



New South Wales

Fair Trading Amendment Act 1995 No 58

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Fair Trading Act 1987 No 68	2
 Schedule 1 Amendments	 3



New South Wales

Fair Trading Amendment Act 1995 No 58

Act No 50, 1995

An Act to amend the *Fair Trading Act 1987* with respect to the provision of legal assistance to consumers and for other purposes. [Assented to 30 November 1995]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Fair Trading Amendment Act 1995*.

2 Commencement

This Act commences on the date of assent.

3 Amendment of Fair Trading Act 1987 No 68

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

Schedule 1 Amendments

(Section 3)

[1] Section 41A

Insert before section 12:

11A Definition of court

In this Division:

court includes a tribunal.

[2] Section 12 Making of application for legal assistance

Insert “(other than criminal proceedings)” after “proceedings” in section 12 (1) (a).

[3] Section 12 (1) (b)

Omit the paragraph. Insert instead:

- (b) wishes to make an appeal or seek judicial review in relation to legal proceedings of a kind referred to in paragraph (a), or
- (c) is a party to legal proceedings or proceedings relating to an appeal or review referred to in paragraph (a) or (b),

[4] Section 13 Grant of legal assistance

Insert “and” at the end of section 13 (1) (b).

[5] Section 13 (1) (c)

Omit the paragraph.

[6] Part 2, Division 2

Omit “Court” wherever occurring. Insert instead “court”.

[7] Schedule 5 Savings and transitional provisions

Insert after clause 11A:

11B Fair Trading Amendment Act 1995

- (1) A person may make an application under section 12, and the Commissioner may grant an application under section 13, as amended by the *Fair Trading Amendment Act 1995*, in relation to acts, matters or things arising, and legal proceedings commenced but not completed, before the commencement of that Act.
- (2) However, a person may not apply for, and the Commissioner may not grant, legal assistance in relation to any such act, matter or thing or proceedings if the Commissioner has previously refused to grant the legal assistance.

[8] Schedule 5, clause 12 (1)

Insert after “or the *Fair Trading (Lay-by) Amendment Act 1993*”:

or the following Acts:

Fair Trading Amendment Act 1995

[Minister’s second reading speech made in—
Legislative Assembly on 10 October 1995
Legislative Council on 22 November 1995]