

South Australia

Consumer Transactions Regulations (No. 2) 1996

under the *Consumer Transactions Act 1972*

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Legislative history

1—Short title

These regulations may be cited as the *Consumer Transactions Regulations (No. 2) 1996*.

2—Commencement

These regulations will come into operation on 1 November 1996.

3—Revocation

The *Consumer Transactions Regulations 1996* (see *Gazette 15.8.1996 p559*) are revoked.

4—Interpretation

In these regulations—

Act means the *Consumer Transactions Act 1972*.

5—Certain contracts or agreements are not consumer contracts

For the purposes of the definition of *consumer contract* in the Act, contracts or agreements for the sale or lease of—

- (a) any goods by tender; or
- (b) antiques other than antique furniture; or
- (c) works of art,

are declared not to be consumer contracts for the purposes of the Act.

6—Extended meaning of services

The services listed in Schedule 1 are prescribed for the purposes of paragraph (g) of the definition of **services** in the Act.

7—Exemptions

- (1) A transaction entered into by a consumer in the course of a trade or business carried on by the consumer is exempt from the provisions of the Act.
- (2) A contract to which section 162 of the *Consumer Credit (South Australia) Code* applies is exempt from section 48 (nature of writing) of the Act.
- (3) A contract for travel agency services (*ie* services referred to in paragraph (s) of Schedule 1) is exempt from section 48(1)(b) of the Act.

8—Print type

For the purposes of section 48(1)(b) of the Act, a provision of a written consumer contract must be printed in type prescribed by Schedule 2.

Schedule 1—Extended definition of services

The following services are prescribed for the purposes of paragraph (g) of the definition of **services** in the Act:

- (a) the modification of a motor vehicle or the fitting of any accessory to a motor vehicle;
- (b) the cleaning of the whole or any part of a dwellinghouse;
- (c) the extension of or the alteration to any dwellinghouse;
- (d) the erection, construction or maintenance of or the addition or alteration to any fence or gate;
- (e) the service or repair of any electrical, gas or oil appliance or of anything ancillary to the appliance;
- (f) the treatment of any premises for the eradication of salt damp, white ants or termites;
- (g) the construction, cleaning, maintenance or repair of a swimming pool or any plant or equipment used in connection with a swimming pool;
- (h) the performance in relation to a dwellinghouse or its curtilage of work of a kind usually performed by a carpenter, bricklayer or a building contractor;
- (i) the laying of cement, concrete or paving of any description within the curtilage of a dwellinghouse;
- (j) the provision or installation of home insulation;
- (k) the repair or service of lawn mowers;
- (l) the laying or cleaning of carpets, linos or other floor coverings or the hanging or cleaning of curtains or other drapes;
- (m) gardening services, including the planting, mowing or trimming of lawns, the removal of rubbish, the planting, pruning or treating of trees or shrubs or the removal of any weeds, trees, shrubs or other plants;

- (n) the removal, transportation or storage of goods;
- (o) the towing, storage or recovery of any motor vehicle, including the provisions of parking space or facilities for the parking of any motor vehicle and, in connection with any such service, the driving of any motor vehicle;
- (p) the carrying of passengers for hire or reward in a taxi-cab licensed under the *Passenger Transport Act 1994*;
- (q) the making up or alteration of any articles of clothing or personal ornament;
- (r) the servicing, repair, painting or modification of any caravan or boat or the fitting of any accessory to any caravan or boat;
- (s) the sale or provision or arrangement by a person of any transportation, accommodation or other service for the use or benefit of any traveller, tourist or sightseer, where that transportation, accommodation or service is or is to be supplied by another person;
- (t) building work as defined in the *Building Work Contractors Act 1995*;
- (u) the arrangement or negotiation of any policy of insurance or assurance covering any insurable interest of a consumer;
- (v) the provision of any rights, benefits, privileges or facilities for the purpose of instruction;
- (w) photographic services, including the developing of photographic film and the making of prints therefrom;
- (x) the provision of advice or assistance to consumers with respect to—
 - (i) the availability of residential rental accommodation; or
 - (ii) comparative prices or other terms and conditions of purchase of goods of a kind ordinarily acquired or actually intended by the consumer to be acquired for personal, domestic or household use or consumption;
- (y) the treatment of any motor vehicle for the eradication or prevention of rust;
- (z) hairdressing as defined in the *Hairdressers Act 1988*.

Schedule 2—Print type

- 1 Subject to this Schedule, the following types are prescribed:
 - (a) any print or type that is produced directly or indirectly by a method or process under which each character occupies a space of the same width, if that print or type is not smaller than 12-pitch;
 - (b) any print or type produced by a method or process other than that referred to in paragraph (a) if it is in one of the permitted type faces or a larger type size of one of the permitted type faces referred to in clause 4.
- 2 (1) Subject to subclause (2), no document will be regarded as printed in a type prescribed for the purposes of this Schedule unless every provision and every portion of every provision of that document is printed in a type prescribed for the purposes of this Schedule.

