Competition and Consumer Regulations 2010

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made under the

Competition and Consumer Act 2010

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About this compilation

This compilation

This is a compilation of the *Competition and Consumer Regulations 2010* that shows the text of the law as amended and in force on 19 July 2024 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name of Regulations

These Regulations are the *Competition and Consumer Regulations 2010*.

2 Interpretation

(1) In these Regulations:

Act means the *Competition and Consumer Act 2010*.

AEMO means Australian Energy Market Operator Limited (ACN 072 010 327).

approved form means a form approved under regulation 4A.

Audit Bureau of Circulations means the organisation formed in 1932 which audits print circulation for the media industry.

CDR data held by AEMO means CDR data of which AEMO is a data holder because of the energy sector designation.

Competition Code has the same meaning as in Part XIA of the Act.

energy retailer means a retailer within the meaning of the energy sector designation.

energy sector designation means the *Consumer Data Right (Energy Sector) Designation 2020*.

large proprietary company has the meaning given by subsection 45A(3) of the *Corporations Act 2001*.

proprietary company has the meaning given by subsection 45A(1) of the *Corporations Act 2001*.

subsidiary has the meaning given by section 9 of the *Corporations Act 2001*.

(2) In these Regulations, a reference to a Form by a letter, or letters, is a reference to the Form so lettered in Schedule 1.

(3) In these Regulations (including any form provided for by these Regulations), unless the contrary intention appears (from section 150C of the Act or otherwise):

(a) a reference to the Act, or to the Act and these Regulations, includes a reference to the Competition Code; and

(b) a reference to a provision of the Act (including a reference to a Part, Division or Subdivision of the Act) includes a reference to that provision having effect as a provision of the Competition Code; and

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(c) a reference to a provision of these Regulations (including a reference to a Part of these Regulations) includes a reference to that provision having effect as a provision of the Competition Code.

3 Computation of time

(1) Where a period of time dating from a given day, act or event is prescribed by or allowed under these Regulations for doing an act or taking a proceeding, the time shall be reckoned exclusive of the day, or of the day of the act or event, from which the time dates.

(2) Where the time prescribed by or allowed under these Regulations for doing an act or taking a proceeding expires on a Saturday or Sunday or on a day on which the office of the Registrar is closed, the act may be done or the proceeding may be taken on the first day following that is not a Saturday, Sunday or day on which that office is closed.

4 Directions in Forms

A person completing any document that is required to be in accordance with a Form in Schedule 1 or Schedule 3 shall complete that document in accordance with any directions contained in the Form, including any directions with regard to the furnishing of other documents.

4A Approved form

The Commonwealth Minister may, in writing, approve a form for a purpose authorised or required by these Regulations.

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Part 2—General

4AA Registrar of the Tribunal

In this Part, unless the contrary intention appears:

Registrar means the Registrar of the Tribunal and, except in subregulation 15(3), includes a Deputy Registrar.

5 Seal of the Commission

(1) The seal of the Commission shall be of a design approved by the Chairperson and shall include:

(a) the Commonwealth Arms, that is to say, the Armorial Ensigns and Supporters granted and assigned for the Commonwealth of Australia by Royal Warrant dated 19 September 1912; and

(b) the words "Australian Competition and Consumer Commission".

(3) The seal of the Commission shall be affixed by or with the authority of the person performing the duties of Secretary to the Commission to such documents as are required by these Regulations or by a direction of a member of the Commission to be sealed with the seal of the Commission.

6 Offices of Commission

(1) The Commission shall maintain an office at each of the following places, namely, Canberra, Sydney, Melbourne, Brisbane, Adelaide, Perth, Hobart and Darwin, and shall maintain offices at such other places as it determines.

(2) The Commission shall notify in the *Gazette* the address of each of its offices and any change in such an address.

6AA Federal Court orders about energy laws

(1) For paragraph 44AAG(2)(e) of the Act, the following kinds of orders are prescribed:

(a) an order that includes a direction that the loads of the person to whom the order applies be disconnected in accordance with the rules;

(b) an order that includes a direction that the person to whom the order applies be suspended from, as the case requires, purchasing or supplying electricity through the wholesale exchange operated and administered by AEMO.

Note: The Commonwealth, State and Territory co-operative scheme is set out in legislation. The *National Electricity (South Australia) Act 1996* of South Australia is the lead legislation, and has been applied by the other participants in the scheme as a law of their jurisdictions.

AEMO is the operator of the electricity wholesale exchange.

(2) In subregulation (1):

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rules means rules mentioned in paragraph (c) of the definition of ***South Australian Electricity Legislation*** in subsection 4(1) of the Act, to the extent that they apply as part of:

(a) a uniform energy law that is applied as a law of the Commonwealth; or

(b) a State/Territory energy law.

Note: ***Uniform energy law*** and ***State/Territory energy law*** are defined in subsection 4(1) of the Act.

6A Application to Council for declaration recommendation

An application to the Council under subsection 44F(1) of the Act for a declaration recommendation in respect of a particular service must include the following information:

(a) the applicant's name and, if the applicant is the designated Minister or an organisation, the name and contact details of a contact officer for the Minister or organisation;

(b) the applicant's address for the delivery of documents (which may be an electronic address), including the notification of any decision of the designated Minister or the Council, relating to the application or the declaration recommendation;

(c) a description of the service and of the facility used to provide the service;

(d) the name of the provider, or of each provider, of the service and, if a provider does not own the facility, the name of the owner, or of each owner, of the facility, as the case requires;

(e) the reason for seeking access (or increased access) to the service;

(f) the applicant's reasons for believing that all of the declaration criteria for the service are satisfied;

(l) a description of efforts, if any, that have been made to negotiate access to the service.

6B Application to the Council for a recommendation on the effectiveness of an access regime

An application to the Council under subsection 44M(2) of the Act for a recommendation on the effectiveness of a regime for access to a service must include the following information:

(a) the name of the State or Territory on whose behalf the application is made;

(b) the name and designation of the responsible Minister for the State or Territory;

(c) the name and contact details of a contact officer for the State or Territory;

(d) the responsible Minister's address for the delivery of documents, including the notification of any decision of the Commonwealth Minister or the Council, relating to the application or the recommendation;

(e) a description of the access regime (including a copy of any relevant legislation);

(f) a description of the service;

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(g) grounds in support of the application.

6BA Application to the Council for a recommendation to revoke a decision that a regime is an effective access regime

An application to the Council under subsection 44NBA(3) of the Act for a recommendation in respect of a regime for access to a particular service must include the following information:

(a) the applicant's name and, if the applicant is the responsible Minister or an organisation, the name and contact details of a contact officer for the Minister or organisation;

(b) the applicant's address for the delivery of documents (which may be an electronic address), including the notification of any decision of the responsible Minister or the Council, relating to the recommendation;

(c) a description of the access regime;

(d) grounds in support of the application.

Note: For the application to be successful, the grounds in support of the application would need to satisfy the Council of the matters in subsection 44NBA(5) of the Act.

6C Notification of access dispute

(1) A notification under section 44S of the Act of an access dispute in relation to a declared service must include the following information:

(a) the name of the person notifying the dispute (in this regulation called ***the notifier***) and, if the notifier is not an individual, the name and contact details of a contact person for the notifier;

(b) the notifier's address for the delivery of documents relating to matters arising out of the notification (which may be an electronic address);

(c) whether the notifier is the provider or the third party and:

(i) if the notifier is the provider—the name and other particulars of the third party; or

(ii) if the notifier is the third party—the name and other particulars of the provider, or of each provider, of the service and, if the provider does not own the facility, the name of the owner, or of each owner, of the facility, as the case requires;

(d) a short description of the business (existing and anticipated) of the notifier;

(e) a description of the service and of the facility used to provide the service;

(f) a description of the access dispute, including:

(i) whether the dispute is about the varying of existing access arrangements and, if so, a description of those arrangements; and

(ii) each aspect of the access to the service on which the parties to the dispute are able to agree; and

(iii) each aspect of the access to the service on which the parties to the dispute are not able to agree;

(g) a description of efforts, if any, to resolve the dispute;

(h) to the best of the notifier's knowledge, particulars of:

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(i) any existing user of the service, including a brief description of how, if at all, access would affect the user; and

(ii) any person having a right (contractual or otherwise) to require the provider to provide the service to that person, including a description of how, if at all, access would affect that right;

(j) whether access would involve extending the facility;

(k) to the best of the notifier's knowledge, an estimate or description of the direct costs of providing access to the service to the third party, indicating who will bear those costs;

(l) whether access will involve the third party becoming the owner (or one of the owners) of any part of the facility, or of extensions of the facility, and, if so:

(i) a short description of the circumstances by which the third party's ownership would arise; and

(ii) whether the provider consents, or will consent, to the third party becoming an owner;

(m) a description of one or more methods by which access to the service can be provided and details of any risk to human health or safety caused by that method or those methods;

(n) if the notifier is the third party—a short description of the benefits from allowing access to the service, or increased access to the service, as the case requires.

(2) The notifier must pay to the Commission, in respect of a notification, a fee of $2,750.

(3) A fee under subregulation (2) is payable at the time of giving the notification.

6D Withdrawal of notification

(1) A withdrawal of a notification, under section 44T of the Act:

(a) must be by notice in writing to the Commission; and

(b) must include the following information:

(i) the name of the person withdrawing the notification;

(ii) whether the person withdrawing the notification is the provider or the third party;

(iii) a short description of the access dispute to which the notification relates;

(iv) a reference to the relevant paragraph or subparagraph of subsection 44T(1) of the Act under which the person withdrawing the notification claims to be authorised to do so.

(2) At the time of giving a notice of withdrawal to the Commission under subregulation (1), the person withdrawing the notification must give a copy of the notice to:

(a) the provider or the third party, as the case requires, who is not withdrawing the notification; and

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(b) any other person to whom the Commission has given notice in writing under subsection 44S(2) of the Act.

(3) A notice of withdrawal takes effect when it is received by the Commission.

6E Summons to witness—access arbitration

(1) A summons under subsection 44ZH(2) of the Act must be in accordance with Form AA.

(2) For the purposes of section 44ZI of the Act, a summons must be served on a person by:

(a) delivering a copy of the summons to the person personally; and

(b) showing the original of the summons to the person at the time at which the copy is delivered to the person.

6F Costs of an access arbitration

(1) This regulation is made for the purposes of section 44ZN of the Act.

(1A) The amount of a fee mentioned in subregulation (2) is the GST inclusive market value of the consideration for the supply of the service of conducting an arbitration of an access dispute.

(2) The Commission may charge, for its costs in conducting an arbitration of an access dispute:

(a) a pre-hearing fee of:

(i) if the access dispute is in respect of a variation of an existing determination relating to access by the third party—$2 170; or

(ii) in any other case—$10 850; and

(b) a hearing fee of $4 340 for each day, or part of a day, of the arbitration hearing.

(3) A pre-hearing fee charged under paragraph (2)(a) is payable by the person who notified the access dispute on or before the commencement of the arbitration hearing.

(4) A hearing fee charged under paragraph (2)(b) for a day, or part of a day, of the arbitration hearing:

(a) must be apportioned by the Commission between the parties appearing at the hearing on that day; and

(b) is payable by those parties accordingly.

(5) Nothing in this regulation enables the Tribunal to charge for its costs in conducting a review of a determination.

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6FA Approval of competitive tender process for construction and operation of a facility—content of application

(1) For paragraph 44PA(2)(b) of the Act, this regulation sets out requirements for an application for approval of a tender process, for the construction and operation of a facility that is to be owned by the Commonwealth, State or Territory, as a competitive tender process.

(2) The application must state:

(a) the contact details of the Commonwealth Minister, or the responsible Minister of a State or Territory, who is the applicant; and

(b) details of the proposed facility, including its nature and proposed location; and

(c) details of the proposed tender process, including:

(i) the minimum requirements which a tender will be required to meet before being considered under the tender process; and

(ii) the selection criteria that will be used to select the successful tenderer; and

(iii) the date for the calling for tenders; and

(iv) the closing date for the submission of tenders; and

(v) the date by which the successful tenderer is to be selected; and

(vi) the date by which the contract or arrangement resulting from the tender process will be entered into; and

(d) the reasons why the tender process satisfies the requirements specified in subsection 44PA(4) of the Act.

6FB Approval of competitive tender process for construction and operation of a facility—requirements for tender process

(1) For paragraph 44PA(4)(b) of the Act, this regulation sets out requirements which a tender process must meet before being approved as a competitive tender process.

(2) The tender process must relate to a proposed facility.

(3) The tender process must set out the arrangements (including procedures and rules) that are to be followed for the conduct of the tender process, including;

(a) the selection criteria that will be used to select the successful tenderer; and

(b) the requirement for a tenderer to include in its tender the terms and conditions on which the tenderer will provide access to the service or services proposed to be provided by means of the facility, as specified in accordance with paragraph 44PA(2)(a) of the Act; and

(c) the minimum requirements which a tender will be required to meet before being considered.

Examples for paragraph (b) of things to be addressed in the proposed terms and conditions

1 A price or pricing methodology.

2 An obligation that the tenderer will not hinder access to the service.

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3 An obligation that the tenderer will implement a particular business structure.

4 Procedures for determining terms and conditions of access to the service.

5 How the terms and conditions of access to the service will be administered.

(4) The tender process must set out the arrangements (including procedures and rules) that are to be followed to ensure that the successful tenderer would not limit, or attempt to limit:

(a) the services to which access may be sought; or

(b) the construction or operation of other infrastructure which could provide the same services to the same market as the infrastructure proposed in the tender.

(5) The tender process must ensure that a request for tender under the process would not limit, or attempt to limit:

(a) the configuration of the infrastructure proposed in the tender; or

(b) any other technical specification of the facility;

unless the Commission is satisfied that it would be appropriate for the request for tender to do so.

(6) The tender process must:

(a) be designed in a way that makes it appropriate, in its circumstances, for ensuring reasonable terms and conditions of access to the service; and

(b) be capable of being used in a way that makes it appropriate, in its circumstances, for ensuring reasonable terms and conditions of access to the service.

(7) For subregulation (6), when the Commission considers the approval of the tender process it must have regard to:

(a) the persons who are likely to be competitors for the construction and operation of the facility; and

(b) the persons who are likely to be competitors for the provision of the services.

(8) Subregulation (7) does not limit the matters to which the Commission may have regard when it considers the approval of the tender process.

(9) The tender process must set out proposed selection criteria that will ensure that a tender will be selected principally on the basis that the tender will lead to the provision of the service or services proposed to be provided by means of the facility, as specified in accordance with paragraph 44PA(2)(a) of the Act:

(a) at the lowest sustainable access price or prices; or

(b) on terms and conditions that are otherwise most likely to promote the objects of Part IIIA of the Act.

Note: Although a tender is to be selected principally on the basis that it offers the most favourable access terms, as described in paragraphs (9)(a) and (b), an applicant's tender may address additional objectives to be taken into account in the selection process, such as community service obligations and environmental objectives.

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(10) The tender process must set out proposed selection criteria that will ensure that a tender will not be selected unless the terms and conditions of access to the service or services proposed to be provided by means of the facility, as specified in accordance with paragraph 44PA(2)(a) of the Act, are reasonable, having regard to:

(a) the objects of Part IIIA of the Act; and

(b) the legitimate interests of the provider of the service; and

(c) the legitimate interests of the owner of the facility; and

(d) the public interest, including the public interest in having competition in markets (whether or not the markets are in Australia); and

(e) the interests of persons who may wish to have access to the service; and

(f) the objectives of procedural probity and fair dealing.

6FC Report on conduct of tender process

(1) For subsection 44PB(2) of the Act, this regulation sets out requirements for a report on the conduct of a tender process.

(2) The report must include:

(a) details of the successful tenderer; and

(b) the terms and conditions of access to the service or services proposed to be provided by means of the facility, as specified in accordance with paragraph 44PA(2)(a) of the Act; and

(c) evidence showing that:

(i) the tender process was conducted in accordance with the competitive tender process approved by the Commission; and

(ii) the successful tenderer was selected in accordance with the selection criteria specified in the competitive tender process approved by the Commission.

6G Application for registration of a contract for access

(1) An application under section 44ZW of the Act for registration of a contract that provides for access to a declared service:

(a) must be in writing; and

(b) must include the following information:

(i) the names of the parties to the contract and, if a party is not an individual, the name and contact details of a contact person for that party;

(ii) each party's address for the delivery of documents in relation to the application (which may be an electronic address);

(iii) a description of the service to which the contract relates;

(iv) a description of the contract, including the date on which the contract was made;

(v) a description of the impact of the contract on the level of competition in relevant markets;

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(vi) a description of the impact of the contract on other users of the service, including particulars of those users.

(2) A fee of $5 425 is payable to the Commission in respect of an application referred to in subregulation (1), at the time of making the application.

(3) The amount of the fee payable under subregulation (2) is the GST inclusive market value of the consideration for the supply of the service of registration of a contract that provides for access to a declared service.

6H Inspection of Part IIIA registers and copies of documents

(1) In this regulation and in regulation 6I, ***Part IIIA register*** means:

(a) the public register of decisions and declarations kept under section 44Q of the Act; or

(b) the public register of registered contracts kept under section 44ZW of the Act; or

(c) the public register of access undertakings kept under section 44ZZC of the Act; or

(d) the public register of determinations kept under section 44ZZL of the Act.

