

I certify that this is a copy of the authorised version of this Act as at 8 October 2026, and that it incorporates all amendments, if any, made before and in force as at that date and any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 8 October 2026.

K Woodward
Chief Parliamentary Counsel
Dated 13 October 2026



TASMANIA

CONSUMER AFFAIRS ACT 1988

No. 53 of 1988

CONTENTS

PART I – PRELIMINARY

1. Short title
2. Commencement
3. Interpretation
- 3A. Application of this Act

PART II – TASMANIAN CONSUMER ADVISORY COMMITTEE

4. Constitution of Committee
5. Membership of Committee
6. Functions and powers of Committee
7. Committee to submit reports
- [8. *Repealed*]

PART III – OFFICE OF CONSUMER AFFAIRS AND FAIR TRADING

- 9. Director of Consumer Affairs and Fair Trading
- 10. Office of Consumer Affairs and Fair Trading
- 11. Functions of Office of Consumer Affairs and Fair Trading
- 12. Special powers and duties of Director
- 12A. Delegation
- 13. Authorized officers

PART IV – POWERS, &C., OF AUTHORIZED OFFICERS

- 14. Powers of authorized officers to enter premises, &c.
- 15. Powers of authorized officers to require delivery of documents
- 16. Obstruction, &c., of authorized officer

PART V – GENERAL PROVISIONS

- 17. Act not to affect other laws
- 18. Saving of civil remedies
- 19. Name of Committee or Office not to be used in advertisements
- 20. Offences
- 21. Protection for certain persons in relation to certain publications and acts or things done
- 22. Preservation of secrecy
- 23. Evidentiary provision
- 24. Service of documents, &c.
- 25. Expenses of Act
- 26. Transitional
- 27. Repeals and amendments

SCHEDULE 1 – PROVISIONS WITH RESPECT TO MEMBERSHIP AND MEETINGS OF COMMITTEE

[SCHEDULE 2 – *Repealed*]

SCHEDULE 3 – REPEALED ACTS

SCHEDULE 4 –



CONSUMER AFFAIRS ACT 1988

No. 53 of 1988

An Act to establish a Consumer Affairs Council and an Office of Consumer Affairs and Fair Trading for the purposes of making investigations into, collecting and disseminating information on, and reporting on matters relating to the interests of consumers, to provide for related and consequential matters, and to repeal the *Consumer Affairs Act 1970*

[Royal Assent 14 December 1988]

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART I – PRELIMINARY

1. Short title

This Act may be cited as the *Consumer Affairs Act 1988*.

Consumer Affairs Act 1988
Act No. 53 of 1988

s. 2

Part I – Preliminary

2. Commencement

This Act shall commence on the day on which it receives the Royal Assent.

3. Interpretation

(1) In this Act, unless the contrary intention appears –

advertising includes any activity calculated or intended to promote or increase the sale or use of any goods or services;

Agency has the meaning assigned to that expression in the *State Service Act 2000*;

authorized officer means the Director or a person declared to be or appointed as an authorized officer under this Act;

chairperson means the chairperson of the Committee;

Committee means the Tasmanian Consumer Advisory Committee established under this Act;

consumer includes any person using, or taking advantage of, any service;

Consumer Affairs Officer means an employee employed in the Office of Consumer Affairs and Fair Trading;

Consumer Affairs Act 1988
Act No. 53 of 1988

Part I – Preliminary

s. 3

Director means the Director of Consumer Affairs and Fair Trading appointed under this Act;

documents includes books, papers, accounts, any written records, any computer discs or tapes or other means of storage on a computer, and any computer printouts;

functions includes duties;

goods includes anything that is the subject of trade, manufacture, or merchandise and anything growing on, or attached to, land that is severable from the land;

Office means the Office of Consumer Affairs and Fair Trading;

services means the conferring of rights or benefits that are provided by a person in the carrying on of an industrial, commercial, business, profit-making, or remunerative undertaking (including a professional practice), and includes the provision for reward of lodging or accommodation;

supply –

- (a) in relation to goods, includes supply, and resupply, by way of gift, sale, exchange, lease, hire, or hire-purchase; and

Consumer Affairs Act 1988
Act No. 53 of 1988

s. 3A

Part I – Preliminary

- (b) in relation to services, includes provision, granting, hiring, and conferring.
- (2) A reference to any matter or matters affecting the interests of consumers shall be construed as including a reference to any matter or matters affecting the interests of a particular consumer or a particular class of consumers.

