

WESTERN AUSTRALIA.

ACTS AMENDMENT (CONSUMER AFFAIRS).

No. 1 of 1985.

AN ACT to amend the Consumer Affairs Act 1971, the Building Societies Act 1976, the Hire-Purchase Act 1959, the Motor Vehicle Dealers Act 1973, the Petroleum Products Pricing Act 1983 and the Petroleum Retailers Rights and Liabilities Act 1982.

[Assented to 8 March 1985.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY.

1. This Act may be cited as the *Acts Amendment (Consumer Affairs) Act 1985*. Short title.

Commence-
ment.

2. (1) Subject to this section, this Act shall be deemed to have come into operation on 6 April 1983.

(2) Section 11 shall come into operation on the 28th day after the day on which this Act is assented to by the Governor.

(3) Sections 10, 12, 15, 19, 21, 22, 23, 26, 27, 28 and 29 shall come into operation on the day on which this Act is assented to by the Governor.

PART II—CONSUMER AFFAIRS ACT 1971.

Principal
Act.
Reprinted as
approved
22 May 1984.

3. In this Part the Consumer Affairs Act 1971 is referred to as the principal Act.

Long title
amended.

4. The long title of the principal Act is amended by deleting “to establish a Bureau of Consumer Affairs, ”.

Section 4
amended.

5. Section 4 of the principal Act is amended—

(a) in subsection (1)—

(i) by deleting the definition of “Bureau”;

(ii) by deleting “appointed under” in the definition of “Commissioner” and substituting the following—

“ referred to in ”; and

(iii) by inserting, after the definition of “consumer”, the following definition—

“ “Department” means the department of the Public Service of the State principally

assisting the Minister in the administration of this Act; ”;

and

(b) in subsection (3)—

(i) by inserting after “the Consumer Protection Bureau” the following—

“ or the Bureau of Consumer Affairs ”; and

(ii) by deleting “appointed under this Act and the Bureau of Consumer Affairs established under this Act” and substituting the following—

“ as defined by this Act and the Department as so defined ”.

6. Section 5 of the principal Act is amended in subsection (2) by deleting “permanent head of the department of the Public Service of the State principally responsible for assisting the Minister in the administration of this Act” and substituting the following—

Section 5 amended.

“ Permanent Head of the Department ”.

7. The heading of Part III of the principal Act is amended by deleting “BUREAU OF CONSUMER AFFAIRS AND”.

Heading of Part III amended.

8. Section 15 of the principal Act is amended—

Section 15 amended.

(a) in subsection (1) by deleting “Subject to this section, there shall be appointed” and substituting the following—

“ There shall be appointed under and subject to the Public Service Act 1978 ”;

(b) in subsection (1a) by deleting—

(i) “under subsection (1) of this section” and substituting the following—

“ within the meaning of subsection (1) ”; and

(ii) “1904” and substituting the following—

“ 1978 ”;

and

(c) by repealing subsections (2), (3), (4), (5) and (6).

Section 16
repealed.

9. Section 16 of the principal Act is repealed.

Section 17
amended.

10. Section 17 of the principal Act is amended by—

(a) deleting the full stop at the end of paragraph (h) and substituting a semi-colon;
and

(b) inserting after paragraph (h) the following paragraphs—

“ (i) to assist the Minister in the administration of this Act and of any other Act or provision thereof the administration of which is for the time being committed to the Minister by the Governor;

(j) to perform such other functions as are imposed on the Department by this Act or any other Act. ”.

Section 21
amended.

11. Section 21 of the principal Act is amended in subsection (1) by deleting “Two hundred dollars” and substituting the following—

“ \$1 000 ”.

12. Section 23 of the principal Act is amended by inserting, after “the Minister”, the following—
“ or the Permanent Head of the Department ”.

Section 23 amended.

13. Section 23R of the principal Act is amended in subsection (2) by deleting “the Council”.

Section 23R amended.

14. Section 24 of the principal Act is amended in subsection (1) by deleting “of the Bureau” and substituting the following—

Section 24 amended.

“ , of the Department or the former Bureau of Consumer Affairs ”.

15. Section 26 of the principal Act is amended in subsection (1) by deleting “Commissioner” and substituting the following—

Section 26 amended.

“ Permanent Head of the Department ”.

16. Sections 17, 18 (1), 23E (3), 23G (4), 23 I (1), 23R (2), 25, 25A (2) and 26 (1) of the principal Act are amended by deleting “Bureau”, wherever it occurs, and substituting in each case the following—

Amendment of references to Bureau.

“ Department ”.

PART III—BUILDING SOCIETIES ACT 1976.

17. Section 11 of the Building Societies Act 1976 is amended in subsection (2) by deleting—

Section 11 amended.
Act No. 47 of 1976 as amended by Acts Nos. 20 of 1977, 56 of 1978, and 10 and 71 of 1982.

(a) “appointed under” in paragraph (c) and substituting the following—

“ within the meaning of ”; and

(b) “Bureau of Consumer Affairs” in paragraph (c) and substituting the following—

“ Department within the meaning of that Act ”.

PART IV—HIRE-PURCHASE ACT 1959.

Principal Act.
Reprinted as approved 27 October 1981.

18. In this Part the Hire-Purchase Act 1959 is referred to as the principal Act.

Section 1 amended.

19. Section 1 of the principal Act is amended by repealing subsection (3).

Section 2 amended.

20. Section 2 of the principal Act is amended in subsection (1) by deleting “appointed under section fifteen” in the definition of “Commissioner” and substituting the following—

“ referred to in section 15 ”.

Section 3 amended.

21. Section 3 of the principal Act is amended by repealing subsection (4b).

Section 23W inserted.

22. Part VI of the principal Act is amended by inserting before section 24 the following section—

Delegation by Commissioner.

“ 23W. (1) The Commissioner may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him delegate to—

(a) the person holding or acting in the office of the Deputy Commissioner of Consumer Affairs under the Public Service Act 1978; or

(b) any other officer of the Department of Consumer Affairs established under the Public Service Act 1978 who is authorized by the Minister or the Permanent Head of that Department for the purposes of this section,

all or any of the powers conferred, or of the duties imposed, on the Commissioner by sections 3, 12A and 36A.

PART VI—PETROLEUM PRODUCTS PRICING ACT 1983.

Section 28
amended.
Act No. 1 of
1983 as
amended by
Act No. 72
of 1983.

28. Section 28 of the Petroleum Products Pricing Act 1983 is amended in paragraph (a) by inserting after “the Minister” the following—

“ or the Permanent Head of the Department within the meaning of the Consumer Affairs Act 1971 ”.

PART VII—PETROLEUM RETAILERS RIGHTS AND
LIABILITIES ACT 1982.

Section 12
amended.
Act No. 105
of 1982.

29. Section 12 of the Petroleum Retailers Rights and Liabilities Act 1982 is amended by inserting after “The Minister” the following—

“ or the Permanent Head of the Department within the meaning of the Consumer Affairs Act 1971 ”.