(2) A person may:

(a) inspect any Part IIIA register upon request made in accordance with subregulation (3); and

(b) obtain a copy of any document on a Part IIIA register (including, where the person so requests, a copy certified to be a true copy by a person authorised by the Commission to certify copies of that kind):

(i) on request made in accordance with subregulation (4); and

(ii) on payment of the fee prescribed by regulation 28.

(3) A request to inspect a Part IIIA register must be made in person at the office of the Commission where that register is kept.

(4) A request to obtain a copy of a document contained in a Part IIIA register must be made:

(a) in person at the office of the Commission where that register is kept; or

(b) in writing to the Commission at that office.

6I Evidence of Part IIIA register documents

(1) A copy of a document contained in a Part IIIA register, certified to be a true copy by a person authorised by the Commission to certify copies of documents of that kind, is to be received in all courts and tribunals as evidence of the document.

(2) A document purporting to be a copy of a document contained in a Part IIIA register and to be certified to be a true copy in accordance with subregulation (1), is to be taken to be a true copy of the document and to be so certified, unless the contrary is established.

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6J Access Codes prepared by industry bodies (Act, section 44ZZAA)

(1) For the purposes of paragraph 44ZZAA(3)(e) of the Act, the following matters are, where relevant, matters which the Commission must have regard in considering whether to accept an access code:

(a) government legislation and policies relating to ecologically sustainable development; and

(b) social welfare and equity considerations, including community service obligations; and

(c) government legislation and policies relating to matters such as occupational health and safety, industrial relations and access and equity: and

(d) economic and regional development, including employment and investment growth; and

(e) the interests of consumers generally or of a class of consumers; and

(f) the competitiveness of Australian businesses; and

(g) the efficient allocation of resources.

(2) For the purposes of subsection 44ZZAA(8) of the Act, the National Electricity Code Administrator Limited ("NECA"), Australian Company Number 073 942 775, is a prescribed industry body.

(3) For subsection 44ZZAA(8) of the Act, the Australian Energy Market Commission is a prescribed industry body.

Note: The Australian Energy Market Commission (also known as ***AEMC***) is established by section 5 of the *Australian Energy Market Commission Establishment Act 2004* of South Australia, and defined in section 4 of the *Competition and Consumer Act 2010*.

7 Australian Energy Regulator may disclose information to prescribed persons and bodies (Act paragraph 44AAF(3)(e))

(1) For paragraph 44AAF(3)(e) of the Act, the persons and bodies set out in the table are prescribed persons and bodies.

Item	Prescribed person or body
Commonwealth	
1.1	National Competition Council, established by section 29A of the Act
1.2	Tribunal constituted by subsection 30(1) of the Act
New South Wales	
2.1	Independent Pricing and Regulatory Tribunal of New South Wales established by subsection 5(1) of the *Independent Pricing and Regulatory Tribunal Act 1992* of New South Wales
2.2	Energy and Water Ombudsman (NSW) Limited (ACN 079 718 915)
Victoria	
3.2	Essential Services Commission established by subsection 7(1) of the **Essential Services Commission Act 2001** of Victoria
3.3	Energy and Water Ombudsman (Victoria) Limited (ACN 070 516 175)

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Item	Prescribed person or body
Queensland	
4.1	Queensland Competition Authority established by section 7 of the *Queensland Competition Authority Act 1997* of Queensland
4.2	Energy and Water Ombudsman established by section 10 of the *Energy and Water Ombudsman Act 2006* of Queensland
Western Australia	
5.1	Economic Regulation Authority established by section 4 of the *Economic Regulation Authority Act 2003* of Western Australia
South Australia	
6.1	Essential Services Commission established by subsection 4(1) of the *Essential Services Commission Act 2002* of South Australia
6.3	Energy Industry Ombudsman (SA) Limited (ACN 089 791 604)
Tasmania	
7.1	Office of the Regulator established by subsection 5(1) of the *Electricity Supply Industry Act 1995* of Tasmania
7.2	Ombudsman within the meaning of the *Energy Ombudsman Act 1998* of Tasmania
Australian Capital Territory	
8.1	Independent Competition and Regulatory Commission for the Australian Capital Territory established by subsection 5(1) of the *Independent Competition and Regulatory Commission Act 1997* of the Australian Capital Territory
8.2	ACT Civil and Administrative Tribunal established by section 88 of the *ACT Civil and Administrative Tribunal Act 2008* of the Australian Capital Territory
Northern Territory	
8A.1	Utilities Commission of the Northern Territory established by subsection 5(1) of the *Utilities Commission Act 2000* (NT)
Each jurisdiction that has applied the National Energy Retail Law as a law of the jurisdiction	
9.1	The Minister responsible for administration of the national energy retail legislation as it applies in the jurisdiction

(1A) A staff member or consultant assisting a person or body mentioned in items 1.1 to 8A.1 of the table in subregulation (1) in the performance of a function, or the exercise of a power, of the person or body is also a prescribed person for paragraph 44AAF(3)(e) of the Act.

(2) In this regulation:

National Energy Retail Law means the National Energy Retail Law set out in the Schedule to the *National Energy Retail Law (South Australia) Act 2011* of South Australia, as amended from time to time.

national energy retail legislation has the meaning given in subsection 2(1) of the National Energy Retail Law.

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Regulation 7A

7A Prescribed energy laws (Act subparagraph 4(1)(c)(ii))

For subparagraph (c)(ii) of the definition of ***State/Territory energy law*** in subsection 4(1) of the Act, the laws set out in the following table are prescribed.

Item	Prescribed laws
New South Wales	
2.1A	*Electricity Infrastructure Investment Act 2020* of New South Wales and regulations and orders made under that Act
2.1	Parts 2, 3 and 4 of, and Schedule 1 to, the *National Energy Retail Law (Adoption) Act 2012* of New South Wales and regulations made under Parts 2, 3 and 4 of that Act
Victoria	
3.1	Parts 3 and 4 of the **Gas Industry Act 2001** of Victoria
3.2	Parts 2, 3, 4 and 5 of, and Schedules 2 and 3 to, the *National Electricity (Victoria) Act 2005* (Vic.) and regulations and orders made under that Act
3.3	Part 5 of the *National Gas (Victoria) Act 2008* of Victoria and regulations and orders made under that Act
Queensland	
4.1A	Parts 2, 3 and 4 of the *Electricity—National Scheme (Queensland) Act 1997* (Qld) and regulations made under Part 4 of that Act
4.1B	*Energy (Renewable Transformation and Jobs) Act 2024* (Qld) and regulations and directions made under that Act
4.1	Parts 2, 3, 4 and 5 of, and the Schedule to, the *National Energy Retail Law (Queensland) Act 2014* (Qld), and regulations made under Parts 3, 4 and 5 of that Act
4.2	Parts 2, 3 and 4 of the *National Gas (Queensland) Act 2008* (Qld) and regulations made under Parts 2 and 4 of that Act
Western Australia	
5.1	Section 15 of the *Gas Pipelines Access (Western Australia) Act 1998* of Western Australia
South Australia	
6.1	Parts 5, 6 and 7 of the *National Energy Retail Law (South Australia) Act 2011* of South Australia and regulations made under Parts 5 and 7 of that Act
Tasmania	
7.1	Division 7 of Part 2 of the *Tasmanian Electricity Supply Industry Act 1995* of Tasmania
7.2	Parts 3, 4 and 5 of the *National Energy Retail Law (Tasmania) Act 2012* of Tasmania and regulations made under Parts 3, 4 and 5 of that Act
Australian Capital Territory	
8.1	Parts 5 and 6 of the *National Energy Retail Law (ACT) Act 2012* of the Australian Capital Territory and regulations made under Parts 5 and 6 of that Act
Northern Territory	
9.2	Parts 2, 3 and 4 of, and Schedule 1 to, the *National Electricity (Northern Territory) (National Uniform Legislation) Act 2015* (NT) and regulations made under Part 3 of that Act

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7AA Australian Energy Regulator functions

For paragraph 44AH(1)(b) of the Act, the AER has the following functions:

(a) making an application for an order under section 44AAG of the Act and conducting proceedings relating to the application;

(b) instituting and conducting appeals relating to an application mentioned in paragraph (a);

(c) such functions as are necessary to enable the AER to operate as a data holder of CDR data in accordance with the CDR provisions (as those provisions apply as described in subsection 56AR(4) of the Act).

7B Merits review by Tribunal (Act subsection 44ZZR(2))

(1) For subsection 44ZZR(2) of the Act, the following provisions of these Regulations apply to a merits review conducted by the Tribunal:

(a) regulations 17, 18, 19 and 21;

(b) regulation 22;

(d) regulations 22A, 23 and 25;

(e) subregulation 26(1A);

(f) regulation 28M;

(h) regulation 28P.

(2) For the purposes of applying regulation 28M to a merits review conducted by the Tribunal under a State/Territory energy law or a designated Commonwealth energy law:

(a) treat the references in the regulation to a review hearing and a review as references to a merits review conducted by the Tribunal under a State/Territory energy law or a designated Commonwealth energy law; and

(b) treat the references in the regulation to a determination as references to a decision that is subject to that merits review; and

(c) disregard the reference in subregulation 28M(1) to an access dispute; and

(d) treat the references to the dispute as references to the matter that is the subject of that merits review.

7C Register of applications for review under State/Territory energy law (Act subsection 44ZZR(2))

(1) For subsection 44ZZR(2) of the Act, the Tribunal must keep a register of applications for review under a State/Territory energy law.

(2) The register must include:

(a) any document given to the Tribunal in relation to an application referred to in subregulation (1); and

(b) particulars of any oral submission made to the Tribunal in relation to such an application; and

(c) the determination of the Tribunal on such an application and the statement of the reasons given by the Tribunal for that determination;

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unless regulation 7D requires the exclusion of the document, particulars or determination.

7D Confidentiality claims etc (Act subsection 44ZZR(2))

Requests for confidential treatment

(1) If a person gives information to the Tribunal in relation to an application referred to in subregulation 7C(1), the person may, at the time of giving the information, request that the information be excluded from the register and the Commission's website because of its confidential nature.

Confidentiality claims to be determined first

(2) If a request is made under subregulation (1), the information must be excluded from the register and the Commission's website until the Tribunal has made a determination on the request.

When Tribunal must exclude information

(3) If a request is made under subregulation (1), the Tribunal must exclude the information from the register and the Commission's website if the information contains particulars of:
  (a) the amount of electricity or gas a person has used or has a right to obtain; or
  (b) the cost of gas or electricity services to the person.

When Tribunal may exclude information

(4) If a request is made under subregulation (1), the Tribunal may exclude the information from the register and the Commission's website if it is satisfied that it is desirable to do so because of the confidential nature of the information.

If request refused, document may be withdrawn

(5) The Tribunal must return the document or part of the document to the person:
  (a) if the Tribunal refuses a request made under subregulation (1) and the information is contained in the document; or
  (b) if the person who gave the document to the Tribunal so requires.

(6) If paragraph (5)(a) or (b) applies, the Tribunal must exclude the document or the part of the document (as the case requires) from the register and the Commission's website.

If request refused, oral submission may be withdrawn

(7) The person who made the submission may withdraw all or part of the submission if:
  (a) the Tribunal refuses a request made under subregulation (1); and
  (b) the information was given by way of oral submission.

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(8) If subregulation (7) applies, the Tribunal must exclude the submission or part of the submission (as the case requires) from the register and the Commission's website.

Tribunal may exclude information for other reasons

(9) The Tribunal may exclude information from the register and the Commission's website if it is satisfied that it is desirable to do so for any reason other than the confidential nature of the information.

8 Prescribed association or body for purposes of paragraph 51(2)(c) of the Act

For the purposes of paragraph 51(2)(c) of the Act, the Australian Gas Association, a company limited by guarantee within the meaning of the *Companies Act 1961* of the State of Victoria, as in force at the date of commencement of this regulation, is a prescribed association or body.

8A Professional standards schemes

For subsection 137(2) of the Act, a scheme and any modifications to the scheme set out in the following table are prescribed.

Note: Column 2 of the table below is included for information only.

Prescribed professional standards schemes

Item	Column 1 Scheme	Column 2 Date prescribed
1	The Australian Computer Society Professional Standards Scheme, published in the New South Wales Government Gazette No. 142, 19 December 2018, including as modified by the extension published in the New South Wales Government Gazette No. 311, 14 July 2023 Note: This Scheme was formerly the Australian Computer Society Professional Standards Scheme, published in the New South Wales Government Gazette No. 109, 4 December 2015, including as modified by the extension published in the New South Wales Government Gazette No. 101, 15 September 2017.	The Scheme—26 March 2019 The extension—the day the *Treasury Laws Amendment (Professional Standards Schemes) Regulations 2023* commence
2	The Australian Property Institute Valuers Limited Professional Standards Scheme, published in the New South Wales Government Gazette No. 214, 21 May 2021 Note: This Scheme was formerly The Australia Property Institute Valuers Limited Professional Standards Scheme, published in the New South Wales Government Gazette No. 34, 6 May 2016, including as modified by the amendments published in the New South Wales Government Gazette No. 59, 12 June 2019.	1 September 2021

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Regulation 8A

Prescribed professional standards schemes		
Item	**Column 1** **Scheme**	**Column 2** **Date prescribed**
5	The CPA Australia Ltd Professional Standards (Accountants) Scheme, published in the New South Wales Government Gazette No. 98, 30 August 2019, including as modified by the extension published in the New South Wales Government Gazette No. 71, 1 March 2024 Note: This Scheme was formerly the CPA Australia Ltd Professional Standards (Accountants) Scheme, published in the New South Wales Government Gazette No. 138, 22 December 2017.	The Scheme—22 October 2019 The extension—the day the *Treasury Laws Amendment (Professional Standards Schemes) Regulations 2024* commence
7	Chartered Accountants Australia and New Zealand Professional Standards Scheme, published in the New South Wales Government Gazette No. 72, 12 July 2019, including as modified by the extension published in the New South Wales Government Gazette No. 71, 1 March 2024 Note: This Scheme is a national Scheme which replaces 7 previous State and Territory Schemes of the same name.	The Scheme—22 October 2019 The extension—the day the *Treasury Laws Amendment (Professional Standards Schemes) Regulations 2024* commence
8	The Law Society of New South Wales Professional Standards Scheme, published in the New South Wales Government Gazette No. 87, 7 September 2018, including as modified by the extension published in the New South Wales Government Gazette No. 311, 14 July 2023 Note: This Scheme was formerly the Law Society of New South Wales Scheme, published in the New South Wales Government Gazette No. 78, 27 July 2012, including as modified by the extension published in the New South Wales Government Gazette No. 72, 30 June 2017.	The Scheme—26 March 2019 The extension—the day the *Treasury Laws Amendment (Professional Standards Schemes) Regulations 2023* commence
9	The New South Wales Bar Association Professional Standards Scheme, published in the New South Wales Government Gazette No. 179, 20 December 2019 Note: This Scheme was formerly the New South Wales Bar Association Scheme, published in the New South Wales Government Gazette No. 17, 5 March 2015, including as modified by the amendments published in the New South Wales Government Gazette No. 123, 10 November 2017.	1 July 2020
14	The Law Institute of Victoria Limited Professional Standards Scheme, published in the Victoria Government Gazette No. G 11, 17 March 2022 Note: This Scheme was formerly the Law Institute of Victoria Limited Scheme, published in the Victoria Government Gazette No. G 16, 21 April 2016, including as modified by the extension published in the Victoria Government Gazette No. G 9, 4 March 2021.	1 July 2022

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Prescribed professional standards schemes

Item	Column 1 Scheme	Column 2 Date prescribed
15	The Victorian Bar Professional Standards Scheme, published in the Victoria Government Gazette No. G 16, 18 April 2019, including as modified by the extension published in the Victorian Government Gazette No. G 45, 9 November 2023 Note: This Scheme was formerly the Victorian Bar Professional Standards Scheme, published in the Victoria Government Gazette No. S 134, 24 April 2014.	The Scheme—22 October 2019 The extension—the day the *Treasury Laws Amendment (Professional Standards Schemes) Regulations 2024* commence
16	The Bar Association of Queensland Professional Standards Scheme, approved as described in the *Professional Standards (Bar Association of Queensland Professional Standards Scheme) Notice 2019* (Qld), 18 February 2019 Note: This Scheme was formerly the Bar Association of Queensland Scheme, published in the Queensland Government Gazette No. 40, 24 June 2013, including as modified by the extension published in the Queensland Government Gazette No. 60, 23 March 2018.	26 March 2019
19	The Queensland Law Society Professional Standards Scheme, approved as described in the *Professional Standards (The Queensland Law Society Professional Standards Scheme) Notice 2021* (Qld), 17 December 2021 Note: The Scheme was formerly the Queensland Law Society Professional Standards Scheme, approved as described in the *Professional Standards (Queensland Law Society Professional Standards Scheme) Notice 2016* (Qld), 30 June 2016, including as modified by the extension published in the Queensland Government Gazette No. 63, 23 April 2021.	1 July 2022
22	The Law Society of Western Australia Professional Standards Scheme, published in the Western Australian Government Gazette No. 23, 8 March 2024 Note: This Scheme was formerly the Law Society of Western Australia Professional Standards Scheme, published in the Western Australian Government Gazette No. 62, 7 May 2019.	1 July 2024
23	The Western Australian Bar Association Professional Standards Scheme, published in the Western Australian Government Gazette No. 63, 24 April 2020 Note: This Scheme was formerly the Western Australian Bar Association Scheme, published in the Western Australian Government Gazette No. 57, 17 April 2014, including as modified by the extension published in the Western Australian Government Gazette No. 196, 21 December 2018.	1 July 2020

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Prescribed professional standards schemes		
Item	**Column 1** **Scheme**	**Column 2** **Date prescribed**
26	The Law Society of South Australia Professional Standards Scheme, published in the South Australian Government Gazette No. 5, 20 January 2022 Note: This Scheme was formerly the Law Society of South Australia Professional Standards Scheme, published in the South Australian Government Gazette No. 21, 5 April 2017, including as modified by the amendments published in the South Australian Government Gazette No. 77, 21 November 2017.	1 July 2022
27	The South Australian Bar Association Professional Standards Scheme, published in the South Australian Government Gazette No. 15, 10 March 2022 Note: This Scheme was formerly the South Australian Bar Association Inc Professional Standards Scheme, published in the South Australian Government Gazette No. 35, 30 May 2017.	1 July 2022
34	The Institute of Public Accountants Professional Standards Scheme, published in the Victoria Government Gazette No. S 598, 27 October 2021 Note: This Scheme was formerly the Institute of Public Accountants Professional Standards Scheme, published in the Victoria Government Gazette No. G 42, 18 October 2018, including as modified by the extension published in the Victoria Government Gazette No. S 695, 24 December 2020.	22 March 2022
35	The Association of Consulting Surveyors National Professional Standards Scheme, published in the New South Wales Government Gazette No. 90, 1 May 2020	1 July 2020
36	The Australian Institute of Building Surveyors Professional Standards Scheme, published in the New South Wales Government Gazette No. 214 on 21 May 2021	25 August 2021

9 Period after which notice of resale price maintenance comes into force

For the purposes of paragraph 93(7A)(a) of the Act, the prescribed period is as follows:

(a) for a notice given to the Commission during the 12-month period starting at the commencement of Schedule 1 to the *Competition and Consumer Amendment (Competition Policy Review) Act 2017*—28 days;

(b) otherwise—14 days.