3A. Application of this Act

The functions and powers conferred by this Act may be performed or exercised in respect of any contravention of, or matter arising under, the *Collections for Charities Act 2001*, the *Motor Vehicle Traders Act 2011*, the *Prepaid Funerals Act 2004*, the *Residential Parks Act 2026*, the *Residential Tenancy Act 1997* or the *Retirement Villages Act 2004*.

Consumer Affairs Act 1988
Act No. 53 of 1988

**PART II – TASMANIAN CONSUMER ADVISORY
COMMITTEE**

4. Constitution of Committee

There is constituted by this Act an advisory committee to be known as the Tasmanian Consumer Advisory Committee.

5. Membership of Committee

- (1) The Committee consists of not less than 7, and not more than 15, members who the Minister considers represent the interests of consumers.
- (2) The Minister is to advertise in such publications, and in such manner and form, as the Minister determines for persons to express interest in becoming members of the Committee.
- (3) The Minister is to appoint the members of the Committee from the persons who expressed interest under subsection (2) and who the Minister considers have the expertise and qualifications to enable the Committee to perform its functions.
- (4) The members of the Committee are to elect one member of the Committee to be chairperson of the Committee.
- (5) Schedule 1 has effect with respect to the membership and meetings of the Committee.

Consumer Affairs Act 1988
Act No. 53 of 1988

s. 6

Part II – Tasmanian Consumer Advisory Committee

6. Functions and powers of Committee

- (1) The functions of the Committee are –
 - (a) to advise, and make recommendations to, the Minister on matters affecting the interests of consumers in Tasmania; and
 - (b) to consult with consumer organisations and other relevant organisations on emerging issues of concern to consumers; and
 - (c) to advance the interests of consumers and promote consumer awareness of consumer protection issues; and
 - (d) to assist the Minister with regard to activities relating to consumer affairs and fair trading; and
 - (e) such other functions as may be prescribed.
- (2) The Committee may make recommendations to the Minister with respect to any matter arising in connection with the performance and exercise of its functions and powers under this Act.

7. Committee to submit reports

- (1) The Committee, not later than 30 September in each financial year, is to submit to the Minister a report on its proceedings during that financial year.

Consumer Affairs Act 1988
Act No. 53 of 1988

Part II – Tasmanian Consumer Advisory Committee

s. 8

-
- (2) The Committee may submit a report to the Minister on any matter arising in the performance of its functions and the exercise of its powers under this Act.
 - (3) The Minister must lay a copy of the Committee's report under subsection (1) before each House of Parliament before 31 October in each year.
 - (4) The Minister may lay a copy of a report, if any, of the Committee under subsection (2) before each House of Parliament.

8.

Consumer Affairs Act 1988
Act No. 53 of 1988

s. 9

Part III – Office of Consumer Affairs and Fair Trading

**PART III – OFFICE OF CONSUMER AFFAIRS AND
FAIR TRADING**

9. Director of Consumer Affairs and Fair Trading

- (1) The Minister administering the *State Service Act 2000* may appoint a State Service officer or State Service employee to be Director of Consumer Affairs and Fair Trading and that officer or employee is to hold that office in conjunction with State Service employment.
- (2) The Director has the administration and control of the Office of Consumer Affairs and Fair Trading.
- (3) The Director shall comply with any directions given to the Director by the Minister.

10. Office of Consumer Affairs and Fair Trading

- (1) There shall be an Office to be known as the Office of Consumer Affairs and Fair Trading.
- (2) The staff of the Office shall consist of authorized officers appointed under this Part and State Service officers and State Service employees who have been assigned or allocated to that Office.

11. Functions of Office of Consumer Affairs and Fair Trading

- (1) The functions of the Office are –

Consumer Affairs Act 1988
Act No. 53 of 1988

-
- (a) to receive complaints from consumers in relation to matters which affect their interests as consumers, to consider and, if the Director deems it warranted, to investigate those complaints, and to take such action in respect of those complaints as seems proper to the Director; and
 - (b) to receive complaints of fraudulent or deceptive practices in relation to matters which affect, or are likely to affect, the interests of consumers and to take such action in respect of those complaints as seems proper to the Director; and
 - (c) to advise and assist consumers who seek from the Office information or guidance on matters affecting their interests as consumers; and
 - (d) to consult with and undertake the dissemination of information in relation to matters which affect, or are likely to affect, the interests of consumers to manufacturers, wholesalers, retailers, advertisers, and any other suppliers of goods or services; and
 - (e) to collect, collate, and disseminate information in respect of matters affecting the interests of consumers.
- (2) The Office shall assist the Committee in the carrying out of its functions and the exercise of its powers.

