

**FAIR TRADING (PUBLIC WARNINGS) AMENDMENT ACT
1990 No. 86**

NEW SOUTH WALES



TABLE OF PROVISIONS

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SCHEDULE 1—AMENDMENTS

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**FAIR TRADING (PUBLIC WARNINGS) AMENDMENT
ACT 1990 No. 86**

NEW SOUTH WALES



Act No. 86, 1990

An Act to amend the Fair Trading Act 1987 with respect to public warning statements. [Assented to 7 December 1990]

Fair Trading (Public Warnings) Amendment 1990

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Fair Trading (Public Warnings) Amendment Act 1990.

Commencement

2. This Act commences on a day to be appointed by proclamation.

Amendment of Fair Trading Act 1987 No. 68

3. The Fair Trading Act 1987 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 10 (**Exclusion of liability**):

- (a) In section 10 (1), before “issued”, insert “made or”.
- (b) In section 10 (1) (a), before “the Commissioner”, insert “the Minister,”.
- (c) After section 10 (2), insert:
 - (3) In this section:
 - “**liability**” includes liability for defamation.

(2) Section 86A:

After section 86, insert:

Public warning statements

86A. (1) The Minister or the Commissioner may make or issue a public statement identifying and giving warnings or information about any of the following:

- (a) goods that are unsatisfactory or dangerous and persons who supply those goods;
- (b) services supplied in an unsatisfactory manner and persons who supply those services;
- (c) unfair business practices and persons who engage in those practices;

Fair Trading (Public Warnings) Amendment 1990

SCHEDULE 1—AMENDMENTS—*continued*

- (d) any other matter that adversely affects or may adversely affect the interests of persons in connection with the acquisition by them of goods or services from suppliers.
- (2) Such a statement can identify particular goods, services, business practices and persons.
- (3) The Minister or the Commissioner is not to make or issue a statement under this section unless satisfied that it is in the public interest to do so.

[*Minister's second reading speech made in—
Legislative Assembly on 14 November 1990
Legislative Council on 27 November 1990*]







FIRST PRINT

**FAIR TRADING (PUBLIC WARNINGS) AMENDMENT
BILL 1990**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Fair Trading Act 1987 to enable the Minister or the Commissioner for Consumer Affairs to make or issue public statements identifying and giving warnings or information about matters that may adversely affect persons in connection with the acquisition by them of goods or services from suppliers.

Such statements can identify particular goods, services, business practices and persons.

The Minister or Commissioner must be satisfied that it is in the public interest to make or issue the statement.