11 Service of documents on the Commission

(1) A document to which this regulation applies may be made or given to, lodged with, or served on, the Commission by delivering it, or causing it to be delivered (whether by post or otherwise), at any office of the Commission.

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(2) A reference in this regulation to a document to which this regulation applies shall be read as a reference to:

(a) an application under the Act or these Regulations to be made to the Commission;

(b) a notice under the Act or these Regulations to be given to, or lodged with, the Commission; or

(c) any other document to be given to, lodged with or served on, the Commission.

12 Service of documents on persons other than the Commission

(1) A person who has in a document lodged with the Commission stated an address for service may, at any time, lodge with the Commission a notice in writing stating a new address for service (which may be an electronic address).

(2) A reference in these Regulations to an address for service shall, in relation to a person who has notified two or more addresses for service, be read as a reference to the later or latest of those addresses.

(3) Subject to these Regulations, a document or notice that is required or permitted by or under the Act or these Regulations to be served on, or given to, a person in connexion with any proceeding or matter before the Commission may be served on, or given to, that person:

(a) where the person has, in a document or notice lodged with the Commission, stated an address for service that is not an electronic address—by delivering the document to the person personally or by delivering the document at, or by sending the document by registered post addressed to the person at, that address; or

(aa) where the person has, in a document or notice lodged with the Commission, stated an address for service that is an electronic address—by sending the document to that address; or

(b) in any other case:

(i) where the person is a body corporate—by delivering the document personally to the manager or secretary of the body corporate or, if the body corporate has a registered office in Australia, by leaving it at that office or by sending it by registered post addressed to the body corporate at that office, or if the body corporate does not have a registered office in Australia, by sending it by registered post addressed to the body corporate at its principal place of business in Australia; or

(ii) where the person is not a body corporate—by delivering the document to the person or by sending the document by registered post addressed to the person at the last known address of the person, or by sending the document to the last electronic address the person used to contact the Commission.

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(4) Notice by the Commission under subsection 90A(2) or 93A(2) of the Act shall be sent to a person:

(a) where the person has, in a document or notice lodged with the Commission, stated an address for service that is not an electronic address—by sending the notice by pre-paid post to that person at that address; and

(aa) where the person has, in a document or notice lodged with the Commission, stated an address for service that is an electronic address—by sending the notice to that address; or

(b) in any other case:

(i) where the person is a body corporate which has a registered office in Australia—by sending the notice by pre-paid post to that person at that registered office;

(ii) where the person is a body corporate which does not have a registered office in Australia but which has a place of business in Australia—by sending the notice by pre-paid post to that person at its principal, or only, place of business in Australia;

(iii) where the person is a body corporate which does not have a registered office or a place of business in Australia—by sending the notice by pre-paid post to that person at the registered office of that body corporate; or

(iv) where the person is not a body corporate—by sending the notice by pre-paid post to that person at the last known address of the person, or by sending the notice to the last electronic address the person used to contact the Commission.

13 Recording of date of receipt of applications or notices

The Commission shall cause the date on which an application under Division 1 of Part VII of the Act or a notice under subsection 93(1) or section 93AB of the Act is received in one of its offices to be recorded on the application or notice, as the case may be.

14 Evidence in respect of receipt etc of documents

(1) In any proceedings under the Act, a certificate under the seal of the Commission certifying that any specified fact in relation to the lodgment or receipt or non-lodgment or non-receipt of a document, or of a document of a kind, described in the certificate appears from the records kept by the Commission is *prima facie* evidence of that fact.

(2) In any proceedings under the Act, a certificate under the seal of the Commission certifying that it appears from the records kept by the Commission that a document, or a document of a kind, described in the certificate has not been received at any of the offices of the Commission is *prima facie* evidence of that fact.

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15 Seal of the Tribunal

(1) The seal of the Tribunal shall be of a design approved by the President and shall include:

(a) the Commonwealth Arms, that is to say, the Armorial Ensigns and Supporters granted and assigned for the Commonwealth of Australia by Royal Warrant dated 19 September 1912; and

(b) the words “Australian Competition Tribunal”.

(3) The seal of the Tribunal shall be affixed by or with the authority of the Registrar to such documents as are required by these Regulations or by a direction of a presidential member to be sealed with the seal of the Tribunal.

16 Hours of Registrar’s office

The office of the Registrar shall be open for business on every business day, from 10 o’clock in the morning until 1 o’clock in the afternoon and from 2 o’clock to 4 o’clock in the afternoon.

17 Title of proceedings before the Tribunal

(1) An application to the Tribunal under the Act and any other document filed with the Registrar, or issued out of the office of the Registrar, in relation to proceedings before the Tribunal shall be intituled in accordance with Form H.

(2) The Registrar may, at the request of a person proposing to institute proceedings or of his own motion after any proceedings before the Tribunal are instituted, determine the description of the matter that is to form part of the title of the proceedings and, unless the Tribunal otherwise orders, the description so determined shall form part of the title of the proceedings for the purposes of all documents in the proceedings after that determination.

18 Filing or lodging of documents with the Registrar

(1) The making of an application to the Tribunal under the Act and the filing of any other document with the Registrar shall be effected by lodging it at the office of the Registrar at a time when that office is open for business.

(2) The Registrar shall cause the date on which a document was lodged at his office to be recorded on the document.

(3) Subregulation (2) applies in relation to a document that is lodged with the Registrar or at his office whether or not it is, or is required to be, filed.

19 File number of proceedings

(1) The Registrar shall cause a file number to be allotted to each proceeding before the Tribunal.

(2) The one file number may be allotted to all proceedings that, in the opinion of the Registrar, are related to each other.

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20 Applications for review

(1) An application under subsection 101(1) of the Act for a review of a determination by the Commission:
  (a) shall be in accordance with Form I; and
  (b) shall be made within a period of 21 days after the date of the determination.

(2) An application under section 101A or 101B of the Act for a review of the giving of a notice by the Commission must be made:
  (a) in accordance with Form J; and
  (b) within a period of 21 days after the date of the notice.

(3) An applicant for the purposes of subregulation (1) or (2) must cause a copy of the application to be served on:
  (a) the Commission; and
  (b) the person (if any) who is not the applicant and who was:
    (i) for an application referred to in subregulation (1) for a review of a determination—the person who applied for the authorisation to which the determination relates; or
    (ii) for an application referred to in subregulation (2) for a review of the giving of a notice—the person to whom the notice was given.

(4) An application under section 151CI of the Act must be in accordance with Form JAA.

(5) A person making an application mentioned in subregulation (4) must give a copy of the application to the Commission.

20A Applications for review of certain access decisions

(1) An application to the Tribunal:
  (a) under subsection 44K(1) of the Act for review of a declaration of a service;
  (b) under subsection 44K(2) of the Act for review of a decision not to declare a service;
  (c) under subsection 44L(1) of the Act for review of a decision not to revoke a declaration of a service;

must be in accordance with Form JA.

(2) An application to the Tribunal under subsection 44O(1) of the Act for review of a decision of the Commonwealth Minister on the effectiveness of an access regime must be in accordance with Form JB.

(2A) An application to the Tribunal under subsection 44O(1A) of the Act for review of a decision of the Commonwealth Minister under section 44NBC of the Act must be in accordance with Form JBA.

(3) An application to the Tribunal under subsection 44ZX(1) of the Act for review of a decision of the Commission not to register a contract must be in accordance with Form JC.

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21 Address for service in proceedings before Tribunal

(1) Subject to any direction of the Tribunal, a person is not entitled to take any step in, or be heard at the hearing of, proceedings before the Tribunal unless he has filed with the Registrar a notice stating an address in Australia at which documents may be served on him for the purposes of those proceedings and has served a copy of that notice on any person appearing in the proceedings.

(1A) In addition to providing an address in Australia, the person may provide an electronic address at which the documents may be served on the person.

(2) A person who has filed a notice of an address for service under this regulation may, at any time, file a notice stating a new address for service.

(3) Where a person files a notice stating a new address for service under subregulation (2), he shall forthwith serve a copy of the notice on any person appearing in the proceedings.

(4) A reference in these Regulations to an address for service shall, in relation to a person who has stated two or more addresses for service, be read as a reference to the later or latest of those addresses.

22 Directions by the Tribunal as to certain matters

(1) Without limiting the generality of the powers of the Tribunal under the Act or these Regulations, the Tribunal may, in any proceedings before the Tribunal, give directions:

(a) for securing, by means of preliminary statements of facts and contentions, and by the production of documents, that all material facts and considerations are brought before the Tribunal by all persons participating in any proceedings before the Tribunal; and

(aa) with respect to evidence in proceedings before the Tribunal, including the appointment of persons to assist the Tribunal by giving evidence (whether personally or by means of a written report); and

(b) with respect to the representation in any such proceedings of persons having a common interest in the proceedings.

(2) The powers of the Tribunal to give directions under subregulation (1):

(a) may be exercised by the Tribunal constituted by a presidential member; and

(b) are subject to subsections 102(8) to (10) of the Act.

22A Evidence of persons not attending the Tribunal

(1) Subject to subregulation (2), the Tribunal may permit a person, other than a person appearing as a witness before the Tribunal, to give evidence in proceedings before the Tribunal by tendering a written statement.

(2) The Tribunal must not give permission under subregulation (1) in respect of a statement, unless:

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(a) the parties to the proceedings consent to the permission being given; and

(b) the statement is accompanied by a statutory declaration by the person, verifying the information contained in the statement.

(3) A statement tendered with the permission of the Tribunal must be filed with the Registrar.

(4) Subregulation (1) has effect subject to subsections 102(8) to (10) of the Act.

22B Participation in review of certain access decisions

(1) In a review under section 44K of the Act of a declaration of a service, the person who applied for the declaration recommendation may participate in the review, in addition to the provider.

(2) In a review under section 44K of the Act of a decision not to declare a service, the provider may participate in the review, in addition to the person who applied for the declaration recommendation.

(3) In a review under section 44L of the Act of a decision not to revoke a declaration of a service, the person who applied for the declaration recommendation may participate in the review, in addition to the provider.

(4) In a review under section 44ZX of the Act of a decision not to register a contract, any other party to the contract may participate in the review, in addition to the party who applied for review.

23 Orders and determinations of Tribunal

(1) Each order and determination of the Tribunal and the date on which it was made shall be recorded by the Registrar in a document signed by him.

(2) The original of each document referred to in subregulation (1) shall be filed by the Registrar in the records of the Tribunal.

24 Confidentiality

(1) This regulation applies to a request to the Commission under a provision mentioned in an item in the table that a document, or a part of a document, be excluded from the register kept under the corresponding provision mentioned in the item.

Item	Provision of the Act for the making of a request	Corresponding provision in the Act for keeping of register
1	subsection 89(5)	subsection 89(3)
2	subsection 95(2)	subsection 95(1)

(1A) A request to which subregulation (1) applies shall be made:

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(a) where the request is that a document be excluded—by writing in red near the top of each page of the document the words "Restriction of Publication Claimed"; and

(b) where the request is that part of a document be excluded—by writing in red near the top of the first page of the document the words "Restriction of Publication of Part Claimed" (and, where the document consists of more than 5 pages, a description of where in the document that part of the document is to be found) and by clearly marking in red that part of the document.

(2) Where a person proposes to apply, at the hearing of proceedings before the Tribunal, for a direction by the Tribunal under paragraph 106(2)(b) of the Act prohibiting or restricting, by reason of the confidential nature of any evidence or matter or for any other reason, the publication of matters contained in a document filed or lodged with the Registrar, received in evidence by the Tribunal or placed in the records of the Tribunal, the person may mark in red:

(a) near the top of the first page of the document, the words "Restriction of Publication Claimed" (and, where the document consists of more than 5 pages, a description of where in the document those matters are contained); and

(b) those matters.

(4) For the purposes of subsection 165(3) of the Act, a person may claim that a document furnished to the Tribunal contains matter of a confidential nature by writing in red near the top of each page of the document the words "Restriction of Publication Claimed".

(5) Where the Commission has given a direction under subsection 89(5) or 95(2) of the Act as in force immediately before 1 July 1977 in respect of a document and that document is subsequently filed or lodged with the Registrar, received in evidence by the Tribunal, placed in the records of the Tribunal or otherwise furnished to the Tribunal, that direction shall be deemed to be:

(a) a request by the person on whose application the Commission's direction was given for a direction by the Tribunal under paragraph 106(2)(b) of the Act prohibiting or restricting the publication of matters contained in the document; and

(b) a claim by the person on whose application the Commission's direction was given for a direction by the Tribunal under subsection 165(3) of the Act that the document contains matter of a confidential nature.

25 Summons to witness

(2) A summons under subsection 105(2) of the Act shall be in accordance with Form K.

(3) A summons under subsection 105(2) of the Act shall be served on a person by:

(a) delivering a copy of the summons to the person personally; and

(b) showing the original of the summons to the person at the time at which the copy is delivered to him.

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26 Continuance of proceedings and matters notwithstanding non-compliance with Regulations or direction

(1) Subject to subsection 172(3) of the Act and to these Regulations, the failure by a person in or in relation to a proceeding or matter before the Commission to comply with a provision of these Regulations does not, unless the Commission otherwise directs, prevent the proceeding or matter being dealt with as if the person had complied with the provision.

(1A) Subject to subsection 172(3) of the Act and to these Regulations, the failure by a person in or in relation to a proceeding or matter before the Tribunal to comply with a provision of these Regulations or with a direction of the Tribunal under these Regulations does not, unless the Tribunal otherwise directs, prevent the proceeding or matter being dealt with as if the person has complied with the provision or direction.

(2) Subregulation (1) does not apply in relation to:

(a) the requirement in regulation 20 that an application under subsection 101(1), or under section 101A or 101B, of the Act for a review of a determination be made within a period of 21 days after the date of the determination; and

(b) a requirement that an applicant or person giving a notice must state an address in Australia at which documents under the Act or these Regulations may be served, in any form:

(i) approved by the Commission; or

(ii) prescribed by these Regulations;

for the purposes of the Act or these Regulations.

27 Inspection of, and furnishing of copies of, documents

(1) Subject to this regulation, an application by a person to inspect a document referred to in paragraph 165(1)(a) or 165(2)(a) of the Act shall be made personally:

(a) in the case of a document referred to in paragraph 165(1)(a) of the Act—at the office of the Commission where the relevant register is kept; and

(b) in the case of a document referred to in paragraph 165(2)(a) of the Act—at the office of the Registrar.

(2) Subject to subregulation (3), an application by a person to obtain a copy referred to in paragraph 165(1)(b) or 165(2)(b) of the Act shall be made:

(a) in the case of a copy referred to in paragraph 165(1)(b) of the Act—personally at any office of the Commission or by post addressed to the Commission at any of its offices; or

(b) in the case of a copy referred to in paragraph 165(2)(b) of the Act—personally at the office of the Registrar or by post addressed to the Registrar.