Consumer Affairs Act 1988
Act No. 53 of 1988

s. 12

Part III – Office of Consumer Affairs and Fair Trading

- (3) Subsection (1) shall not be construed to require the Director or any staff of the Office to give, or hold himself out as ready or competent to give, to any consumer advice in relation to the rights and liabilities in law of the consumer concerning any matter, or aid in the enforcement of such rights.

12. Special powers and duties of Director

- (1) The Director is entitled to attend at, and participate in, the meetings of the Committee.
- (2) Subsection (1) shall not be construed as giving the Director a right to vote on any matter at a meeting of the Committee.
- (3) The Director shall refer to the Committee for its consideration any matter that has come to his attention which is more appropriately the concern of the Committee.
- (4) The Director shall give assistance to the Committee in the carrying out of its functions and the exercise of its powers.
- (5) The Director shall, at the request of the Committee, arrange for the collection and collation of, and the furnishing to the Committee of, information relating to a matter affecting the interests of consumers.
- (6)

Consumer Affairs Act 1988
Act No. 53 of 1988

12A. Delegation

The Director may delegate any of his or her functions or powers under this Act other than this power of delegation.

13. Authorized officers

- (1) The Director is an authorized officer for the purposes of this Act.
- (2) The Secretary of the Department may –
 - (a) declare that State Service officers and State Service employees employed in the Department; and
 - (b) with the consent of another Head of a State Service Agency, declare that State Service officers and State Service employees employed in that Agency –

whose appointments are specified in the declaration are authorized officers for the purposes of this Act and those persons may exercise the powers and perform the functions of an authorized officer in conjunction with State Service employment.

- (3) Where the Secretary of the Department, on the advice of the Director, is satisfied that it is necessary or desirable to appoint a person as an authorized officer to assist in carrying out an investigation under this Act, the Secretary of the Department may so appoint a person as an

Consumer Affairs Act 1988
Act No. 53 of 1988

s. 13

Part III – Office of Consumer Affairs and Fair Trading

authorized officer to assist in carrying out that investigation.

- (4) An authorized officer appointed under subsection (3) shall be appointed on such terms and conditions as the Secretary of the Department determines.

Consumer Affairs Act 1988
Act No. 53 of 1988

**PART IV – POWERS, &C., OF AUTHORIZED
OFFICERS**

14. Powers of authorized officers to enter premises, &c.

- (1) For the purpose of the exercise by the Office of any of its functions under this Act, or for the purpose of any investigation that is being conducted in accordance with this Act, an authorized officer may, at all reasonable times and subject to subsection (2), do any or all of the following:
 - (a) enter any place where he knows or reasonably believes that –
 - (i) goods are produced, manufactured, assembled, prepared, sold, or stored; or
 - (ii) services are supplied; or
 - (iii) invoices, documents, or other records relating to goods or services supplied or to be supplied are kept;
 - (b) enter any place that he knows or reasonably believes to be used by any person as an office, depot, or premises for the purpose of carrying on any business or trade of supplying goods or services;
 - (c) in any place lawfully entered by him –

Consumer Affairs Act 1988
Act No. 53 of 1988

s. 14

Part IV – Powers, &c., of Authorized Officers

- (i) search for, examine, take possession of, or make copies of or extracts from invoices, documents, or other records relating to goods or services supplied or to be supplied or relating to any matter the subject of an investigation under this Act; and
 - (ii) search for goods and examine goods; and
 - (iii) open any package that he knows or reasonably suspects to contain goods; and
 - (iv) question with respect to matters with which this Act is concerned any person employed in that place;
 - (d) make such inquiries as he believes to be necessary or desirable in relation to the performance of his functions under this Act.
- (2) An authorized officer shall not forcibly enter any place referred to in subsection (1) unless he has first obtained a warrant pursuant to subsection (4).
- Penalty: Fine not exceeding 50 penalty units or imprisonment for a period not exceeding 9 months, or both.

Consumer Affairs Act 1988
Act No. 53 of 1988

Part IV – Powers, &c., of Authorized Officers

s. 14

-
- (3) An authorized officer shall not enter any premises which are, or part of premises which part is, used as a dwelling unless he has the permission of the occupier of those premises or that part to his entry or has obtained a warrant pursuant to subsection (4).

Penalty: Fine not exceeding 50 penalty units or imprisonment for a period not exceeding 9 months, or both.