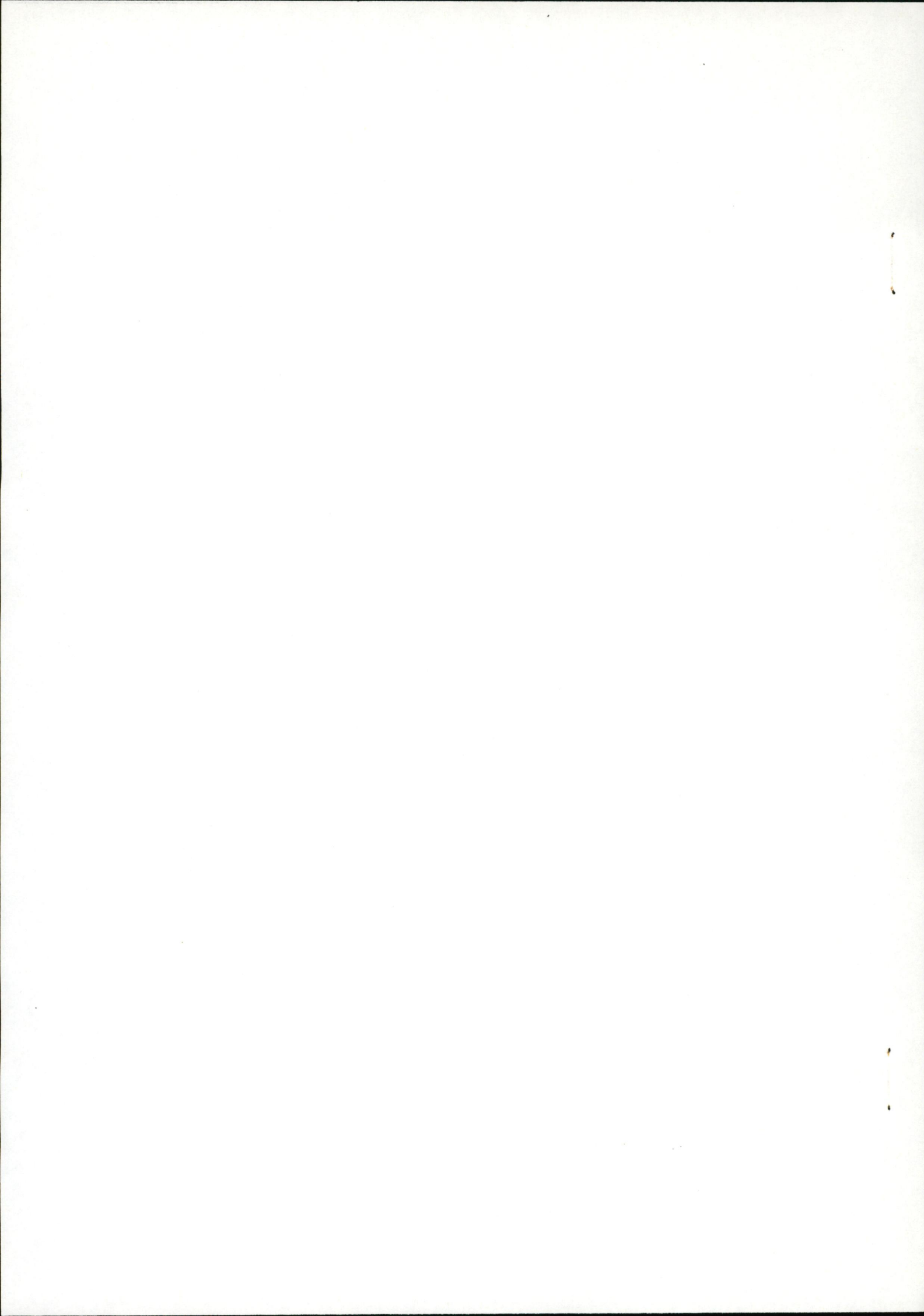
The section in the Fair Trading Act 1987 which protects certain persons from liability for things done in good faith in the administration of the Act is amended to extend it to the Minister and to remove any doubt that it protects from liability for defamation.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day to be appointed by proclamation.

Clause 3 gives effect to the Schedule of amendments to the Fair Trading Act 1987.

Schedule 1 contains the amendments to the Fair Trading Act 1987 outlined above.



