



New South Wales

Fair Trading Amendment (Information About Complaints) Bill 2015

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to give the Commissioner for Fair Trading the power to publish information about complaints received by the Commissioner, including the names of persons or businesses that are the subject of the greatest number of complaints.

Outline of provisions

Clause 1 sets out the name (also called 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.

Schedule 1 Amendment of Fair Trading Act 1987 No 68

Schedule 1 gives the Commissioner for Fair Trading (who is called “the Secretary” in the *Fair Trading Act 1987*) the power to publish information about complaints received by the Commissioner in the exercise of functions under the *Fair Trading Act 1987* or any other legislation administered by the Minister for Innovation and Better Regulation, including information as to the identity of the persons or businesses about whom complaints have been made or about whom the greatest number of complaints have been received. The new power will extend to complaints made before the commencement of the proposed section.



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Fair Trading Amendment (Information About Complaints) Bill 2015

No. , 2015

A Bill for

An Act to amend the *Fair Trading Act 1987* to provide for the publication of information about complaints.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Fair Trading Amendment (Information About Complaints) Act 2015</i> .	3
2 Commencement	4
This Act commences on a day to be appointed by proclamation.	5

Schedule 1	Amendment of Fair Trading Act 1987 No 68	1
Section 86AA		2
Insert after section 86A:		3
86AA	Publication of information about complaints	4
(1)	The Secretary may publish information about complaints received by the Secretary in the exercise of functions under this Act or any other legislation administered by the Minister.	5 6 7
(2)	The information that can be published under this section includes information as to the identity of the persons or businesses about whom complaints have been made or about whom the greatest number of complaints have been received.	8 9 10 11
(3)	Information published under this section can include the identity of a person or business complained about, but not the identity of the person who made a complaint.	12 13 14
(4)	Information published under this section can include information about complaints made before the commencement of the section.	15 16
(5)	The Secretary has qualified privilege in proceedings for defamation arising out of a publication made under this section.	17 18