- (4) A magistrate who is satisfied by evidence on oath upon the complaint of an authorized officer that there is reasonable cause to permit entry to any place referred to in subsection (1) for the purposes specified in that subsection may issue a warrant directed to the authorized officer to enter the place specified in the warrant for the purpose of his exercising in that place the powers conferred on the authorized officer by this Act.
- (5) A warrant issued under this section shall, for a period of one month from its issue, be sufficient authority –
- (a) to the authorized officer to whom it is directed and to all persons acting in aid of him to enter the place specified in the warrant; and
 - (b) to the authorized officer to whom it is directed to exercise in respect of the place specified in the warrant all the powers conferred on an authorized officer by this Act.

Consumer Affairs Act 1988
Act No. 53 of 1988

s. 15

Part IV – Powers, &c., of Authorized Officers

- (6) Where an authorized officer has taken possession of any invoice, document, or other record for the purposes of this Act, that authorized officer may retain that invoice, document, or other record for so long as is necessary for those purposes.
- (7) Any person otherwise entitled to possession of an invoice, document, or other record retained by an authorized officer under subsection (6) is, if he so requests it of the authorized officer, entitled to be furnished as soon as practicable with a copy of that invoice, document, or other record certified by the Director to be a true copy and that certified copy shall be received in all courts and elsewhere as evidence of the matters contained in that copy as if it were the original.

15. Powers of authorized officers to require delivery of documents

- (1) Where an authorized officer has reason to believe that a person has in his possession any invoice, record, or other document, which is relevant to a matter under this Act, he may require that person to deliver that invoice, record, or other document, or a copy of that invoice, record, or other document, as directed.
- (2) The requisition under subsection (1) may specify that the document or copy is to be delivered –
 - (a) at a specified place; and
 - (b) to the Director or any authorized officer; and

Consumer Affairs Act 1988
Act No. 53 of 1988

Part IV – Powers, &c., of Authorized Officers

s. 16

- (c) at, by, or within a specified time; and
- (d) in person, by certified mail, or in a specified manner.

16. Obstruction, &c., of authorized officer

- (1) A person shall not –
 - (a) assault, resist, impede, or obstruct an authorized officer in the exercise of his powers, or in the discharge of his duties under this Act, or attempt so to do; or
 - (b) use threatening, abusive, or insulting language to an authorized officer engaged in the exercise of his powers or in the discharge of his duties under this Act or to any person assisting an authorized officer who is so engaged; or
 - (c) fail to furnish information when requested to do so by an authorized officer under this Act; or
 - (d) furnish false or misleading information to an authorized officer; or
 - (e) fail to comply with a lawful request, direction, or requisition of an authorized officer; or
 - (f) fail to produce to an authorized officer any invoice, document, or record whatsoever in his possession or at his disposal when required to do so; or

Consumer Affairs Act 1988
Act No. 53 of 1988

s. 16

Part IV – Powers, &c., of Authorized Officers

(g) impersonate an authorized officer.

Penalty: Fine not exceeding 10 penalty units.

(2) Where a person is convicted of an offence against subsection (1)(c), (d), (e), or (f), the court may order that person to –

(a) furnish the information; or

(b) comply with the lawful request, direction, or requisition; or

(c) produce to an authorized officer the invoice, document, or record –

which was the subject of the offence, as the case may require.

(3) For the purposes of subsection (1), the conduct of an investigation by an authorized officer shall be considered as the discharge of duties under this Act, the *Collections for Charities Act 2001*, the *Prepaid Funerals Act 2004*, the *Residential Parks Act 2026*, the *Residential Tenancy Act 1997* or the *Retirement Villages Act 2004*.

(4) Where any information is obtained by an authorized officer under this section, evidence of that information, or the obtaining of that information is not admissible against any person in any civil or criminal proceedings, except in proceedings against that person for an offence under this Act, the *Collections for Charities Act 2001*, the *Prepaid Funerals Act 2004*, the *Residential Parks Act 2026*, the *Residential*

Consumer Affairs Act 1988
Act No. 53 of 1988

Part IV – Powers, &c., of Authorized Officers

s. 16

Tenancy Act 1997 or the Retirement Villages Act
2004.

Consumer Affairs Act 1988
Act No. 53 of 1988

s. 17

Part V – General Provisions

PART V – GENERAL PROVISIONS

17. Act not to affect other laws

The provisions of this Act shall operate in addition to and not in substitution for the provisions of any other Act or rule of law.

18. Saving of civil remedies

No proceeding against or conviction of any person for an offence against this Act shall affect any civil right or remedy available against that person independently of this Act.

19. Name of Committee or Office not to be used in advertisements

- (1) A person shall not, without the written consent of the chairperson or the Director, as the case may require, make or cause to be made any representation in any visual or aural form, either specifically or by implication, to the effect that –
- (a) any goods or services supplied by any person have the approval of the Committee, the Director, or the Office; or
 - (b) any activity carried on by any person has the approval of, or is conducted with the co-operation or assistance of, the Committee, the Director, or the Office.