(3) An application under subsection 165(2) of the Act in relation to a document on which the words “Restriction of Publication Claimed” have been written in

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accordance with regulation 24 shall be made to the Tribunal constituted by a presidential member.

28 Fees

(1) For the purposes of:
  (a) subsections 157(1), 157AA(1) and 165(1) and (2) of the Act; and
  (b) regulation 6H;
the prescribed fee for obtaining a copy of a document is $1.00 for each page of the copy.

(2) For the purposes of:
  (a) subsections 157AA(1) and 165(1) and (2) of the Act; and
  (b) regulation 6H;
the prescribed fee for obtaining a certified copy of a document is the fee calculated in accordance with subregulation (1) plus $10.

(2A) For subsections 151AR(4), 151BH(5), 151BR(4), 152AQ(4), 152BR(3), 152CC(3) and 152CJ(3) of the Act, the following fees for making a copy of a Register are specified:
  (a) if the copy is certified—$10 plus $1 for each page of the copy; or
  (b) in any other case—$1 for each page of the copy.

(2B) For paragraph 151AT(c) of the Act, the fee for an application for an exemption order is $7,500.

(2C) For subsection 151BQ(3) of the Act, the fee for a copy of tariff information is:
  (a) if the copy is certified—$10 plus $1 for each page of the copy; or
  (b) in any other case—$1 for each page of the copy.

(3) In spite of subregulations (1), (2) and (2A), a person appearing in a proceeding or matter before the Commission or Tribunal is entitled, without payment of a fee, to receive one certified copy of a document relating to the proceeding or matter.

(4) No fee is payable to the Commission or Tribunal for an application or notice specified in Schedule 1A.

(5) If Schedule 1A does not apply to a matter specified in column 2 of an item in Schedule 1B, the fee payable to the Commission for the matter is:
  (a) the fee specified in column 3 of the item; or
  (b) if a concessional fee is payable for the matter under subregulation (6), the concessional fee specified in column 4 of the item.

Note: Some other regulations impose fees for particular things.

(6) Subject to subregulation (6A), a concessional fee is payable to the Commission for an additional application or an additional notice if:
  (a) there are reasonable grounds for the Commission to believe that the first application or the first notice and the additional application or additional

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notice relate to conduct in the same market (or closely related markets); and

(b) each additional application or additional notice is:

(i) lodged with the Commission within 14 days of the date of lodgment of the first application or the first notice; and

(ii) endorsed by the Commission with reference to the first application or the first notice.

(6A) A concessional fee is payable to the Commission for an additional notice mentioned in paragraph (c) of the definition of ***additional notice*** in subregulation (7), if:

(a) the Commission reasonably believes that the first notice and the additional notice relate to conduct in the same market (or closely related markets); and

(b) the additional notice is lodged with the Commission within 14 days after the day the first notice was lodged with the Commission; and

(c) the additional notice is endorsed by the Commission with reference to the first notice.

(7) In this regulation:

additional application means an application, made by any person after a first application, that relates to the subject of the first application.

additional notice means:

(a) a notice given, after a person's first notice under subsection 93(1) of the Act, about conduct of a kind mentioned in:

(ii) subsection 47(2), (3), (4) or (5) of the Act; or

(iii) paragraph 47(8)(a) or (b) of the Act; or

(iv) paragraph 47(9)(a), (b) or (c) of the Act; or

(v) section 48 of the Act; or

(b) if a person is not an individual or a proprietary company, a notice given, after the person's first notice under subsection 93(1) of the Act, about conduct of a kind mentioned in:

(ii) subsection 47(6) or (7) of the Act; or

(iii) paragraph 47(8)(c) of the Act; or

(iv) paragraph 47(9)(d) of the Act; or

(v) section 48 of the Act; or

(c) a notice given under subsection 93AB(1A) or (1) after a corporation's first notice under that subsection.

first application means the first application made by a person under section 88 of the Act in relation to a matter.

28A Services and activities for which the Commission may charge

(1) For the purposes of paragraph 171A(1)(b) of the Act, the following activities are prescribed:

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(a) conducting workshops and seminars;
(b) conducting training.

(2) For the purposes of subsection 171A(3) of the Act, the following acts done by the Commission are prescribed:
(a) providing a speaker or information for:
(i) a workshop, seminar, training session or other activity not arranged by or on behalf of the Commission; or
(ii) use in training materials, including videotapes, not produced by or on behalf of the Commission;
(b) providing information relating to trade practices for use in material published by a person other than the Commission;
(c) developing industry codes of conduct to encourage compliance with the Act.

28AA Protection of persons appearing on another person's behalf

(1) A barrister, solicitor or other person appearing on behalf of another person at an inquiry held in accordance with Part VIIA of the Act has the same protection and immunity as a barrister has in appearing for a party in proceedings in the High Court.

(2) A barrister, solicitor or other person engaged by the Commission to appear at an inquiry held in accordance with Part VIIA of the Act:
(a) has the same protection and immunity as a barrister has in appearing for a party in proceedings in the High Court; and
(b) may inspect a document:
(i) given to the Commission for the purposes of the exercise of its powers or the performance of its functions under that Part; or
(ii) produced at an inquiry held in accordance with that Part; and
(c) may make copies of, or take extracts from, that document.

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Part 2A—Review by Tribunal of access determinations

28B Definitions for Part 2A

In this Part:

determination means a determination made by the Commission under section 44V of the Act.

review means a review by the Tribunal of a determination, under section 44ZP of the Act.

28C Applications for review

(1) An application for a review of a determination under section 44ZP of the Act must be in accordance with Form L.

(2) The applicant must cause a copy of the application to be served on each other party to the determination.

28D Notice about participation in a review

(1) Within 7 days after the service on a party of a copy of an application for review, that party may file with the Registrar a notice stating:
  (a) whether the party wishes to participate in the review; and
  (b) if so, particulars of the facts and contentions on which the party intends to rely and the issues as that party sees them.

(2) Subject to any direction of the Tribunal, a party is not entitled to take any step in, or be heard at the hearing of, the review unless the party has complied with subregulation (1).

28E Participants in a review

(1) Subject to regulation 28D, all the parties to a determination are entitled to participate in a review of the determination.

(2) The Tribunal may, upon such conditions it thinks fit, permit a person to intervene in a review.

(3) The parties to a review are:
  (a) any party to the determination who participates in the review; and
  (b) any person permitted to intervene in the review.

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28F Constitution of the Tribunal for conduct of a review

For the purposes of a particular review, the Tribunal is to be constituted by a Division of the Tribunal consisting of 2 or more members of the Tribunal nominated by the President.

28G Member of Tribunal presiding

(1) Subject to subregulation (2), the President must nominate a member of a Division of the Tribunal constituted under regulation 28F to preside at a review.

(2) If a presidential member of the Tribunal is a member of the Division, that presidential member is to preside at the review.

28H Reconstitution of Tribunal

(1) This regulation applies if a member of the Tribunal who is one of the members who constitute a Division of the Tribunal for the purposes of a particular review:
  (a) ceases to be a member of the Tribunal; or
  (b) for any reason, is not available for the purpose of the review.

(2) The President must either:
  (a) direct that the Tribunal is to be constituted for the purposes of finishing the review by the remaining member or members; or
  (b) direct that the Tribunal is to be constituted for that purpose by the remaining member or members together with one or more other members of the Tribunal.

(3) If a direction under subregulation (2) is given, the Tribunal as constituted in accordance with the direction must continue and finish the review and, for that purpose, may have regard to any record of the proceedings of the review made by the Tribunal as previously constituted.

28I Determination of question

If the Tribunal is constituted for a review by 2 or more members of the Tribunal, any question before the Tribunal is to be decided:
  (a) unless paragraph (b) applies—according to the opinion of the majority of those members; or
  (b) if the members are evenly divided on the question—according to the opinion of the member who is presiding.

28J Disclosure of interests by members of Tribunal

(1) If a member of the Tribunal is, or is to be, one of the members who constitute the Tribunal for the purposes of a particular review and the member has, or acquires, any pecuniary interest that could conflict with the proper performance of his or her functions in relation to the review:
  (a) the member must disclose the interest to the President; and

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(b) the member must not take part, or continue to take part, in the review if:
(i) the President gives a direction under paragraph (2)(a) in relation to the review; or
(ii) any party to the review objects to the member taking part in the review.

(2) If the President becomes aware that a member of the Tribunal is, or is to be, one of the members who constitute the Tribunal for the purposes of a particular review and that the member has, in relation to the review, an interest of a kind referred to in subregulation (1):
(a) if the President considers that the member should not take part, or should not continue to take part, in the review—the President must give a direction to the member accordingly; or
(b) in any other case—the President must cause the interest of the member to be disclosed to the parties to the review.

28K Hearing to be in private

(1) Subject to subregulation (2), a review hearing is to be in private.

(2) If the parties to the review agree, a review hearing or part of a review hearing may be conducted in public.

(3) The member of the Tribunal who is presiding at a review hearing that is conducted in private may give written directions as to the persons who may be present.

(4) In giving directions under subregulation (3), the member presiding must have regard to the wishes of the parties and the need for commercial confidentiality.

28L Representation at a review hearing

At a review hearing:
(a) an individual may appear in person; and
(b) any person may be represented by:
(i) a barrister or solicitor of the Supreme Court of a State or Territory or of the High Court; or
(ii) another person (being an individual) approved by the Tribunal.

28M Procedure of Tribunal

(1) In a review hearing of the determination in an access dispute, the Tribunal:
(a) is not bound by technicalities, legal forms or rules of evidence; and
(b) must act as speedily as a proper consideration of the dispute allows, having regard to the need to inquire into and investigate, carefully and quickly, the dispute and all matters affecting the merits, and fair settlement, of the dispute; and
(c) may inform itself of any matter relevant to the dispute in any way that it thinks appropriate.

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(2) The Tribunal may determine the periods that are reasonably necessary for the fair and adequate presentation of the respective cases of parties to a review, and may require that the cases be presented within those periods.

(3) The Tribunal may require evidence or argument to be presented in writing, and may decide the matters on which it will hear oral evidence or argument.

(4) The Tribunal may determine that a review hearing is to be conducted by:
  (a) telephone; or
  (b) closed circuit television; or
  (c) any other means of communication.

28N Summons to witness—review hearing

(1) A summons for the purposes of a review hearing must be in accordance with Form K.

(2) A summons must be served on a person by:
  (a) delivering a copy of the summons to the person personally; and
  (b) showing the original of the summons to the person at the time at which the copy is delivered to the person.

28P Taking of evidence by a single member

(1) The Tribunal as constituted for the purposes of a particular review may authorise the member presiding at the review to take evidence for the purposes of the review on its behalf, with such limitations (if any) as the Tribunal so constituted directs.

(2) If an authority is given to a member:
  (a) that member may take evidence accordingly; and
  (b) in relation to the taking of evidence in accordance with the authority, that member is taken, for the purposes of the Act and these Regulations, to constitute the Tribunal.

28Q Application of regulations

(1) Subject to subregulation (2), a provision of these Regulations that applies to a proceeding before the Tribunal applies to a review.

(2) Regulations 22 and 22A do not apply to a review.

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Part 2BA—Consumer data right

28RA Application of privacy safeguards in the energy sector

(1) This regulation is made for the purposes of section 56GE (exemptions and modifications) of the Act.

(2) AEMO is exempt:

(a) in relation to CDR data held by AEMO, from the following provisions of the Act:

(i) section 56ED (Privacy safeguard 1—open and transparent management of CDR data);

(ii) section 56EN (Privacy safeguard 11—quality of CDR data);

(iii) section 56EP (Privacy safeguard 13—correction of CDR data); and

(b) in relation to CDR data held by AEMO that AEMO discloses to an energy retailer as required or permitted by the Act, from section 56EM (Privacy safeguard 10—notifying of the disclosure of CDR data) of the Act.

(3) The following provisions:

(a) section 56ED (Privacy safeguard 1—open and transparent management of CDR data) of the Act;

(b) section 56EM (Privacy safeguard 10—notifying of the disclosure of CDR data) of the Act;

(c) any other provision (except subsection 56BD(3) of the Act) covered by paragraph 56GE(1)(a) or (b) of the Act, to the extent that the other provision affects, or is affected by, the operation of a provision referred to in paragraph (a) or (b) of this subregulation;

apply in relation to energy retailers, in relation to CDR data held by AEMO that AEMO has disclosed to an energy retailer as required or permitted by the Act, as if those provisions were varied so that they apply to such CDR data in the same way as they apply to CDR data of which the retailer is a data holder because of the energy sector designation.

(4) The following provisions:

(a) section 56EP (Privacy safeguard 13—correction of CDR data) of the Act;

(b) any other provision (except subsection 56BD(3) of the Act) covered by paragraph 56GE(1)(a) or (b) of the Act, to the extent that the other provision affects, or is affected by, the operation of section 56EP of the Act;

apply in relation to energy retailers, in relation to CDR data held by AEMO that AEMO has disclosed to an energy retailer as required or permitted by the Act, as if:

(c) those provisions were varied so that they apply to such CDR data in the same way as they apply to CDR data of which the retailer is a data holder because of the energy sector designation; and

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(d) section 56EP of the Act were modified by omitting from subsection 56EP(1) "to deal with each of the matters in subsection (3)".

Review

(5) The Minister must cause a review of the operation of this regulation to be undertaken within the period of 10 years after the commencement of the regulation.

(6) The persons undertaking the review must give the Minister a written report of the review as soon as possible after the review is completed.

(7) The Minister must cause a copy of the report of the review to be tabled in each House of the Parliament within 15 sitting days of that House after the report is given to the Minister.

Repeal

(8) Subregulations (5), (6), (7) and (8) are repealed on 30 June 2032.

28RAA Modification of authorisation to disclose CDR data before being required to do so—initial and larger retailers

For the purposes of paragraph 56GE(2)(c) (modifications) of the Act, this regulation declares that clause 8.7 of Schedule 4 to the *Competition and Consumer (Consumer Data Right) Rules 2020* applies in relation to:

(a) initial retailers (within the meaning of Part 8 of that Schedule); and

(b) larger retailers (within the meaning of Part 8 of that Schedule);

in relation to the classes of CDR data referred to in subparagraphs (1)(b)(i) to (iv) of that clause as if that clause were modified by omitting paragraph (1)(a).

28RB Modifications of certain provisions for parts of the banking sector

For the purposes of paragraph 56GE(2)(c) (modifications) of the Act, this regulation declares that the provisions of the *Competition and Consumer (Consumer Data Right) Rules 2020* apply in relation to:

(a) the classes of data holders referred to in subclause 6.6(1) of Schedule 3 to those Rules; and

(b) the classes of CDR data referred to in that subclause;

as if that subclause were modified by replacing the commencement table in that subclause with the following:

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Regulation 28RB

Data holder	Data sharing obligations	Start date to 31 Jan 2021	1 Feb 2021 to 28 Feb 2021	1 Mar 2021 to 30 Jun 2021	1 Jul 2021 to 31 Oct 2021	1 Nov 2021 to 31 Jan 2022	1 Feb 2022 to 30 Sept 2022	1 Oct 2022 onward
Initial data holders (NAB, CBA, ANZ, Westpac branded products)	Part 2	All product phases	All product phases	All product phases	All product phases	All product phases	All product phases	All product phases
	Part 3	-	-	-	-	-	-	-
	Part 4	Phase 1 Phase 2	All product phases	All product phases	All product phases	All product phases	All product phases	All product phases
Any other relevant ADI and initial data holders for non-primary brands	Part 2	Phase 1	Phase 1 Phase 2	Phase 1 Phase 2	All product phases	All product phases	All product phases	All product phases
	Part 3	-	-	-	-	-	-	-
	Part 4	-	-	-	Phase 1 JAE CODE	Phase 1 Phase 2 JAE	All product phases JAE	All product phases
Accredited ADI and accredited non-ADI (reciprocal data holder)	Part 2	All product phases	All product phases	All product phases	All product phases	All product phases	All product phases	All product phases
	Part 3	-	-	-	-	-	-	-
	Part 4	-	-	Phase 1 JAE CODE	All product phases JAE	All product phases JAE	All product phases JAE	All product phases

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Part 2B—Telecommunications access regime

Division 1—Definitions for Part 2B

28R Definitions

In this Part:

(b) the following words and expressions have the meanings given in Part XIC of the Act:

(i) access;
(ii) access provider;
(iii) access seeker;
(iv) active declared service;
(v) carrier;
(vi) declared service;
(vii) determination;
(viii) facility;
(ix) party;
(x) price-related terms and conditions;
(xi) service provider.

Note 1: For each of the following words and expressions, see the related provision of the Act:
access—section 152AF
access provider—subsection 152AR(2)
access seeker—section 152AG
active declared service—subsection 152AR(2)
declared service—subsection 152AL(2)
price-related terms and conditions—subsection 152CH(3).

Note 2: Section 152AC of the Act provides that each of the following words, and the following expression, has the same meaning as in the *Telecommunications Act 1997*:
carrier
facility
service provider.

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Division 2—Access generally

28S Billing information

(1) This regulation is made for subsection 152AR(7) of the Act.

(2) This regulation applies to billing information that is not available to the service provider from the signals used to deliver calls, or other processes agreed between the access and service providers.