- (2) If a document is printed in print or type of a kind prescribed for the purposes of this Schedule and the document contains blank spaces for the subsequent insertion of additional information and additional information is subsequently inserted in those blank spaces by a printing or typing method or process under which each character occupies a space of the same width, that additional information may be in print or type not smaller than 13-pitch.
- 3 If print or type of a kind prescribed for the purposes of this Schedule is, by whatever method or process, photographed, reproduced or copied, the print or type in the photograph, reproduction or copy will be taken to comply with the regulations if its face measurement is of dimensions not less than 95% of the dimensions of the face measurement of the print or type so photographed, reproduced or copied.
- 4 For the purposes of this Schedule—
- character** includes a letter, a figure, a symbol, a punctuation mark and a space between adjoining characters;
- 12-pitch** means of dimensions such that any selected passage of such print or type 25 mm in length includes no more than 12 characters and **13-pitch** has a corresponding meaning;
- permitted type faces** means any of the following:
- 10-point Avante Garde
 - 10-point Avante Garde Book
 - 10-point Avante Garde Medium Bold
 - 10-point American Typewriter
 - 10-point American Typewriter Medium
 - 10-point American Typewriter Bold
 - 10-point Baskerville
 - 10-point Baskerville Roman
 - 10-point Baskerville Roman Italic
 - 10-point Baskerville Roman Bold
 - 10-point Bembo
 - 10-point Bembo Roman
 - 10-point Bembo Roman Italic
 - 10-point Bembo Bold
 - 10-point Bodoni
 - 10-point Bodoni Roman
 - 10-point Bodoni Roman Italic
 - 10-point Bodoni Bold
 - 10-point Century Old Style
 - 10-point Century Old Style Roman
 - 10-point Century Old Style Roman Italic

10-point Century Old Style Roman Bold
10-point Century School Book
10-point Century School Book Roman
10-point Century School Book Roman Italic
10-point Century School Book Bold
10-point Clarendon
10-point Clarendon Roman
10-point Clarendon Roman Italic
10-point Clarendon Bold
10-point Claro
10-point Claro Light
10-point Claro Medium
10-point Claro Medium Italic
10-point Claro Demi-Bold
10-point De Vinne
10-point De Vinne Roman
10-point De Vinne Roman Italic
10-point De Vinne Bold
10-point Gill Sans
10-point Gill Sans Medium
10-point Gill Sans Medium Italic
10-point Gill Sans Bold
10-point Gloucester Old Style
10-point Gloucester Old Style Roman
10-point Gloucester Old Style Roman Italic
10-point Gloucester Old Style Bold
10-point Helvetica
10-point Helvetica Light
10-point Helvetica Medium
10-point Helvetica Medium Italic
10-point Helvetica Bold
10-point ITC Cheltenham Light
10-point ITC Cheltenham Bold
10-point Karnak Intermediate
10-point Karnak Intermediate Roman

10-point Karnak Intermediate Roman Italic
10-point Karnak Intermediate Bold
10-point Megaron
10-point Megaron Light
10-point Megaron Medium
10-point Megaron Medium Italic
10-point Megaron Bold
10-point Metro
10-point Metro Italic
10-point Metro Bold
10-point Musica
10-point Musica Roman
10-point Musica Roman Italic
10-point Musica Bold
10-point Old Style
10-point Old Style Roman
10-point Old Style Roman Italic
10-point Old Style Bold
10-point Optima
10-point Optima Roman
10-point Optima Roman Italic
10-point Optima Bold
10-point Plantin
10-point Plantin Roman
10-point Plantin Roman Italic
10-point Plantin Bold
10-point Press Roman Bold
10-point Press Roman Medium
10-point Record Gothic
10-point Rockwell Light
10-point Rockwell Bold
10-point Souvenir
10-point Souvenir Light
10-point Souvenir Light Italic
10-point Souvenir Bold

10-point Souvenir Medium
10-point Times (or English)
10-point Times (or English) Roman
10-point Times (or English) Roman Italic
10-point Times (or English) Bold
10-point Univers
10-point Univers Light
10-point Univers Medium
10-point Univers Medium Italic
10-point Univers Bold
10-point Zapf
10-point Zapf Medium

Legislative history

Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
1996	229	<i>Gazette 17.10.1996 p1392</i>	1.11.1996: r 2
2003	21	<i>Gazette 6.3.2003 p858</i>	6.3.2003: r 2
2006	30	<i>Gazette 16.2.2006 p600</i>	16.6.2006: r 2

Provisions varied

New entries appear in bold.

Provision	How varied	Commencement
Sch 1	varied by 21/2003 r 4	6.3.2003