Consumer Affairs Act 1988
Act No. 53 of 1988

Part V – General Provisions

s. 20

Penalty: Fine not exceeding 50 penalty units or imprisonment for a period not exceeding 9 months, or both.

- (2) Where a person's name appears in relation to a representation referred to in subsection (1), that person shall be deemed for the purposes of this section to have caused the representation to be made unless it is shown that the representation was made without his knowledge or connivance.

20. Offences

- (1) A prosecution for an offence against this Act –
- (a) may, with the consent of the Director, be instituted by an authorized officer; and
 - (b) must be commenced within –
 - (i) 3 years from the time when the matter of complaint arose; and
 - (ii) 6 months from the time when the matter of complaint came to the attention of the Director.
- (2) Where a body corporate is charged with an offence against this Act, any person who is concerned or takes part in the management of the body corporate may be charged with a like offence, and where the body corporate is convicted of the offence, any person who is charged with a like offence pursuant to this subsection may be convicted of the like offence unless that person satisfies the court that the act

Consumer Affairs Act 1988
Act No. 53 of 1988

s. 21

Part V – General Provisions

or omission constituting the offence took place without his knowledge or consent.

21. Protection for certain persons in relation to certain publications and acts or things done

- (1) A person shall not incur any personal liability on account of any disclosure or publication made to a member of the Committee, the Director, any Consumer Affairs Officer, or any authorized officer in relation to any of the matters specified in subsection (2).
- (2) The matters to which subsection (1) refers are –
 - (a) the supply of goods; and
 - (b) the supply of services; and
 - (c) any matter concerning the commercial or business reputation of any person associated with the supply of goods or services; and
 - (d) the quality of, price of, quantity of, or any other matter relating to goods supplied by any supplier of goods; and
 - (e) the quality of, price of, quantity of, or any other matter relating to services supplied by any supplier of services.
- (3) The Minister, a member of the Committee, the Director or any person acting on behalf of the Director, a Consumer Affairs Officer, or an authorized officer shall not incur any personal liability in respect of any act or thing done, or

Consumer Affairs Act 1988
Act No. 53 of 1988

Part V – General Provisions

s. 22

omitted to be done, in good faith in the administration or execution, or purported administration or execution, of this Act.

- (4) Nothing in subsection (3) precludes the Committee from being subject to any action, liability, claim, or demand to which the Committee is subject.
- (5) The Committee and the Director shall not incur any liability in respect of any matter, information, representation, or allegation contained in a report referred to in section 7 or 12.

22. Preservation of secrecy

- (1) A person who is or was at any time a member of the Committee, the Director, an authorized officer, or a Consumer Affairs Officer shall not, save in the course of his duty, the performance of his functions, or the exercise of his powers under this Act or where it is competent to him so to do by reason of a provision of this Act, directly or indirectly communicate any information that came to his knowledge in consequence of his being a member of the Committee, the Director, an authorized officer, or a Consumer Affairs Officer, as the case may be.
- (2) It is competent to the Director and every other authorized officer to communicate to a consumer whose complaint concerning any matter has been investigated by the Office, or to the Magistrates Court (Civil Division), information concerning

Consumer Affairs Act 1988
Act No. 53 of 1988

s. 23

Part V – General Provisions

that matter which has come to his knowledge as a result of the investigation and which is of a class of information that the Director has authorized, either generally or in a particular case, to be so communicated.

- (3) The provisions of subsection (1) shall not be construed to prohibit –
- (a) the chairperson or the Director or any person authorized in writing by the Director from communicating to the appropriate Minister or official of the Crown in right of the Commonwealth or of Tasmania or of any other State or Territory of the Commonwealth information which the Director considers should be communicated for the purpose of the administration of any law of the Commonwealth or of Tasmania or of such other State or of any Act; or
 - (b) any person referred to in that subsection, when called as a witness in a proceeding for an offence against this Act, from answering any question that he is compellable to answer in that proceeding.

23. Evidentiary provision

- (1)
- (2) A certificate purporting to be a certificate signed by an authorized officer certifying that –

Consumer Affairs Act 1988
Act No. 53 of 1988

Part V – General Provisions

s. 24

-
- (a) a person –
 - (i) failed to furnish information to an authorized officer when requested to do so; or
 - (ii) furnished false or misleading information, under this Act; or
 - (b) a person failed to comply with a lawful request, direction, or requisition of the authorized officer; or
 - (c) a person failed to produce to the authorized officer any invoice, document, or record in his possession or at his disposal when required to do so –

is admissible in any proceedings under this Act and shall be evidence of the matters so certified.