(3) Billing information must be given:
  (a) at times agreed by the access and service providers; and
  (b) in a manner and form agreed by the access and service providers, including whether the information is to be given in electronic or paper form.

(4) For supply of an active declared service used for making a call using a relevant carriage service, billing information must, unless the access and service providers agree otherwise, include the following particulars:
  (a) if the access provider knows the unique customer account number of the customer who originated the call—the number;
  (b) if:
    (i) the public number from which the call was made is not the same as the public number used for billing purposes; and
    (ii) the access provider knows the public number used for billing purposes;
  the public number used for billing purposes;
  (c) the public number to which the call was made;
  (d) the time the call started;
  (e) the duration of the call;
  (f) if the service provider asks about a call to which subregulation (5) applies and the access provider knows the information—the name and billing address of the customer;
  (g) if the service provider asks for other information reasonably required by the service provider to bill the customer—the information;
  (h) for a call made using an active declared service mentioned in paragraph (b) of the definition of ***relevant carriage service*** in subregulation (7)—the geographic region where the call originated or terminated.

(5) For paragraph (4)(f), this subregulation applies to a call if:
  (a) the service provider chosen for the call is not the service provider that the customer pre-selected in accordance with arrangements under a determination that is in force under section 349 of the *Telecommunications Act 1997*; and
  (b) the customer became a customer of the service provider because the customer selected the service provider by dialling a particular over-ride dial code.

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(6) For supply of an active declared service other than for making a call using a relevant carriage service, billing information must include a level of itemisation agreed by the access and service providers.

(7) In this regulation:

billing address means the address to which bills are normally sent by the service provider pre-selected by the customer.

public mobile telecommunications service has the same meaning as in the *Telecommunications Act 1997*.

public number means a number specified in the numbering plan made under section 455 of the *Telecommunications Act 1997*.

relevant carriage service means:

(a) a standard telephone service; or

(b) a public mobile telecommunications service for which the price-related terms and conditions of supply are determined wholly or partly by where a call originates or terminates.

standard telephone service has the same meaning as in the *Telecommunications Act 1997*.

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Division 4—Documents

28Y Definition

In this Division:

Part XIB or XIC register means:

(a) the Register of competition notices kept under section 151AR of the Act; or

(b) the Register of exemption orders kept under section 151BH of the Act; or

(c) the register of tariff filing directions kept under section 151BR of the Act; or

(d) the Register of declared services kept under section 152AQ of the Act; or

(e) the Register of Access Determinations kept under section 152BCW of the Act; or

(f) the Register of Binding Rules of Conduct kept under section 152BDN of the Act; or

(g) the Register of NBN Access Agreement Statements kept under section 152BEBD of the Act; or

(h) the Register of Layer 2 Bitstream Access Agreement Statements kept under section 152BEBG of the Act; or

(i) the Register of access undertakings kept under section 152CC of the Act; or

(j) the Register of Ministerial pricing determinations kept under section 152CJ of the Act.

28Z Copies of documents in Part XIB or Part XIC register

(1) A person may request a copy of a document in a Part XIB or XIC register that is certified by a person, who is authorised by the Commission to certify copies of documents of that kind, to be a true copy of the document.

(2) A request must be made:

(a) in person at the office of the Commission where the register is kept; or

(b) in writing to the Commission at that office.

Note: See subregulation 28(2A) for fees.

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Part 3—International liner cargo shipping

29 Interpretation

(1) In this Part, unless the contrary intention appears:

Registrar means the Registrar of Liner Shipping.

trade area, in relation to a conference agreement, means the geographical area to which the agreement relates.

(2) An expression used in this Part has the same meaning as in Part X of the Act.

30 Office of the Registrar

The Registrar must notify in the *Gazette* any change in the address of the office of the Registrar.

31 Fees

The fee specified in column 2 of an item in Schedule 2 is prescribed in respect of the matter specified in column 1 of that item.

32 Register of conference agreements: prescribed particulars

The following particulars are prescribed in relation to an entry in the register of conference agreements, as well as any particulars required by the Act to be entered in the register:

(a) the name of the agreement;
(b) the parties to the agreement;
(c) the trade area covered by the agreement;
(d) the identification number of the conference agreement file kept by the Registrar under section 10.12 of the Act;
(e) the date of the agreement;
(f) whether the agreement is for a fixed period and, if so, the period;
(g) details of any provisions for renewal or termination of the agreement;
(h) the date on which the agreement was provisionally registered;
(i) the date on which the agreement was finally registered;
(j) a summary of the agreement;
(k) the names of the designated shipper bodies with which the parties to the agreement are required to negotiate under section 10.29 and 10.41 of the Act;
(l) where the parties to the agreement have notified the Registrar under subsection 10.29(2), that fact;
(m) whether agreement has been reached in the negotiations under section 10.29 of the Act;

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(n) whether the Registrar has directed that any part of the agreement is not to be open to public inspection and, if so, which part;

(o) whether another conference agreement that varies the agreement has been made or arrived at and, if so, the name of that other agreement;

(p) the date of any notifications given to the Registrar under subsection 10.40 and 10.43 of the Act in connection with the operation of the agreement;

(q) whether the agreement is an outwards conference agreement or an inwards conference agreement.

33 Register of designated shipper bodies: prescribed particulars

The following particulars are prescribed in relation to an entry in the register of designated shipper bodies, as well as any particulars required by the Act to be entered in the Register:

(a) the name and kind of the designated shipper body;

(b) the date on which the shipper body was designated by the Minister under section 10.03 of the Act;

(c) in the case of a designated secondary shipper body:

(i) the date on which the Registrar nominated the shipper body;

(ii) the name of the conference agreement to which the nomination relates;

(iii) the provision of the Act under which the nomination was made;

(d) the address of each member of the shipper body;

(e) the telephone and fax numbers, postal address and e-mail address (if any), of the shipper body;

(f) the name of a contact person for the shipper body.

34 Register of non-conference ocean carriers with substantial market power: prescribed particulars

The following particulars are prescribed in relation to an entry in the register of non-conference ocean carriers with substantial market power, as well as any particulars required by the Act to be entered in the register:

(a) the name of the ocean carrier;

(b) the date on which the ocean carrier was registered under section 10.51 of the Act as a non-conference ocean carrier with substantial market power;

(c) whether the market power of the ocean carrier was determined by the Commission under section 10.50 or by the Minister by agreement with the ocean carrier;

(d) if the market power of the ocean carrier was determined by the Commission, the date and title of the Commission's report;

(e) the name of each designated shipper body with which the ocean carrier is to negotiate under subsection 10.52(1);

(f) the trade route on which the ocean carrier has been determined to have substantial market power.

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35 Register of obligations concerning unfair pricing practices: prescribed particulars

The following particulars are prescribed in relation to an entry in the register of obligations concerning unfair pricing practices, as well as any particulars required by the act to be entered in the register:

(a) the name of the ocean carrier to whom the obligation relates;

(b) whether the obligation was incurred as the result of an order under subsection 10.61(1) of the Act or an undertaking under subsection 10.64(1) of the Act;

(c) the trade route to which the obligation relates;

(d) the date on which the order or undertaking took effect;

(e) a summary of the order or undertaking;

(f) if the obligation was incurred as the result of an order under subsection 10.61(1) of the Act, the title and date of the report of the Commission under section 10.63 of the Act.

36 Register of ocean carrier agents: prescribed particulars

The following particulars are prescribed in relation to an entry in the register of ocean carrier agents, as well as any particulars required by the Act to be entered in the register:

(a) the telephone and fax numbers, and e-mail address (if any), of the agent;

(b) the date of the agent's appointment.

37 Loyalty agreements: notifications relating to exemptions: prescribed particulars

(1) A notification under section 10.21 of the Act must include:

(a) the name and address of the shipper giving the notification;

(b) the name and address of each other party to the loyalty agreement;

(c) where a copy of the loyalty agreement is not included with the notification—a summary of the agreement;

(d) the date from which the agreement took effect;

(e) the date on which the agreement would, but for the notice, come to an end;

(f) the date, being a date not earlier than 30 days after the date of the notice, from which the shipper no longer wishes the exemptions referred to in section 10.20 of the Act to apply;

(g) in the case of a notification to an ocean carrier—a copy of the notification to the Commission under section 10.21 of the Act;

(h) in the case of a notification to the Commission—a copy of the notification to the ocean carrier.

38 Application for provisional registration of conference agreement

(1) An application under section 10.25 of the Act for the provisional registration of a conference agreement must:

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(a) be in accordance with Form 1 in Schedule 3; and
(b) be accompanied by a copy of the agreement; and
(c) be accompanied by the prescribed fee.

(2) Where the agreement is partly or wholly oral, the application shall be accompanied by a written memorandum setting out all the provisions of the agreement that are oral.

(3) The following particulars are specified for the purposes of Form 1:
(a) the names of the parties to the agreement;
(b) a summary of the agreement, not longer than 100 words;
(c) the date of the agreement;
(d) the period of the agreement;
(e) the trade area covered by the agreement;
(f) if the agreement includes a provision of the kind described in paragraph 10.08(1)(a) or (b) of the Act that does not deal only with the matters specified in paragraph 10.08(1)(c) of the Act—the reasons why the provision is necessary for the effective operation of the agreement and is of overall benefit:
(i) for an outwards conference agreement, to Australian exporters; or
(ii) for an inwards conference agreement, to Australian importers;
(g) whether there have been:
(i) any variations to the agreement that have not been registered or are not being registered; or
(ii) any happening of affecting events (as described in section 10.40 of the Act) that have not been notified to the Registrar;
and, if so, details of the variations or happenings;
(h) for an outwards conference agreement—a statement that the agreement provides for the application of Australian law, as specified in subsection 10.06(1) or, where that is not the case, a copy of the Minister's agreement referred to in that subsection.

38A Special circumstances for inwards conference agreement

For paragraph 10.28(1)(ba) of the Act, there are taken to be special circumstances if the inwards conference agreement has provisions that make the agreement substantially incompatible with the principal objects of Part X of the Act.

39 Notice about negotiations

(1) For subsection 10.29(1B) of the Act, a notice must be in writing and include:
(a) the title of the conference agreement; and
(b) the date on which the shipper bodies notified, or propose to notify, the parties to the agreement that they wish to negotiate.

(2) For subsection 10.29(2) of the Act, a notice must be in writing and include:

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(a) the title of the conference agreement; and
(b) the date on which the shipper bodies notified, or propose to notify, the parties to the agreement that they do not wish to negotiate; and
(c) the reasons why the shipper bodies do not wish to negotiate.

40 Application for final registration of a conference agreement

(1) An application under section 10.30 of the Act for the final registration of a conference agreement must:
(a) be in accordance with Form 2 in Schedule 3; and
(b) be accompanied by a copy of the agreement; and
(c) be accompanied by the prescribed fee.

(2) Where the agreement is partly or wholly oral, the application shall be accompanied by a written memorandum setting out all the provisions of the agreement that are oral.

(3) The following particulars are specified for the purposes of Form 2:
(a) the names of the parties to the agreement;
(b) a summary of the agreement, not longer than 100 words;
(c) the date of the agreement;
(d) the period of the agreement;
(e) the trade area covered by the agreement;
(f) the names of the designated shipper bodies with which the parties to the agreement are required to negotiate under section 10.29 of the Act;
(g) whether agreement was reached as a result of the negotiations under section 10.29 of the Act and details of minimum service levels to be provided under the agreement;
(h) if the agreement includes a provision of the kind described in paragraph 10.08(1)(a) or (b) of the Act that does not deal only with the matters specified in paragraph 10.08(1)(c) of the Act—the reasons why the provision is necessary for the effective operation of the agreement and is of overall benefit:
(i) for an outwards conference agreement, to Australian exporters; or
(ii) for an inwards conference agreement, to Australian importers;
(i) whether there have been:
(i) any variations to the agreement that have not been registered or are not being registered; or
(ii) any happening of affecting events (as described in section 10.40 of the Act) that have not been notified to the Registrar;
and, if so, details of the variations or happenings;
(j) for an outwards conference agreement—a statement that the agreement provides for the application of Australian law, as specified in subsection 10.06(1) of the Act or, where this not the case, a copy of the Minister's agreement referred to in that subsection.

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41 Form of abstract

For the purposes of subsection 10.35(2) of the Act, an abstract must be in accordance with Form 3 in Schedule 3.

42 Notice of the happening of an affecting event

(1) A notice under section 10.40 or 10.43 of the Act of the happening of an affecting event must:
  (a) be in accordance with Form 4 in Schedule 3; and
  (b) in the case of a notice under section 10.40 of the Act—be given to the Registrar as soon as practicable after a party to the conference becomes aware of the event; and
  (c) in the case of a notice under section 10.43 of the Act—be given to the Registrar within 30 days after a party to the conference agreement becomes aware of the event.

(2) The following particulars are specified for the purposes of Form 4:
  (a) the date of the happening of the event;
  (b) whether subparagraph 10.40(1)(b)(i) or (ii) applies to the event;
  (c) details of the happening of the event;
  (d) the effect of the event on the operation of the agreement;
  (e) for an outwards conference agreement—the effect of the event on the provision of outwards liner cargo shipping services;
  (f) for an inwards conference agreement—the effect of the event on the provision of inwards liner cargo shipping services.

43 Undertakings

(1) An offer to give an undertaking under section 10.49, 10.59 or 10.64 of the Act must be in accordance with Form 5 in Schedule 3.

(2) The following particulars are specified for the purposes of Form 5:
  (a) a brief description of the terms of the undertaking;
  (b) the trade area or trade route to which the undertaking will relate;
  (c) the date from which it is proposed the undertaking will operate;
  (d) the names of the parties to whom the undertaking will apply;
  (e) in the case of an offer under section 10.49:
    (i) the name of the registered conference agreement;
    (ii) the date of final registration of the agreement;
  (f) in the case of an offer under section 10.49 or 10.59 of the Act:
    (i) the date and title of the Commission's report under section 10.46, 10.47, 10.48, 10.56, 10.57 or 10.58 of the Act that led to the offer to give the undertaking; or
    (ii) the date of the reference to the Commission under section 10.46, 10.47 or 10.56 of the Act or the application to the Commission under section 10.48 or 10.58 of the Act;

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(g) in the case of an offer under section 10.64 of the Act:
(i) the date of the reference to the Commission, and the report, under section 10.63 of the Act; and
(ii) a statement that if the offer is accepted the ocean carrier will, if asked by the Registrar, give such information as is necessary to show that the ocean carrier is complying with the terms of the offer.

44 Application by ocean carrier for registration of agent

(1) An application under section 10.70 of the Act for the registration of an agent must be in accordance with Form 6 in Schedule 3 and be accompanied by:
(a) a copy of the instrument appointing the agent; and
(b) the prescribed fee.

(2) The following particulars are specified for the purposes of Form 6:
(a) the name of the ocean carrier;
(b) the address of the head office of the ocean carrier;
(c) the date from which the appointment is to take effect;
(d) the name of the proposed agent;
(e) the residential address of the proposed agent;
(f) a business address of the proposed agent that may be used as an address for service of the ocean carrier.

45 Notice of change of agent etc

(1) A notice under subsection 10.72(1) of the Act must be in accordance with Form 7 of Schedule 3 and be accompanied by a copy of the instrument appointing the agent.

(2) The following particulars are prescribed for the purposes of Form 7:
(a) the address of the head office of the ocean carrier;
(b) in the case of notice of the revocation of appointment of an agent:
(i) the date from which the revocation is to take effect;
(ii) the address of the agent;
(c) in the case of the appointment of a new agent:
(i) the date from which the appointment is to take effect;
(ii) the name of the new agent;
(iii) the residential address of the new agent;
(iv) a business address of the new agent that may be used as an address for service of the ocean carrier;
(d) in the case of a notice under paragraph 10.72(1)(c) requesting a variation of particulars relating to the ocean carrier—details of the particulars to be varied.

46 Manner of making applications and giving notices

An application may be made, or a notice given, to the Registrar:

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(a) by leaving the application or notice with a person in attendance at the Registrar's office; or

(b) by sending the application or notice to the Registrar by registered post or to an electronic address.

47 Verification of documents

(1) An application required to be made, or a notice to be given, to the Registrar, other than an application under section 10.70 of the Act or a notice under subregulation 45(1), must be verified by statutory declaration.

(2) The statutory declaration must be made by:

(a) the person furnishing the particulars in the application or notice; or

(b) a person authorised in writing by that person.

(3) In the case of a varying conference agreement lodged for registration in consolidated form, the person lodging it must declare that the parties to the agreement have agreed to the terms of the varying conference agreement in consolidated form.

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Part 5—Authorisations, notifications and clearances in respect of restrictive trade practices—prescribed matters

71A Collective bargaining contracts—motor vehicle fuel for retail sale

(1) For subsection 93AB(4) of the Act, the amount of $15 000 000 is prescribed for a collective bargain for the purchase of motor vehicle fuel for the purpose of sale to the public.

(2) Subregulation (1) does not apply to the purchase or sale of other products by convenience stores, repair shops or other business activities that are associated with, or form part of the business of, a motor vehicle fuel retailer.

71B Collective bargaining contracts—motor vehicles for retail sale

For subsection 93AB(4) of the Act, the amount of $20 000 000 is prescribed for a collective bargain for the purchase of new motor vehicles for the purpose of sale to the public.

