who carries on a business, trade, profession or calling shall not be deemed to be, for the purposes of this Ordinance, a consumer in respect of—

- (a) goods bought or hired, or intended to be bought or hired, by the person for a purpose connected with the carrying on of the business, trade, profession or calling;
- (b) a service rendered, or a service that the person intends to have rendered, for him or her for fee or reward for a purpose connected with the carrying on of the business, trade, profession or calling; or
- (c) an interest in land acquired, or intended to be acquired, by the person if the land is intended to be used for a purpose connected with the carrying on of the business, trade, profession or calling.”.

Secrecy

4. Section 15E of the Principal Ordinance is amended by adding at the end the following sub-section:

“(5) Sub-section (2) does not apply in relation to the communication, to a person appointed, or a body established, under a law of a State or another Territory for a purpose relating to matters affecting the interests of consumers,

of information relating to a complain received from a consumer that is being or has been investigated by the Bureau if the consumer, prior to the communication being made, consents, in writing, to the communication of that information.”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 25 July 1986.
2. No. 17, 1973 as amended by No. 53, 1973; Nos. 49 and 61, 1976; No. 42, 1979; No. 26, 1981; Nos. 38 and 100, 1982; No. 66, 1985.