24. Service of documents, &c.

- (1) Where under this Act a document or a notice maybe, or is required to be, served on a person, the document or notice may be served –
 - (a) in the case of a person who is neither a body corporate nor a firm –
 - (i) by delivering it to him personally; or
 - (ii) by leaving it at that person's place of residence last known to the person required to serve the document or notice with someone

Consumer Affairs Act 1988
Act No. 53 of 1988

s. 24

Part V – General Provisions

who apparently resides there, or at that person's place of business or employment last known to the person required to serve the document or notice with someone who is apparently employed there, being in either case a person who has or apparently has attained the age of 16 years; or

- (iii) by sending it by post to that person's place of residence, business, or employment last known to the person required to serve the document or notice; or

- (b) in the case of a body corporate –

- (i) by delivering it to the secretary of the body corporate personally; or
- (ii) by leaving it at the registered office of the body corporate or at the place or principal place of business of the body corporate in Tasmania with a person apparently employed there, being a person who has or apparently has attained the age of 16 years; or
- (iii) by sending it by post to the registered office of the body corporate or to the place or principal place of business of the body corporate; or

Consumer Affairs Act 1988
Act No. 53 of 1988

Part V – General Provisions

s. 25

-
- (c) in the case of a firm –
- (i) by delivering it to a member of the firm personally; or
 - (ii) by leaving it at the place or principal place of business of the firm in Tasmania last known to the person required to serve the document or notice with a person apparently employed there, being a person who has or apparently has attained the age of 16 years; or
 - (iii) by sending it by post to the place or principal place of business of the firm in Tasmania last known to the person required to serve the document or notice.
- (2) A reference in subsection (1) to the registered office of a body corporate includes a reference to a registered office that is outside Tasmania.
- (3) The provisions of this section are in addition to the provisions of sections 109X and 601CX of the Corporations Act.

25. Expenses of Act

The expenses incurred in the administration of this Act shall be provided out of money provided by Parliament for the purpose.

Consumer Affairs Act 1988
Act No. 53 of 1988

s. 26

Part V – General Provisions

26. Transitional

- (1) A member of the Consumer Affairs Council appointed under the *Consumer Affairs Act 1970* shall continue to hold office for the remainder of the term specified in his instrument of appointment as if the appointment had been made under this Act.
- (2) The secretary of the Consumer Affairs Council appointed under the *Consumer Affairs Act 1970* shall be appointed as the Director in accordance with this Act.

27. Repeals and amendments

- (1) The Acts specified in Schedule 3 are repealed.
- (2) *See Schedule 4.*

**SCHEDULE 1 – PROVISIONS WITH RESPECT TO
MEMBERSHIP AND MEETINGS OF COMMITTEE**

Section 5(5)

1. Interpretation

In this Schedule –

member means a member of the Committee.

2. Terms and conditions of office of members

(1) A member –

- (a) is to be appointed for such period, not exceeding 3 years, as the Minister thinks fit and is to hold and vacate office in accordance with the terms of his or her appointment or reappointment; and
- (b) may be removed from office by the Minister by notice in writing addressed and delivered to that member; and
- (c) may at any time resign his or her office by notice in writing addressed and delivered to the Minister.

(2) A member is entitled to be paid such allowances as the Minister determines.

(3) A member who is a State Service officer or State Service employee is not entitled to allowances under this clause except with the approval of the

Consumer Affairs Act 1988
Act No. 53 of 1988

sch. 1

Minister administering the *State Service Act 2000*.

- (4) The terms and conditions of office of a member, with respect to matters not provided for in this Schedule, are as determined by the Minister.

3. Appointment of substitute to act during absence of member

If a member is unable for any reason to carry out his or her duties as such a member for any period, the Minister may appoint a person who, in his or her opinion, is suitably qualified to act in place of that member during that period, and that person is, for that period, taken to be a member to act in the place of that member during that period.

4. Vacation of office

- (1) A member vacates office if he or she –
- (a) dies; or
 - (b) resigns by written notice given to the Minister; or
 - (c) is removed from office under subclause (2) or (3).
- (2) The Minister may remove a member from office if the member –

- (a) is absent from 3 consecutive meetings of the Committee without the permission of the other members of the Committee; or
 - (b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the member's creditors or makes an assignment of the member's remuneration or estate for their benefit; or
 - (c) is convicted, in Tasmania or elsewhere, of a crime or an offence punishable by imprisonment for 12 months or longer or a fine of 300 penalty units or more; or
 - (d) is convicted of an offence under this Act; or
 - (e) fails to disclose a pecuniary interest as required under clause 10.
- (3) The Minister may remove a member from office if satisfied that the member is unable to perform adequately or competently the duties of office.