71C Collective bargaining contracts—farm machinery for retail sale

For subsection 93AB(4) of the Act, the amount of $10 000 000 is prescribed for a collective bargain for the purchase of farm machinery for the purpose of sale to the public.

71D Collective bargaining contracts—primary production

(1) For subsection 93AB(4) of the Act, the amount of $5 000 000 is prescribed for a collective bargain of primary producers for:
  (a) the sale of primary products; or
  (b) the purchase of inputs used for the production of primary products.

(2) In this regulation, ***primary product*** means:
  (a) crops, whether on or attached to the land or not; or
  (b) animals (whether dead or alive); or
  (c) the bodily produce (including natural increase) of animals; or
  (d) fruit, vegetables, herbs, edible fungi or nuts.

75 Waiver of fee for application relating to non-merger authorisation

For subsection 172(2A) of the Act, the circumstance is that the Commission is satisfied that imposition of the entire fee would impose an unduly onerous burden on an applicant.

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Regulation 76

76 Search and Seizure—identity card for inspectors

For paragraph 154C(2)(a) of the Act, an identity card must contain the following information:

(a) a recent photograph of the inspector to whom the card was issued;
(b) the name of the inspector;
(c) the date of issue of the card;
(d) the Commission corporate logo and the Australian coat of arms;
(e) the following text:

"The person whose name and photograph appear on this card is an inspector of the Commission who:

(a) has been appointed by the Chairperson of the Commission as an Inspector pursuant to section 154B of the *Competition and Consumer Act 2010*; and

(b) has been issued with this identity card by the Chairperson of the Commission pursuant to section 154C of the *Competition and Consumer Act 2010*."

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Part 6—Australian Consumer Law

77A Prescribed amount—acquiring goods or services as a consumer

For the purposes of paragraph 3(1)(a) of the Australian Consumer Law, the amount of $100,000 is prescribed.

77 Prescribed requirements for definition of *assert a right to payment*

For paragraph 10(1)(e) of the Australian Consumer Law, the following requirements are prescribed:

(a) the statement must include the text ‘This is not a bill. You are not required to pay any money.’;

(b) the text must be the most prominent text in the document.

78 Prescribed requirements for warning statements

For paragraphs 40(3)(b) and 43(2)(b) of the Australian Consumer Law, the following requirements are prescribed:

(a) the warning statement must include the text ‘This is not a bill. You are not required to pay any money.’;

(b) the text must be the most prominent text in the document.

79 Specification of body

For paragraph 43(3)(a) of the Australian Consumer Law, the Audit Bureau of Circulations is specified.

80 Specification of person

For paragraph 43(3)(d) of the Australian Consumer Law, a person mentioned in paragraph (a), (b), (c) or (d) is specified if the person has not been found guilty of an offence under section 162 of the Australian Consumer Law:

(a) a large proprietary company; or

(b) a subsidiary of a large proprietary company; or

(c) a listed corporation; or

(d) a subsidiary of a listed corporation.

80A Single price does not apply to surcharges on food or beverage in restaurants

(1) This regulation is made for paragraphs 48(4A)(a) and (b) of the Australian Consumer Law.

Class of representations

(2) A class of representations is representations that:

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(a) are made on the menu of a restaurant; and
(b) refer to the imposition of a surcharge on the consideration for the supply of food or beverage by the restaurant on a specified day or days.

(3) Subregulation (2) applies whether or not the menu:
(a) identifies the food or beverage; and
(b) displays the consideration for the supply of food or beverage.

Conditions in relation to a representation in the class

(4) The representation must include the words "a surcharge of *[percentage]* applies on *[the specified day or days]*".

(5) The representation must be transparent.

(6) The representation must be displayed at least as prominently as the most prominent display on the menu of the following:
(a) the consideration for the supply of food or beverage;
(b) a fee or surcharge relating to the supply of food or beverage.

(7) However, if the menu does not display the consideration for the supply of food or beverage, and does not display any other fee or surcharge relating to the supply of food or beverage, the representation must be displayed in a way that is conspicuous and visible to a reader.

(8) In this regulation:

restaurant:
(a) means a business, service or arrangement:
(i) in which food or beverage is sold to customers; and
(ii) of a kind commonly known as a restaurant, cafe, bistro or any similar term; and
(b) does not include a business, service or arrangement by which food or beverage is provided or delivered to customers in the expectation of consumption at a later time; and
(c) does not include a business, service or arrangement for the delivery of groceries.

Example 1: Other examples for paragraph (a) are:
(a) a shop selling takeaway food; and
(b) a business that supplies food, ordered for immediate consumption, by home delivery only.

Example 2: An example for paragraph (b) is a business that delivers prepared meals as part of a diet or health program.

Example 3: An example for paragraph (c) is the home delivery service of a supermarket.

81 Agreements that are not unsolicited consumer agreements—general

(1) For subsection 69(4) of the Australian Consumer Law, the following kinds of agreement are not unsolicited consumer agreements:

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(a) a business contract;
(b) a discontinued negotiations agreement;
(c) an agreement made in the course of a party plan event;
(d) a renewable agreement of the same kind;
(e) a subsequent agreement of the same kind.

(2) In this regulation:

business contract means an agreement for the supply of goods or services not of a kind ordinarily acquired for personal, domestic or household use or consumption.

discontinued negotiations agreement means an agreement made as a result of:
(a) a consumer for an unsolicited consumer agreement discontinuing negotiations with the supplier for the unsolicited consumer agreement; and
(b) the consumer subsequently initiating negotiations with the supplier for the unsolicited consumer agreement.

invitation, for a party plan event, means:
(a) an express statement that the persons invited to attend the party plan event are invited to the event for the purpose of negotiating for the supply of goods or services to 1 or more of the persons; or
(b) an implied statement that a reasonable consumer would understand to be an invitation to attend the party plan event for the purpose of negotiating for the supply of goods or services to 1 or more persons.

inviter, for a party plan event, means the person who invites another person to the party plan event.

party plan event means an event for which the following circumstances exist:
(a) the purpose of the event is to negotiate for:
(i) the supply of goods or services to 1 or more persons; or
(ii) the supply of goods and services to 1 or more persons;
(b) before the event, the inviter for the party plan event invites 3 or more persons to attend the party plan event;
(c) during the event, the persons are in the same premises as the inviter for the party plan event or a representative of the inviter for the party plan event.

renewable agreement of the same kind means an agreement made in the following circumstances:
(a) a consumer and a supplier are parties to an agreement, for the supply of goods or services, that is in force;
(b) the consumer and supplier enter into another agreement for the supply of goods or services that are of the same kind as the goods or services supplied under the existing contract.

subsequent agreement of the same kind means an agreement made in the following circumstances:

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(a) a consumer and a supplier are parties to an agreement for the supply of goods or services;
(b) the goods or services are supplied;
(c) within 3 months of the supply of the goods or services:
(i) the consumer and supplier enter into 1 or more other agreements for the supply of goods or services of the same kind as the goods or services supplied under the agreement; and
(ii) the total value of the other agreements is an amount of $500 or less.

82 Information relating to identity of dealer

For paragraph 74(c) of the Australian Consumer Law, the following information is prescribed:
(a) the dealer's name;
(b) if the dealer is the supplier of the goods or services about which the dealer proposes to negotiate—the dealer's address;
(c) if the dealer is not the supplier of the goods or services about which the dealer proposes to negotiate—the supplier's name and address (not being a post office box).

83 Information about termination period

(1) For subparagraph 76(a)(iii) of the Australian Consumer Law, information about the prohibition in section 86 of the Australian Consumer Law is prescribed.

(2) However, subregulation (1) does not apply if section 86 of the Australian Consumer Law does not apply to, or in relation to, the unsolicited consumer agreement.

Note: Section 86 of the Australian Consumer Law may not apply to an unsolicited consumer agreement because of regulations made under section 94 of the Australian Consumer Law. For example, section 86 of the Australian Consumer Law does not apply to, or in relation to, agreements of a kind specified in regulation 89 and circumstances of a kind specified in regulations 88 and 95 of these Regulations.

84 Form and way of giving information about termination period

For paragraph 76(d) of the Australian Consumer Law, information given in writing must be:
(a) attached to the agreement or agreement document for the supply of goods or services; and
(b) transparent; and
(c) in text that is the most prominent text in the document, other than the text setting out the dealer's or supplier's name or logo.

85 Information for front page of agreement or agreement document

For subparagraph 79(b)(ii) of the Australian Consumer Law, the following information is prescribed:

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(a) the text ‘Important Notice to the Consumer’;
(b) the text ‘You have a right to cancel this agreement within 10 business days from and including the day after you signed or received this agreement’;
(c) the text ‘Details about your additional rights to cancel this agreement are set out in the information attached to this agreement’.

86 Requirements for front page of agreement

For subparagraph 79(b)(iii) of the Australian Consumer Law, the following requirements are prescribed:

(a) the front page of the agreement must be signed by the consumer;
(b) the front page of the agreement must include the day on which the consumer signed the document.

87 Requirements for notice accompanying agreement or agreement document

For subparagraph 79(c)(ii) of the Australian Consumer Law, the requirement that the notice be in the approved form is prescribed.

88 Application of Division 2, Part 3-2 of Australian Consumer Law to emergency repair contract

(1) For paragraph 94(a) of the Australian Consumer Law, the following provisions of the Australian Consumer Law do not apply in relation to the circumstances specified in subregulation (2):
(a) section 76;
(b) paragraph 79(c);
(c) paragraph 82(3)(a);
(d) paragraph 82(3)(b);
(e) paragraph 82(3)(d);
(f) section 86;
(g) section 173;
(h) paragraph 175(1)(c);
(i) section 179.

(2) For subregulation (1), the circumstances are:
(a) that as a result of an earthquake, fire, flood, storm or similar event a state of emergency has been declared under a law of the Commonwealth, a State or a Territory for an area in which a person’s property is located; and
(b) the person enters into an agreement (an ***emergency repair contract***) with a supplier of goods or services for urgent work to be undertaken to:
(i) rectify a hazard or potential hazard on the person’s property; or
(ii) protect the health and safety of persons on the person’s property; or
(iii) prevent substantial damage to the person’s property; and
(c) under a Commonwealth, State or Territory law for the area in which the person’s property is located, the supplier of goods or services under the

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emergency repair contract is required to hold a licence that is in force and the supplier holds the licence.

89 Application of Division 2, Part 3-2 of Australian Consumer Law to particular unsolicited consumer agreement

(1) For paragraph 94(b) of the Australian Consumer Law, section 86 of the Australian Consumer Law does not apply in relation to an unsolicited consumer agreement to which the circumstances mentioned in subregulation (2) apply.

(2) For subregulation (1), the circumstances are that the unsolicited agreement is for the supply of an electricity or gas service from a supplier to a premises and the service:

(a) is not connected to the premises; or

(b) is connected to the premises and no electricity or gas is being supplied to the premises by the supplier.

89A Gift cards

For the purposes of section 99A of the Australian Consumer Law, an article of any of the following kinds is not a gift card:

(a) an article that:

(i) is redeemable for goods or services; and

(ii) can have its value increased after it is supplied other than because of a reversal of a payment made using the article or the correction of an error;

(b) an article that is only redeemable in relation to one or more of the following:

(i) electricity;

(ii) gas;

(iii) a telecommunications service.

89B Gift cards—fees or charges that are not post-supply fees and charges

For the purposes of subsection 99D(2) of the Australian Consumer Law, the following kinds of fees and charges are specified:

(a) fees or charges for making a booking if the fees or charges are the same, or substantially the same, as the fees or charges for making the booking using a payment method other than a gift card;

(b) fees or charges for exchanging currencies;

(c) fees or charges relating to the reissue of a gift card that has been lost, stolen or damaged;

(d) fees or charges that are payment surcharges (within the meaning of section 55A of the Act).

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89C Application of Division 3A of Part 3-2 of the Australian Consumer Law to gift cards

Gift cards to be redeemable for at least 3 years—gift cards and supplies to which requirement does not apply

(1) For the purposes of paragraph 99G(a) of the Australian Consumer Law, section 99B and paragraph 99F(1)(b) of the Australian Consumer Law do not apply to:

(a) a gift card of a kind that:

(i) is only redeemable for a particular good or service that is only available for a specified period; and

(ii) ceases to be redeemable at the end of that specified period; or

(b) a gift card of a kind that:

(i) is only redeemable for a particular good or service; and

(ii) is supplied at a discount on the market value of the good or service that a reasonable person would consider to be a genuine discount on the market value of the good or service.

(2) For the purposes of paragraph 99G(c) of the Australian Consumer Law, section 99B and paragraph 99F(1)(b) of the Australian Consumer Law do not apply in relation to gift cards supplied in any of the following circumstances:

(a) a gift card supplied as part of a temporary marketing promotion to the purchaser of goods or services in connection with the purchase of the goods or services;

(b) a gift card donated for a promotional purpose;

(c) a gift card supplied for the purposes of an employee reward scheme;

(d) a gift card supplied for the purposes of a customer loyalty program;

(e) a gift card supplied in exchange for another gift card if the gift card being supplied and the gift card being exchanged cease to be redeemable at the same time.

Supplies of gift cards to which all requirements relating to gift cards do not apply

(3) For the purposes of paragraph 99G(c) of the Australian Consumer Law, Subdivision B of Division 3A of Part 3-2 of the Australian Consumer Law does not apply in relation to:

(a) gift cards supplied in these circumstances:

(i) a person supplies a gift card in trade or commerce; and

(ii) the gift card being supplied has been the subject of an earlier supply in trade or commerce; and

(iii) the gift card is being supplied by the person as a second-hand good; and

(iv) the person cannot vary when the gift card ceases to be redeemable; or

(b) gift cards supplied to:

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(i) an entity that is registered under the *Australian Charities and Not-for-Profits Commission Act 2012* as the subtype of entity mentioned in column 2 of item 3 of the table in subsection 25-5(5) of that Act (Entity with a purpose of advancing social or public welfare); or

(ii) a Department of State of the Commonwealth, a State or a Territory; or

(iii) an agency or authority of the Commonwealth, a State or a Territory, except where the functions of the agency or authority are wholly or primarily commercial functions; or

(iv) a body established for the purposes of local government by or under a law of a State or Territory.

90 Requirements for warranties against defects

(1) For subsection 102(1) of the Australian Consumer Law, the following requirements are prescribed:

(a) a warranty against defects must be in a document that is transparent;

(b) a warranty against defects must concisely state:

(i) what the person who gives the warranty must do so that the warranty may be honoured; and

(ii) what the consumer must do to entitle the consumer to claim the warranty;

(c) a warranty against defects must include:

(i) in relation to the supply of goods only—the text mentioned in subregulation (2); or

(ii) in relation to the supply of services only—the text mentioned in subregulation (3); or

(iii) in relation to the supply of goods and services—the text mentioned in subregulation (4);

(d) a warranty against defects must prominently state the following information about the person who gives the warranty;

(i) the person's name;

(ii) the person's business address;

(iii) the person's telephone number;

(iv) the person's email address (if any);

(e) a warranty against defects must state the period or periods within which a defect in the goods or services to which the warranty relates must appear if the consumer is to be entitled to claim the warranty;

(f) a warranty against defects must set out the procedure for the consumer to claim the warranty including the address to which a claim may be sent;

(g) a warranty against defects must state who will bear the expense of claiming the warranty and if the expense is to be borne by the person who gives the warranty—how the consumer can claim expenses incurred in making the claim;

(h) a warranty against defects must state that the benefits to the consumer given by the warranty are in addition to other rights and remedies of the

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consumer under a law in relation to the goods or services to which the warranty relates.

(1A) Paragraph (1)(c) does not apply in relation to:

(a) services mentioned in section 63 of the Australian Consumer Law; and

(b) supplies mentioned in section 65 of the Australian Consumer Law.

(2) For the purposes of subparagraph (1)(c)(i), the text is 'Our goods come with guarantees that cannot be excluded under the Australian Consumer Law. You are entitled to a replacement or refund for a major failure and compensation for any other reasonably foreseeable loss or damage. You are also entitled to have the goods repaired or replaced if the goods fail to be of acceptable quality and the failure does not amount to a major failure'.

(3) For the purposes of subparagraph (1)(c)(ii), the text is 'Our services come with guarantees that cannot be excluded under the Australian Consumer Law. For major failures with the service, you are entitled:

- to cancel your service contract with us; and
- to a refund for the unused portion, or to compensation for its reduced value.

You are also entitled to be compensated for any other reasonably foreseeable loss or damage. If the failure does not amount to a major failure you are entitled to have problems with the service rectified in a reasonable time and, if this is not done, to cancel your contract and obtain a refund for the unused portion of the contract'.

(4) For the purposes of subparagraph (1)(c)(iii), the text is 'Our goods and services come with guarantees that cannot be excluded under the Australian Consumer Law. For major failures with the service, you are entitled:

- to cancel your service contract with us; and
- to a refund for the unused portion, or to compensation for its reduced value.

You are also entitled to choose a refund or replacement for major failures with goods. If a failure with the goods or a service does not amount to a major failure, you are entitled to have the failure rectified in a reasonable time. If this is not done you are entitled to a refund for the goods and to cancel the contract for the service and obtain a refund of any unused portion. You are also entitled to be compensated for any other reasonably foreseeable loss or damage from a failure in the goods or service'.

