



ANNO QUADRAGESIMO

ELIZABETHAE II REGINAE

A.D. 1991

No. 48 of 1991

An Act to amend the Fair Trading Act 1987.

[Assented to 21 November 1991]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Fair Trading (Miscellaneous) Amendment Act 1991*.
- (2) The *Fair Trading Act 1987* is referred to in this Act as “the principal Act”.

Right of rescission

2. Section 22 of the principal Act is amended—

(a) by striking out paragraph (b) of subsection (1) and substituting the following paragraph:

(b) if there has been a contravention of, or failure to comply with, Division III in the course of, or in relation to, the negotiations leading to the formation of the contract;

and

(b) by striking out paragraph (b) of subsection (2) and substituting the following paragraph:

(b) if there has been a contravention of, or failure to comply with, section 17 or 18 in relation to the contract or a related contract or instrument—within 6 months of the date of the contract.

Repeal of s. 39

3. Section 39 of the principal Act is repealed.

False or misleading representations

4. Section 58 of the principal Act is amended—

(a) by inserting in paragraph (a) “value,” after “quality,”;

and

(b) by inserting in paragraph (b) “, value” after “quality”.

Offence

5. Section 81 of the principal Act is amended by striking out subsection (2) and substituting the following subsections:

(2) Proceedings for an offence against subsection (1) must not be commenced except on the authorization of the Commissioner.

(3) An apparently genuine document purporting to be under the hand of the Commissioner and to authorize the commencement of proceedings under this section must be accepted in legal proceedings, in the absence of proof to the contrary, as proof of the authorization.

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

ROMA MITCHELL Governor