5. Filling of vacancies

If the office of a member becomes vacant, the Minister may appoint a person who the Minister considers represents the interests of consumers to the vacant office for the remainder of that member's term of office.

Consumer Affairs Act 1988
Act No. 53 of 1988

sch. 1

6. Convening of meetings

Meetings of the Committee may be convened by the chairperson of the Committee or by any 2 or more members.

7. Quorum

At a meeting of the Committee, a quorum is constituted by a majority of the total number of members appointed.

8. Presiding at meetings

- (1) The chairperson of the Committee is to preside at all meetings of the Committee at which he or she is present.
- (2) If the chairperson of the Committee is not present at a meeting of the Committee, a member elected by the members present is to preside at that meeting.

9. Decision of meeting

A decision carried by a majority of the votes of the members present at a meeting of the Committee is a decision of the Committee.

10. Disclosure of interests

- (1) If a member has a direct or indirect pecuniary interest in a matter being considered, or about to be considered, by the Committee, the member must, as soon as practicable after the relevant

Consumer Affairs Act 1988
Act No. 53 of 1988

sch. 1

facts come to the member's knowledge, disclose the nature of the interest to the Committee.

Penalty: Fine not exceeding 100 penalty units or a term of imprisonment not exceeding 3 months, or both.

- (2) Unless the Committee otherwise determines, a member who has made a disclosure under subclause (1) in relation to a matter must not –
 - (a) be present during any deliberation of the Committee in relation to the matter; or
 - (b) take part in any decision of the Committee in relation to the matter.
- (3) For the purpose of making a determination under subclause (2), the member to whom the determination relates must not –
 - (a) be present during any deliberation of the Committee for the purpose of making the determination; or
 - (b) take part in making the determination.

11. Power of Committee to regulate its own procedure

Subject to this section, the Committee may determine the procedure for the calling of meetings of the Committee and for the conduct of business at those meetings.

Consumer Affairs Act 1988
Act No. 53 of 1988

sch. 2

SCHEDULE 2 –

Consumer Affairs Act 1988
Act No. 53 of 1988

sch. 3

SCHEDULE 3 – REPEALED ACTS

Section 27(1)

Act	Number and Year
<i>Consumer Affairs Act 1970</i>	No. 26 of 1970
<i>Consumer Affairs Act 1976</i>	No. 31 of 1976

Consumer Affairs Act 1988
Act No. 53 of 1988

sch. 4

SCHEDULE 4 – AMENDMENTS

Section 27(2)

The amendments effected by this Schedule have been incorporated into the authorised version of the following Acts:

- (a) Court of Requests (Small Claims Division) Act 1985;*
- (b) Flammable Clothing Act 1973;*
- (c) Goods (Trade Descriptions) Act 1971;*
- (d) Pyramid Selling Act 1974;*
- (e) Sale of Hazardous Goods Act 1977;*
- (f) Travel Agents Act 1987.*

Consumer Affairs Act 1988
Act No. 53 of 1988

NOTES

The foregoing text of the *Consumer Affairs Act 1988* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 8 October 2026 are not specifically referred to in the following table of amendments.

Act	Number and year	Date of commencement
<i>Consumer Affairs Act 1988</i>	No. 53 of 1988	14.12.1988
<i>Administrative Arrangements (Miscellaneous Amendments) Act 1990</i>	No. 5 of 1990	1.7.1990
<i>Consumer Credit (Miscellaneous Amendments) Act 1995</i>	No. 103 of 1995	1.1.1996
<i>Residential Tenancy Act 1997</i>	No. 82 of 1997	1.7.1998
<i>Mental Health (Consequential Amendments) Act 1996</i>	No. 32 of 1996	1.11.1999
<i>Justice Legislation (Miscellaneous Amendments) Act 1999</i>	No. 61 of 1999	24.11.1999
<i>State Service (Consequential and Miscellaneous Amendments) Act 2000</i>	No. 86 of 2000	1.5.2001
<i>Corporations (Consequential Amendments) Act 2001</i>	No. 42 of 2001	15.7.2001
<i>Collections for Charities Act 2001</i>	No. 28 of 2001	1.10.2001
<i>Legislation Publication Act 1996</i>	No. 17 of 1996	24.1.2002
		Commencement generated under Legislation Publication Act.
<i>Fair Trading (Miscellaneous Amendments) Act 2004</i>	No. 7 of 2004	1.8.2004
<i>Prepaid Funerals Act 2004</i>	No. 11 of 2004	1.3.2005
<i>Statutory Officers (Age for Retirement) Act 2005</i>	No. 17 of 2005	10.6.2005
<i>Retirement Villages Act 2004</i>	No. 50 of 2004	1.7.2005
<i>Justice and Related Legislation (Miscellaneous Amendments) Act 2006</i>	No. 16 of 2006	1.11.2006
<i>Consumer Affairs Amendment Act 2006</i>	No. 32 of 2006	18.12.2006