FIRST PRINT

**FAIR TRADING (PUBLIC WARNINGS) AMENDMENT
BILL 1990**

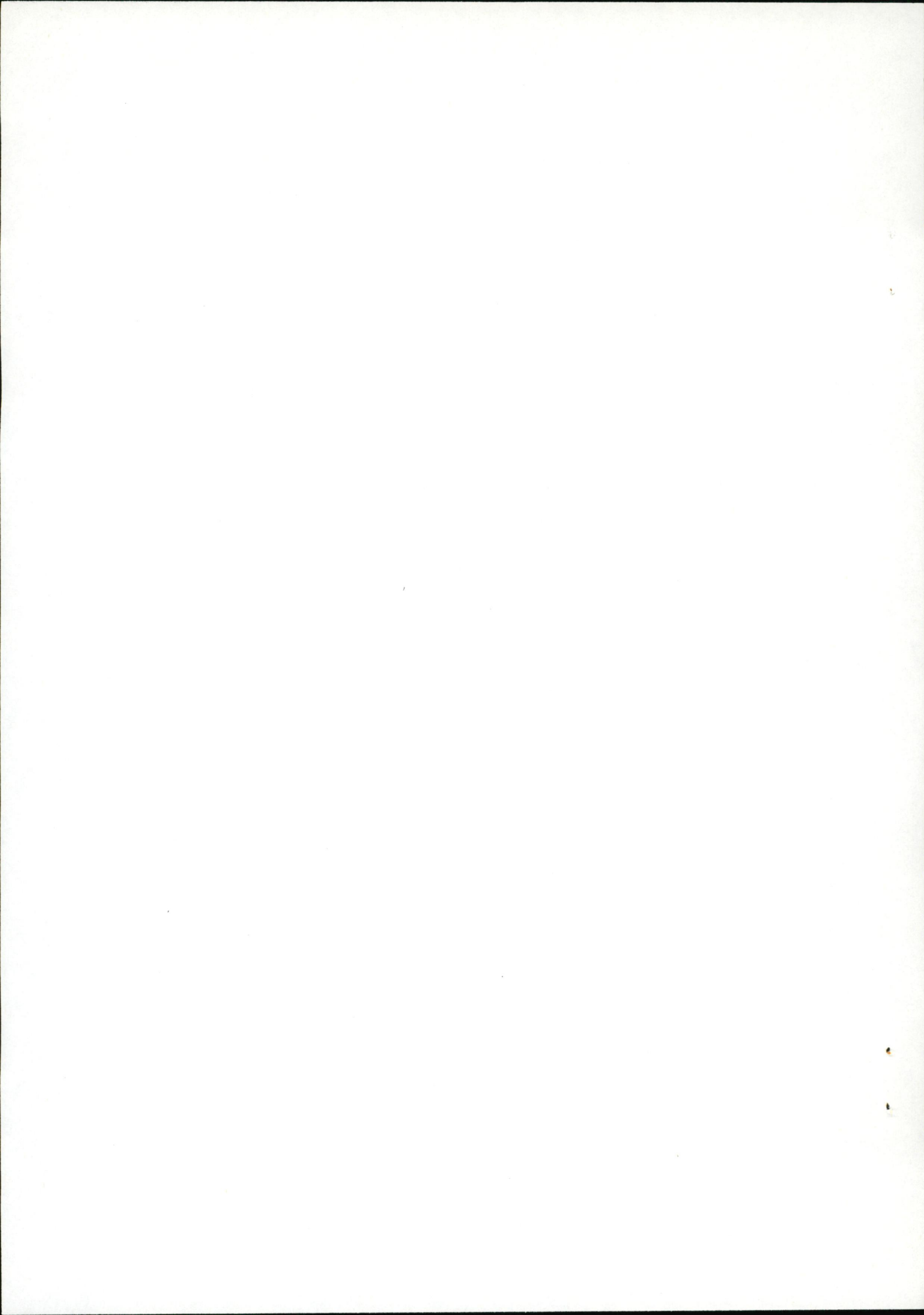
NEW SOUTH WALES



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1. Short title
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SCHEDULE 1—AMENDMENTS



**FAIR TRADING (PUBLIC WARNINGS) AMENDMENT
BILL 1990**

NEW SOUTH WALES



No. , 1990

A BILL FOR

An Act to amend the Fair Trading Act 1987 with respect to public warning statements.

Fair Trading (Public Warnings) Amendment 1990

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Fair Trading (Public Warnings) Amendment Act 1990.

Commencement

2. This Act commences on a day to be appointed by proclamation.

Amendment of Fair Trading Act 1987 No. 68

3. The Fair Trading Act 1987 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 10 (**Exclusion of liability**):

- (a) In section 10 (1), before "issued", insert "made or".
- (b) In section 10 (1) (a), before "the Commissioner", insert "the Minister,".
- (c) After section 10 (2), insert:
 - (3) In this section:
 - "liability" includes liability for defamation.

(2) Section 86A:

After section 86, insert:

Public warning statements

86A. (1) The Minister or the Commissioner may make or issue a public statement identifying and giving warnings or information about any of the following:

- (a) goods that are unsatisfactory or dangerous and persons who supply those goods;
- (b) services supplied in an unsatisfactory manner and persons who supply those services;
- (c) unfair business practices and persons who engage in those practices;

Fair Trading (Public Warnings) Amendment 1990

SCHEDULE 1—AMENDMENTS—*continued*

(d) any other matter that adversely affects or may adversely affect the interests of persons in connection with the acquisition by them of goods or services from suppliers.

(2) Such a statement can identify particular goods, services, business practices and persons.

(3) The Minister or the Commissioner is not to make or issue a statement under this section unless satisfied that it is in the public interest to do so.
