

1999

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**JUSTICE AND COMMUNITY SAFETY LEGISLATION AMENDMENT BILL
(No 3) 1999**

EXPLANATORY MEMORANDUM

**Circulated by authority of
Gary Humphries MLA
Attorney-General**

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(No 3) 1999**

This Bill amends the law relating to justice and community safety, and for other purposes.

Notes on Clauses

Clause 1 Short Title

This clause explains that when the Bill becomes an Act, it will be known as the Justice and Community Safety Legislation Amendment Act (No 3) 1999.

Clause 2 Commencement

The Bill, once enacted, will commence when a notice of the enactment is published in the Gazette.

Clause 3 Acts amended - Schedule 1

This clause gives effect to amendments in Schedule 1.

Clause 4 Regulations amended - Schedule 2

This clause gives effect to regulations in Schedule 2.

Attachment

Attached is an Overview of Amendments made by Schedules 1 and 2 in the Justice and Community Safety Legislation Amendment Bill (No 3) 1999.

OVERVIEW OF AMENDMENTS

Amendments in Schedule 1

Amendments to the Acts in Schedule 1 (listed below) reflect a re-organisation of fair trading functions within the Department of Justice and Community Safety to bring these functions under executive level supervision. These administrative changes will result in an improved financial and general supervision of these and associated functions.

The amendments replace the former statutory position of Director with a Commissioner for Fair Trading. They also provide that the Commissioner will, in future, discharge the statutory functions formerly associated with the Consumer Affairs Bureau. The Commissioner has a power of delegation under these Acts and is assisted by public servants as may be necessary to provide for the proper administration of the Act. The Commissioner may also exercise other functions as provided for by other legislation.

The Acts amended include:

Consumer Credit Act 1995
Consumer Credit (Administration) Act 1996
Credit Act 1985
Fair Trading Act 1992
Fair Trading (Consumer Affairs) Act 1973
Fair Trading (Fuel Prices) Act 1993
Interpretation Act 1967
Residential Tenancies Act 1997
Tenancy Tribunal Act 1994
Trade Measurement (Administration) Act 1991

Particular attention is drawn to the transitional provisions in new Part 5 of the *Fair Trading (Consumer Affairs) Act 1973*. These provisions ensure a smooth transition to the new arrangements. New sections 23 and 24 permit regulations to be made to assist the transition. At present, it is not anticipated that regulations will be necessary. However, the power is considered necessary to avoid disruptions. New section 25 provides that the power to make regulations will last only one year.

Amendments in Schedule 2

Amendments to the Credit Regulations and the Door-to-Door Trading Regulations reflect the administrative changes made to the fair trading functions within the Department of Justice and Community Safety.