Consumer Affairs Act 1988
Act No. 53 of 1988

Act	Number and year	Date of commencement
<i>Credit (Commonwealth Powers) (Transitional and Consequential Provisions) Act 2009</i>	No. 77 of 2009	1.7.2010
<i>Motor Vehicle Traders Act 2011</i>	No. 23 of 2011	31.12.2011
<i>Justice and Related Legislation (Miscellaneous Amendments) Act 2012</i>	No. 13 of 2012	30.5.2012
<i>Residential Parks Act 2026</i>	No. 13 of 2026	8.10.2026
<i>Magistrates Court (Criminal and General Division) (Consequential Amendments) Act 2019</i>	No. 44 of 2019	not commenced

TABLE OF AMENDMENTS

Provision affected	How affected
The long title	Amended by No. 61 of 1999, Sched. 1
Section 3	Amended by No. 61 of 1999, Sched. 1, No. 86 of 2000, Sched. 1 and No. 32 of 2006, s. 4
Section 3A	Inserted by No. 103 of 1995, s. 5 and Sched. 1 Amended by No. 82 of 1997, Sched. 3, No. 28 of 2001, s. 20, No. 11 of 2004, s. 31, No. 50 of 2004, s. 46, No. 77 of 2009, Sched. 1, No. 23 of 2011, Sched. 1 and No. 13 of 2026, Sched. 2
Part II	Substituted by No. 32 of 2006, s. 5
Section 4	Substituted by No. 32 of 2006, s. 5
Section 5	Amended by No. 86 of 2000, Sched. 1, No. 17 of 1996 Substituted by No. 32 of 2006, s. 5
Section 6	Amended by No. 17 of 1996 Substituted by No. 32 of 2006, s. 5
Section 7	Substituted by No. 32 of 2006, s. 5
Section 8	Amended by No. 5 of 1990, s. 3 and Sched. 1 Repealed by No. 32 of 2006, s. 5
Part III	Heading amended by No. 61 of 1999, Sched. 1
Section 9	Amended by No. 5 of 1990, s. 3 and Sched. 1, No. 61 of 1999, Sched. 1, No. 86 of 2000, Sched. 1
Section 10	Amended by No. 61 of 1999, Sched. 1 and No. 86 of 2000, Sched. 1
Section 11	Amended by No. 17 of 1996 and No. 32 of 2006, s. 6
Section 12	Amended by No. 5 of 1990, s. 3 and Sched. 1, No. 32 of 2006, s. 7
Section 12A	Inserted by No. 16 of 2006, s. 13
Section 13	Amended by No. 5 of 1990, s. 3 and Sched. 1, No. 86 of 2000, Sched. 1
Section 14	Amended by No. 17 of 1996 and No. 32 of 2006, s. 8
Section 15	Amended by No. 17 of 1996
Section 16	Amended by No. 103 of 1995, s. 5 and Sched. 1, No. 82 of 1997, Sched. 3, No. 28 of 2001, s. 20, No. 17 of 1996,

Consumer Affairs Act 1988
Act No. 53 of 1988

Provision affected	How affected
	No. 11 of 2004, s. 32, No. 50 of 2004, s. 46, No. 77 of 2009, Sched. 1 and No. 13 of 2026, Sched. 2
Section 19	Amended by No. 32 of 2006, s. 9
Section 20	Amended by No. 7 of 2004, Sched. 1
Section 21	Amended by No. 17 of 1996, No. 32 of 2006, s. 10
Section 22	Amended by No. 32 of 2006, s. 11 and No. 13 of 2012, s. 20
Section 23	Amended by No. 17 of 1996 and No. 32 of 2006, s. 12
Section 24	Amended by No. 42 of 2001, Sched. 1 and No. 17 of 1996
Schedule 1	Amended by No. 32 of 1996, Sched. 1, No. 86 of 2000, Sched. 1, No. 17 of 1996, No. 17 of 2005, Sched. 1
	Substituted by No. 32 of 2006, s. 13
Schedule 2	Repealed by No. 32 of 2006, s. 13