91 Requirement for notice relating to repair of goods

(1) For subsection 103(1) of the Australian Consumer Law, the following requirements are prescribed:

(a) if the notice relates to the repair of goods that are capable of retaining user-generated data, the notice must state that repair of the goods may result in loss of the data;

(b) the notice must include the text mentioned in subregulation (2) if it is the practice of a repairer of goods:

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(i) to supply refurbished goods as an alternative to repairing a consumer's defective goods; or

(ii) to use refurbished parts in the repair of a consumer's defective goods.

(2) For paragraph (1)(b), the text is 'Goods presented for repair may be replaced by refurbished goods of the same type rather than being repaired. Refurbished parts may be used to repair the goods.'.

(3) In this regulation:

User-generated data means any data stored on goods.

Examples

1 Files stored on a computer hard drive.

2 Telephone numbers stored on a mobile telephone.

3 Songs stored on a portable media player.

4 Games saved on a games console.

5 Files stored on a USB memory stick.

92 Laws specified for supplier reports about consumer goods associated with death, serious injury or illness of any person

For paragraphs 131(2)(c) and 132(2)(c) of the Australian Consumer Law, a law of the Commonwealth, a State or a Territory mentioned in an item of the following table is specified.

Item	Law of the Commonwealth, a State or a Territory
1	*Agricultural and Veterinary Chemicals Act 1994* (Cth)
2	*National Health Security Act 2007* (Cth)
3	*Therapeutic Goods Act 1989* (Cth)
5	*Public Health Act 2010* (NSW)
6	*Road Transport Act 2013* (NSW)
8	*Public Health and Wellbeing Act 2008* (Vic.)
9	*Road Safety Act 1986* (Vic.)
11	*Motor Accident Insurance Act 1994* (Qld)
12	*Public Health Act 2005* (Qld)
13	*Transport Operations (Road Use Management — Road Rules) Regulation 2009* (Qld)
15	*Food Regulations 2009* (WA)
16	*Health (Miscellaneous Provisions) Act 1911* (WA)
16A	*Public Health Act 2016* (WA)
17	*Road Traffic Act 1974* (WA)
20	*Road Traffic Act 1961* (SA)
21	*South Australian Public Health Act 2011* (SA)
22	*Public Health Act 1997* (Tas)

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Item	Law of the Commonwealth, a State or a Territory
23	*Traffic Act 1925* (Tas)
25	*Public Health Act 1997* (ACT)
26	*Road Transport (Safety and Traffic Management) Act 1999* (ACT)
28	*Notifiable Diseases Act 1981* (NT)
29	*Traffic Act 1987* (NT)
30	Regulations made under an Act mentioned in items 1 to 12 and 16 to 29

92A Application of Division 3A of Part 4-2 of the Australian Consumer Law to gift cards

Gift cards to be redeemable for at least 3 years—gift cards and supplies to which the offence relating to that requirement does not apply

(1) For the purposes of paragraph 191E(a) of the Australian Consumer Law, section 191A of the Australian Consumer Law does not apply in relation to a gift card of a kind specified in subregulation 89C(1).

(2) For the purposes of paragraph 191E(c) of the Australian Consumer Law, section 191A of the Australian Consumer Law does not apply in relation to a gift card supplied in any of the circumstances specified in subregulation 89C(2).

Supplies of gift cards to which all offences relating to gift card requirements do not apply

(3) For the purposes of paragraph 191E(c) of the Australian Consumer Law, sections 191A to 191D of the Australian Consumer Law do not apply in relation to a gift card supplied in:
  (a) the circumstances specified in paragraph 89C(3)(a); or
  (b) the circumstances specified in subparagraph 89C(3)(b)(i), (ii), (iii) or (iv).

92AA Process substantially transforming medicines in Australia

(1) For the purposes of paragraph 255(2)(c) of the Australian Consumer Law, this regulation prescribes a process that medicines have undergone in Australia to be substantially transformed in Australia.

(2) This regulation applies to medicines that are complementary medicines (within the meaning of the *Therapeutic Goods Regulations 1990*) and are either:
  (a) listed goods; or
  (b) registered goods.

(3) The process is the carrying out of the last step (except one covered by subregulation (4)) in the manufacture of the dosage form of medicines that:
  (a) occurs at premises in Australia; and
  (b) is authorised by a licence to occur in relation to those medicines at those premises.

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(4) This subregulation covers the following steps:
  (a) covering of the dosage form of medicines in containers;
  (b) packaging of the dosage form of medicines;
  (c) labelling of the dosage form of medicines;
  (d) storage of the dosage form of medicines (whether in packaging or not);
  (e) testing of the dosage form of medicines;
  (f) release for supply of the dosage form of medicines.

(5) A term (except "process") used in this regulation and the *Therapeutic Goods Act 1989* has the same meaning in this regulation as it has in that Act.

Note: Terms whose meaning is affected include "containers", "dosage form", "labelling", "licence", "listed goods", "manufacture", "medicines", "packaging", "premises", "registered goods", "release for supply", "storage" and "testing".

92B Enforcement of the Australian Consumer Law—identity card for inspectors

For paragraph 133A(2)(a) of the Act, an identity card must contain the following information:
  (a) a recent photograph of the inspector to whom the card was issued;
  (b) the name of the inspector;
  (c) the date of issue of the card;
  (d) the Commission corporate logo and the Australian coat of arms;
  (e) the following text:

"The person whose name and photograph appear on this card is an inspector of the Commission who:

(a) has been appointed by the Chairperson of the Commission as an Inspector pursuant to section 133 of the *Competition and Consumer Act 2010*; and

(b) has been issued with this identity card by the Chairperson of the Commission pursuant to section 133A of the *Competition and Consumer Act 2010*.".

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Part 7—Transitional matters—Australian Consumer Law

95 Application of paragraph 86(1)(a) of Australian Consumer Law

For paragraph 94(a) of the Australian Consumer Law, paragraph 86(1)(a) of the Australian Consumer Law does not apply to the supply of goods to a consumer under an unsolicited consumer agreement if the total price payable for the goods under the agreement is $500 or less.

Note: This regulation does not apply in relation to the supply of services under the agreement.

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Part 8—Other transitional and application provisions

Division 1—Application of amendments made by the Competition and Consumer Amendment (Competition Policy Review) Regulations 2017

96 Meaning of *amending Part*

In this Division:

amending Part means Part 1 of Schedule 1 to the *Competition and Consumer Amendment (Competition Policy Review) Regulations 2017*.

97 Application of amendments

(1) The amendment of regulation 6A made by the amending Part applies in relation to applications made on or after the day that Part commences.

(2) Despite the amendment made by the amending Part, regulation 13 continues to apply, in relation to applications made before the day that Part commences, as if that amendment had not been made.

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Division 2—Application of amendments made by the Competition and Consumer Amendment (Australian Consumer Law Review) Regulations 2018

98 Application—unsolicited consumer agreements

The amendments made by Schedule 1 to the *Competition and Consumer Amendment (Australian Consumer Law Review) Regulations 2018* apply in relation to agreements entered into on or after the commencement of that Schedule.

99 Application—warranties against defects

The amendments made by Schedule 2 to the *Competition and Consumer Amendment (Australian Consumer Law Review) Regulations 2018* apply in relation to warranties against defects issued on or after the day that is 12 months after the day that Schedule commences.

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Division 3—Application of amendments made by the Treasury Laws Amendment (Acquisition as Consumer—Financial Thresholds) Regulations 2020

100 Application—prescribed amounts for acquiring goods or services as consumer

The amendment made by item 3 of Schedule 1 to the *Treasury Laws Amendment (Acquisition as Consumer—Financial Thresholds) Regulations 2020* applies in relation to goods or services acquired on or after the commencement of those regulations.

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Schedule 1—Forms—General

(subregulation 2(2))

Part 1—Forms—General

Form AA Summons to witness: Australian Competition and Consumer Commission

(regulation 6E)

Commonwealth of Australia

Competition and Consumer Act 2010

Summons to witness: Australian Competition and Consumer Commission

(*Title of matter*)

To (*full name and address of witness*)

You are summoned to attend before the Australian Competition and Consumer Commission, for an arbitration hearing in this matter, on (*date*), at (*time*), and then from day to day until the hearing is completed or until you are released from further attendance.

2. You are required to attend before the Commission for the purpose of giving evidence at the hearing.

* 3. You are required to bring with you and produce the following documents:
(*specify the documents required*).

Dated 20 .

Chairperson (*or* Deputy
Chairperson *or* Member) of the
Australian Competition and Consumer Commission

**Insert if applicable*

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Part 4—Forms for Tribunal and Commission proceedings

Form H Title of proceedings before tribunal

(regulation 17)

Commonwealth of Australia

Competition and Consumer Act 2010

Title of proceedings before tribunal

In the Australian Competition Tribunal

File No.

Re

(Insert description of proceedings)

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Form I Application to tribunal for review

(subregulation 20(1))

Application to tribunal for review

(Title)

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1. I (here insert name and address of applicant—where the applicant is a corporation, the corporation's name should be inserted here, not the name of an officer of the corporation) hereby apply to the Australian Competition Tribunal pursuant to section 101 of the *Competition and Consumer Act 2010* for a review of the determination of the Australian Competition and Consumer Commission dated the day of 20 (Commission file no.).

2. (a) I was/was not (here delete whichever is not applicable) the applicant for the authorization to which the determination relates.

   (b) (To be completed if applicant for review was not applicant for authorization). My interest in the determination is as follows:

   (Here set out particulars of the matters by reason of which the applicant will seek to satisfy the Tribunal that, for the purposes of subsection 101(1) of the Act, he has a sufficient interest in the determination.)

3. I am dissatisfied with the determination of the Commission in the following respects:

4. The determination that I am seeking from the Tribunal is as follows:

5. Particulars of the facts and contentions upon which I intend to rely in support of the application for review, and a statement of the issues as I see them, are attached.

   (Note that if review is being sought of a determination relating to a merger authorisation or an application for one, the review will not be a re-hearing. Unless permitted under subsection 102(10) of the Act, the review will be confined to the information, documents and evidence before the Commission when it made the determination (see subsections 101(2) and 102(8) to (10) of the Act).)

6. My address for service for the purpose of regulation 21 of the *Competition and Consumer Regulations 2010* is (here insert address in Australia at which documents may be served for the purpose of proceedings).

7. Documents may be served on me at (here insert electronic address at which documents may be served for the purpose of proceedings—this is optional and does not replace the need to provide an address in Australia at paragraph 6).

Dated this day of 20 .

Signed by/on behalf of the applicant

.....….....
(Signature)

.....….....
(Full Name)

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.....
(Where applicant is a corporation, state position occupied in corporation by person signing). (If signed by solicitor for applicant this fact should be stated).

DIRECTIONS

1. If an address is to be provided in this form, an electronic address may be provided in addition to the address required.

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Form J Application to tribunal for review

(subregulation 20(2))

Application to tribunal for review

(*Title of matter*)

PLEASE FOLLOW THE DIRECTIONS ON THE BACK OF THIS FORM

1. I (*insert name and address of applicant—if the applicant is a corporation, the corporation's name should be inserted here, not the name of an officer of the corporation*) apply to the Australian Competition Tribunal under section 101A or 101B of the *Competition and Consumer Act 2010* for a review of the giving of notice under subsection 93(3) / 93(3A) / 93(3B) / 93AAA(1) / 93AC(1) / 93AC(2) / 93AC(2A) / 93ACA(1) / 93AD(5) / 93AG(7) / section 95AB
(*delete any of the above that are not applicable*) of that Act to (*state name of corporation to which, or person to whom, the notice was given*) by the Australian Competition and Consumer Commission on the day of 20
(Commission file no.).

2. (a) That notice was/was not (*delete whichever is not applicable*) given to the person making this application.
   (b) (*To be completed if applicant for review was not corporation to which, or person to whom, that notice was given*). My interest in the determination is as follows:

   (set out particulars of the matters by reason of which the applicant will seek to satisfy the Tribunal that, for the purposes of section 101A or 101B of the Act, he or she has a sufficient interest).

3. I am dissatisfied with the giving of the notice by the Commission because:
4. Particulars of the facts and contentions upon which I intend to rely in support of the application for review, and a statement of the issues as I see them, are attached.
5. My address for service for the purpose of regulation 21 of the *Competition and Consumer Regulations 2010* is (*insert address in Australia at which documents may be served for the purpose of proceedings*).
6. Documents may be served on me at (*insert electronic address at which documents may be served for the purpose of proceedings—this is optional and does not replace the need to provide an address in Australia at paragraph 5*).

Dated this day of 20 .

Signed by/on behalf of the applicant

.....
(*Signature*)

.....
(*Full Name*)

.....

(If applicant is a corporation, state position occupied in corporation by person signing). (If signed by solicitor for applicant this fact should be stated).

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DIRECTIONS

1. If an address is to be provided in this form, an electronic address may be provided in addition to the address required.

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Form JA Application to tribunal for review

(subregulation 20A(1))

Application to tribunal for review

(*Title*)

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

Name of applicant:

Address of applicant:

(If the Applicant is a corporation, give the corporation's name and address, not the name and address of an officer of the corporation).

1. I apply to the Australian Competition Tribunal
   - * under subsection 44K(1) of the *Competition and Consumer Act 2010,* for a review of the declaration of a service by the designated Minister, *(full name and designation of the designated Minister)*, under subsection 44H(1) of the Act;
   - * under subsection 44K(2) of the *Competition and Consumer Act 2010*, for a review of the decision by the designated Minister, *(full name and designation of the designated Minister)*, under subsection 44H(1) of the Act, not to declare a service;
   - * under subsection 44L(1) of the *Competition and Consumer Act 2010*, for a review of the decision by the designated Minister, *(full name and designation of the designated Minister)*, under subsection 44J(3) of the Act, not to revoke the declaration of a service;

   being the service described below.
2. I am
   - * the provider.
   - * the person who applied for the declaration recommendation.
3. Brief description of the service:
4. Facts and contentions on which I intend to rely:
5. Issues as I see them:
6. Address for service of documents:

(An address for service must comply with regulation 21 of the Competition and Consumer Regulations 2010—an address in Australia must be provided and, in addition, an electronic address may be provided).

Dated: 20

Signed by/on behalf of the applicant

(*Signature*)

.....

(*Full Name*)

.....

(If applicant is a corporation, state position occupied in corporation by person signing. If signed by a solicitor for applicant this fact should be stated).

**Delete if not applicable.*

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DIRECTIONS

1. If an address is to be provided in this form, an electronic address may be provided in addition to the address required.

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Form JAA Application for review by Australian Competition Tribunal

(subregulation 20(4))

Commonwealth of Australia

Competition and Consumer Act 2010

Application for review by Australian Competition Tribunal

(*Title of matter*)

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

Name of applicant: *(insert full name of applicant)*

Address of applicant: *(insert address of applicant)*
(If the applicant is a corporation, the corporation's name should be inserted here, not the name and address of an officer of the corporation.)

1. Application is made to the Australian Competition Tribunal under section 151CI of the *Competition and Consumer Act 2010* for review of a decision of the Australian Competition and Consumer Commission under section 151BA of that Act to refuse to make an exemption order relating to conduct of the applicant, being the decision, order and conduct described below.

2. The decision of the Commission is dated (*insert date of decision*) and the number of the Commission file for the matter is (*insert file no.*).

3. The Commission refused to make an exemption order having the following effect:
(*state the effect briefly)*.

4. The conduct was as follows:
(*state the conduct briefly*).

5. The following features of the Commission decision are unsatisfactory:
(*state the features briefly*).

6. The facts and contentions on which this application relies are as follows:
(*state the facts and contentions briefly*).

7. Address for service of documents:

(*insert address for service*)

(*An address for service must comply with regulation 21 of the Competition and Consumer Regulations 2010—an address in Australia must be provided and, in addition, an electronic address may be provided*).

Dated .

Signed by or on behalf of the applicant

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(*signature*)

(*insert full name*)

(If the applicant is a corporation, state position occupied by the signatory in the corporation. If the signatory is a solicitor for the applicant, state that fact.)

DIRECTIONS

1. If an address is to be provided in this form, an electronic address may be provided in addition to the address required.

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Form JB Application to tribunal for review

(subregulation 20A(2))

Application to tribunal for review

(*Title*)

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

Full name of applicant Minister:

Designation of Minister:

State or Territory:

Address:

1. I apply to the Australian Competition Tribunal under subsection 44O(1) of the *Competition and Consumer Act 2010* for a review of the decision of the Commonwealth Minister that the regime for access to the service described below *is/*is not an effective access regime for the service.

2. I am the Minister who asked the National Competition Council for a recommendation under section 44M of the Act in respect of the service.

3. Brief description of the service:

4. Facts and contentions on which I intend to rely:

5. Issues as I see them:

6. Address for service of documents:

(An address for service must comply with regulation 21 of the Competition and Consumer Regulations 2010—an address in Australia must be provided and, in addition, an electronic address may be provided).

Dated: 20 Signed:

(Signature)

**Delete if not applicable*

DIRECTIONS

1. If an address is to be provided in this form, an electronic address may be provided in addition to the address required.

