



ANNO VICESIMO NONO

ELIZABETHAE II REGINAE

A.D. 1980

No. 19 of 1980

An Act to amend the Consumer Transactions Act, 1972-1979.

[Assented to 17th April, 1980]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Consumer Transactions Act Amendment Act, 1980". Short titles.

(2) The Consumer Transactions Act, 1972-1979, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Consumer Transactions Act, 1972-1980".

2. The following section is enacted and inserted in the principal Act after section 48 thereof:— Enactment of s. 48a of principal Act.

48a. (1) Where a person has made, or stands to make, a loss in consequence of contravention of or non-compliance with a provision of this Act, he may apply to the Tribunal for relief against the consequences of that contravention or non-compliance. Relief against civil consequences of non-compliance with this Act.

(2) An application may be made under subsection (1) of this section in respect of a series of acts or omissions of a similar character.

(3) Where, upon an application under subsection (1) of this section, the Tribunal is satisfied that the contravention or failure to comply with the provisions of this Act was not, in the circumstances of the case, such as to warrant the consequences prescribed by this Act, it may grant relief against those consequences to such extent as may be just.

(4) In determining whether it should make an order for relief against the consequences of contravention of, or non-compliance with, a provision of this Act and, if so, the terms on which relief should be granted, the Tribunal shall have regard to—

- (a) the gravity of the contravention or non-compliance;
 - (b) the conduct of the applicant in relation to the transaction to which the application relates;
- and
- (c) any prejudice that may result from the making of the order.
- (5) An order for relief against the consequences of contravention of, or failure to comply with, a provision of this Act may be made upon such conditions as the Tribunal considers just.
- (6) The Commissioner, and any person whose interests would be affected by an order under this section, may appear and be heard in proceedings under this section.
- (7) Relief may be granted against the consequences of contravention of, or non-compliance with, a provision of this Act whether the contravention or non-compliance occurred before or after the commencement of the Consumer Transactions Act Amendment Act, 1980.
- (8) An order under this section has effect in accordance with its terms notwithstanding any other provision of this Act.
- (9) Nothing in this section authorizes the Tribunal to grant relief against any criminal liability or criminal penalty.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

K. D. SEAMAN, Governor