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Form JBA Application to tribunal for review

(subregulation 20A(2A))

Application to tribunal for review

(*Title*)

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

Name of applicant:

Address of applicant:

(If the Applicant is a corporation, give the corporation's name and address, not the name and address of an officer of the corporation).

1. I apply to the Australian Competition Tribunal under subsection 44O(1A) of the *Competition and Consumer Act 2010*, for a review of the decision by the Commonwealth Minister, *(full name and designation of the Commonwealth Minister)*, under section 44NBC of the Act
   * not to revoke
   * to revoke

   a decision in force under section 44N of the Act that a regime established by a State or Territory for access to a service is an effective access regime.
2. I am
   * the person who applied under subsection 44NBA(3) of the Act
   * a person who could have applied under subsection 44NBA(3) of the Act

   for the Council to make a recommendation relating to that decision in force under section 44N of the Act.
3. Brief description of the regime and the service:
4. Facts and contentions on which I intend to rely:
5. Issues as I see them:
6. Address for service of documents:

(An address for service must comply with regulation 21 of the Competition and Consumer Regulations 2010—an address in Australia must be provided and, in addition, an electronic address may be provided).

Dated: 20 Signed by/on behalf of the applicant

(*Signature*)

.....

(*Full Name*)

.....

(If applicant is a corporation, state position occupied in corporation by person signing. If signed by a solicitor for applicant this fact should be stated).

**Delete if not applicable.*

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DIRECTIONS

1. If an address is to be provided in this form, an electronic address may be provided in addition to the address required.

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Form JC Application to tribunal for review

(subregulation 20A(3))

Application to tribunal for review

(*Title*)

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

Name of applicant:

Address of applicant:

(If the applicant is a corporation, give the corporation's name and address, not the name and address of an officer of the corporation).

1. I apply to the Australian Competition Tribunal under subsection 44ZX(1) of the *Competition and Consumer Act 2010* for a review of the decision of the Australian Competition and Consumer Commission not to register a contract dated *(date)* between *(names of parties)*, relating to the service described below.

2. Brief description of the service:

3. Facts and contentions on which I intend to rely:

4. Issues as I see them:

5. Address for service of documents:

(An address for service must comply with regulation 21 of the Competition and Consumer Regulations 2010—an address in Australia must be provided and, in addition, an electronic address may be provided).

Dated: 20

Signed by/on behalf of the applicant

(Signature)

(Full Name)

.....

(If applicant is a corporation, state position occupied in corporation by person signing. If signed by a solicitor for applicant this fact should be stated).

[*]*Delete if not applicable*.

DIRECTIONS

1. If an address is to be provided in this form, an electronic address may be provided in addition to the address required.

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Form K Summons to witness: Australian Competition Tribunal

(regulations 25 and 28N)

Commonwealth of Australia

Competition and Consumer Act 2010

Summons to witness: Australian Competition Tribunal

(Title)

To (full name and address of witness)

You are hereby summoned to attend before the Australian Competition Tribunal at on 20 , at o'clock in the noon, and thereafter from day to day until the hearing of proceedings in relation to the above-mentioned matter is completed or until you are released from further attendance.

2. You are required to attend before the Tribunal for the purpose of giving evidence in the proceedings.

* 3. You are required to bring with you and produce the following documents:
(Here set out the documents required).

Dated this day of 20 .

President (or Deputy President
or Member) of the
Australian Competition Tribunal.

*Insert if applicable.

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Form L Application to tribunal for review

(subregulation 28C(1))

Application to tribunal for review

(*Title*)

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

Name of applicant:

Address of applicant:

(If the applicant is a corporation, give the corporation's name and address, not the name and address of an officer of the corporation).

1. I apply to the Australian Competition Tribunal under subsection 44ZP(1) of the *Competition and Consumer Act 2010* for a review of a determination of the Australian Competition and Consumer Commission on access to the service described below.

2. I am

   *the provider.

   *the third party.

   *a party to the determination, other than the provider or the third party.

3. Brief description of the service:

4. Facts and contentions on which I intend to rely:

5. Issues as I see them:

6. Address for service of documents:

(An address for service must comply with regulation 21 of the Competition and Consumer Regulations 2010—an address in Australia must be provided and, in addition, an electronic address may be provided).

Dated: 20 Signed by/on behalf of the applicant

(Signature)

(Full name)

.....

(If the applicant is a corporation, state position occupied in corporation by person signing. If signed by a solicitor for applicant, this fact should be stated).

**Delete if not applicable.*

DIRECTIONS

1. If an address is to be provided in this form, an electronic address may be provided in addition to the address required.

Authorised Version F2024C00657 registered 25/07/2024

Schedule 1A—Matters for which no fee is payable

(subregulation 28(4))

1. An application (a ***new application***) made for the purposes of the Act if:
   (a) the person making the new application has, at the same time or previously, made an application for the purposes of the Competition Code; and
   (b) the applications relate to the same conduct or matter in the same market (or closely related markets); and
   (c) the new application is made not later than 14 days after the previous application (or the last of the previous applications).

2. An application (a ***new application***) made for the purposes of the Competition Code if:
   (a) the person making the new application has, at the same time or previously, made an application for the purposes of the Act; and
   (b) the applications relate to the same conduct or matter in the same market (or closely related markets); and
   (c) the new application is made not later than 14 days after the previous application (or the last of the previous applications).

3. A notice (a ***new notice***) given for the purposes of the Act if:
   (a) the person giving the new notice has, at the same time or previously, given a notice for the purposes of the Competition Code; and
   (b) the notices relate to the same conduct in the same market (or closely related markets); and
   (c) the new notice is given not later than 14 days after the previous notice (or the last of the previous notices).

4. A notice (a ***new notice***) given for the purposes of the Competition Code if:
   (a) the person giving the new notice has previously given a notice for the purposes of the Act; and
   (b) the notices relate to the same conduct in the same market (or closely related markets); and
   (c) the new notice is given not later than 14 days after the previous notice (or the last of the previous notices).

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Schedule 1B—Fees payable to Commission for applications and notices

Note: See subregulation 28(5).

Fees payable to Commission for applications and notices

Item	Application or notice	Fee	Concessional fee
1	Application for an authorisation under section 88 of the Act (other than a merger authorisation)	$7,500	No concessional fee
2	Application for a merger authorisation	$25,000	No concessional fee
3	Application for revocation of a merger authorisation, and substitution of a new merger authorisation, under section 91C of the Act	$25,000	No concessional fee
4	Application for revocation of an authorisation under section 88 (other than a merger authorisation) and substitution of a new authorisation under section 91C of the Act	$2,500	No concessional fee
5	A notice under subsection 93(1) of the Act about conduct of a kind referred to in section 47 of the Act	$2,500	$500
6	A notice under subsection 93(1) of the Act about conduct of a kind referred to in section 48 of the Act	$1,000	$0
7	Notice of collective bargaining under section 93AB of the Act	$1,000	$0

Note: Item 4 does not apply to a revocation and substitution of a non-merger authorisation initiated by the Commission under section 91C of the Act.

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Schedule 2—Fees—registration of conference agreements

(regulation 31)

Column 1 Matter		Column 2 Fee
		$
1.	Application for a copy of a part of an entry in a register or a part of a conference agreement file	30
2.	Application for a copy of the whole of an entry in a register or the whole of a conference agreement file	60
3.	Application for provisional registration of a conference agreement	360
4.	Application for final registration of a conference agreement	210
5.	Application for registration of ocean carrier's agent	100

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Schedule 3—Forms—registration of conference agreements

Form 1—Application for provisional registration of a conference agreement

(regulation 38)

Competition and Consumer Act 2010

Application for provisional registration of a conference agreement

Name of applicant(s):

Address of applicant(s):

[Here insert particulars specified in regulation 38]

Signature of applicant(s):

Date:

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Form 2—Application for final registration of a conference agreement

(regulation 40)

Competition and Consumer Act 2010

Application for final registration of a conference agreement

Name of applicant(s):

Address of applicant(s):

[Here insert particulars specified in regulation 40]

Signature of applicant(s):

Date:

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Form 3—Abstract of confidential parts of agreement

(regulation 41)

Competition and Consumer Act 2010

Abstract of confidential parts of agreement

Name of party making request:

Title of conference:

[Here describe material covered by confidential parts of agreement]

Signature of applicant:

Date:

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Form 4—Notice of the happening of an affecting event

(regulation 42)

Competition and Consumer Act 2010

Notice of the happening of an affecting event

Name of party giving notice:

Title of conference agreement:

[Here insert particulars specified in regulation 42]

Signature of party giving notice:

Date:

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Form 5—Offer to give undertaking

(regulation 43)

Competition and Consumer Act 2010

Offer to give undertaking

Provision of the Act under which offer made:

Names of *parties to agreement:
*ocean carrier:

[Here insert particulars specified in regulation 43]

Signatures of parties:

Date:

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Form 6—Application by ocean carrier for registration of agent

(regulation 44)

Competition and Consumer Act 2010
(section 10.70)

Application by ocean carrier for registration of agent

Names of applicant:

[Here insert particulars specified in regulation 44]

Signatures of applicant:

Date:

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Form 7—Notice to change of agent, change of address or change of particulars

(regulation 45)

Competition and Consumer Act 2010
(section 10.72)

Notice to change of agent, change of address or change of particulars

Name of ocean carrier:

[Here insert particulars specified in regulation 45]

Signature of ocean carrier:

Date:

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Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

Abbreviation key—Endnote 2
The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes
The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments
A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and "(md not incorp)" is added to the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted

am = amended

amdt = amendment

c = clause(s)

C[x] = Compilation No. x

Ch = Chapter(s)

def = definition(s)

Dict = Dictionary

disallowed = disallowed by Parliament

Div = Division(s)

ed = editorial change

exp = expires/expired or ceases/ceased to have effect

F = Federal Register of Legislation

gaz = gazette

LA = *Legislation Act 2003*

LIA = *Legislative Instruments Act 2003*

(md) = misdescribed amendment can be given effect

(md not incorp) = misdescribed amendment cannot be given effect

mod = modified/modification

No. = Number(s)

o = order(s)

Ord = Ordinance

orig = original

par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)

pres = present

prev = previous

(prev…) = previously

Pt = Part(s)

r = regulation(s)/rule(s)

reloc = relocated

renum = renumbered

rep = repealed

rs = repealed and substituted

s = section(s)/subsection(s)

Sch = Schedule(s)

Sdiv = Subdivision(s)

SLI = Select Legislative Instrument

SR = Statutory Rules

Sub-Ch = Sub-Chapter(s)

SubPt = Subpart(s)

underlining = whole or part not commenced or to be commenced

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Endnote 3—Legislation history

Number and year	FRLI registration or gazettal	Commencement	Application, saving and transitional provisions
1974 No. 170	25 Sept 1974	25 Sept 1974	
1974 No. 175	1 Oct 1974	1 Oct 1974	—
1974 No. 247	23 Dec 1974	23 Dec 1974	—
1975 No. 13	11 Feb 1975	11 Feb 1975	—
1978 No. 212	7 Nov 1978	7 Nov 1978	—
1979 No. 1	17 Jan 1979	17 Jan 1979	—
1979 No. 87	14 June 1979	14 June 1979	—
1980 No. 39	11 Mar 1980	11 Mar 1980	—
1982 No. 68	19 Mar 1982	19 Mar 1982	—
1989 No. 199	31 July 1989	1 Aug 1989 (r 1)	—
1992 No. 71	19 Mar 1992	1 Apr 1992 (r 1)	—
1992 No. 92	14 Apr 1992	14 Apr 1992 (r 1)	—
1993 No. 21	11 Feb 1993	11 Feb 1993 (r 1)	—
1995 No. 248	16 Aug 1995	17 Aug 1995 (r 1)	—
1995 No. 330	3 Nov 1995	6 Nov 1995 (r 1 and gaz 1995, No S423)	—
1996 No. 20	31 Jan 1996	31 Jan 1996 (r 1)	—
1997 No. 53	12 Mar 1997	12 Mar 1997 (r 2)	—
1997 No. 86	16 Apr 1997	16 Apr 1997 (r 2)	—
1997 No. 322	27 Nov 1997	27 Nov 1997 (r 2)	—
1998 No. 365	22 Dec 1998	22 Dec 1998 (r 2)	—
1999 No. 251	27 Oct 1999	27 Oct 1999 (r 2)	—
2000 No. 163	28 June 2000	1 July 2000 (r 2)	—
2000 No. 164	28 June 2000	1 July 2000 (r 2)	—
2000 No. 186	12 July 2000	12 July 2000 (r 2)	—
2001 No. 40	2 Mar 2001	2 Mar 2001 (r 2)	—
2001 No. 57	29 Mar 2001	29 Mar 2001 (r 2)	—
2001 No. 74	5 Apr 2001	5 Apr 2001 (r 2)	—
2001 No. 149	20 June 2001	20 June 2001 (r 2)	—
2001 No. 226	5 Sept 2001	5 Sept 2001 (r 2)	—
2002 No. 22	21 Feb 2002	21 Feb 2002 (r 2)	—
2005 No. 118	9 June 2005 (F2005L01374)	10 June 2005 (r 2)	—
2005 No. 145	17 June 2005 (F2005L01372)	18 June 2005 (r 2)	—
2006 No. 98	10 May 2006 (F2006L01445)	11 May 2006 (r 2)	—

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Endnote 3—Legislation history

Number and year	FRLI registration or gazettal	Commencement	Application, saving and transitional provisions
2006 No. 370	14 Dec 2006 (F2006L04027)	1 Jan 2007 (r 2)	—
2007 No. 45	26 Mar 2007 (F2007L00708)	27 Mar 2007 (r 2)	—
2007 No. 78	30 Mar 2007 (F2007L00836)	7 Apr 2007 (r 2)	—
2007 No. 205	29 June 2007 (F2007L01961)	5 July 2007 (r 2)	—
228, 2007	24 July 2007 (F2007L02257)	25 July 2007 (r 2)	—
332, 2007	28 Sept 2007 (F2007L03796)	5 Oct 2007 (r 2)	—
359, 2007	19 Oct 2007 (F2007L04134)	25 Oct 2007 (r 2)	—
16, 2008	6 Mar 2008 (F2008L00671)	7 Mar 2008 (r 2)	—
96, 2008	3 June 2008 (F2008L01956)	12 June 2008 (r 2)	—
137, 2008	26 June 2008 (F2008L02295)	r 1–3 and Sch 1: 27 June 2008 (r 2(a)) r 4 and Sch 2: 1 July 2008 (r 2(b))	—
87, 2009	15 May 2009 (F2009L01832)	13 June 2009 (r 2)	—
159, 2009	25 June 2009 (F2009L02501)	1 July 2009 (r 2 and F2009L02489)	—
178, 2009	10 July 2009 (F2009L02697)	24 July 2009 (r 2)	—
123, 2010	7 June 2010 (F2010L01521)	r 1–3 and Sch 1: 8 June 2010 (r 2(a)) r 4 and Sch 2: 1 July 2010 (r 2(b))	—
124, 2010	7 June 2010 (F2010L01520)	8 June 2010 (r 2)	—
211, 2010	13 July 2010 (F2010L01939)	14 July 2010 (r 2)	—
280, 2010	18 Nov 2010 (F2010L03014)	r 1–3 and Sch 1: 1 Jan 2011 (r 2(a)) Sch 2: 1 July 2011 (r 2(b)) Sch 3: 1 Jan 2012 (r 2(c))	—
as amended by			
337, 2010	9 Dec 2010 (F2010L03184)	10 Dec 2010 (r 2)	—
336, 2010	9 Dec 2010 (F2010L03175)	14 Dec 2010 (r 2)	—
79, 2011	6 June 2011 (F2011L00957)	12 June 2011 (r 2)	—
225, 2011	24 Nov 2011 (F2011L02416)	1 Jan 2012 (r 2)	—

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Endnote 3—Legislation history

Number and year	FRLI registration or gazettal	Commencement	Application, saving and transitional provisions
271, 2011	12 Dec 2011 (F2011L02652)	1 Jan 2012 (r 2)	—
90, 2012	29 May 2012 (F2012L01108)	6 June 2012 (s 2)	—
150, 2012	28 June 2012 (F2012L01413)	Sch 1: 1 July 2012 (s 2(a)) Sch 2: never commenced (s 2(b))	—
247, 2012	30 Oct 2012 (F2012L02102)	1 Nov 2012 (s 2)	—
9, 2013	14 Feb 2013 (F2013L00187)	15 Feb 2013 (s 2)	—
149, 2013	1 July 2013 (F2013L01295)	5 July 2013 (s 2)	—
177, 2013	15 July 2013 (F2013L01387)	16 July 2013 (s 2)	—
277, 2013	13 Dec 2013 (F2013L02092)	14 Dec 2013 (s 2)	—
33, 2014	14 Mar 2014 (F2014L00261)	Sch 3 (item 2): 15 Mar 2014 (s 2)	—
88, 2014	13 June 2014 (F2014L00711)	Sch 3 (items 3, 4): 14 June 2014 (s 2)	—
185, 2014	1 Dec 2014 (F2014L01612)	Sch 1 (item 2): 1 Dec 2014 (s 2 item 2)	—
37, 2015	30 Mar 2015 (F2015L00364)	31 Mar 2015 (s 2)	—
92, 2015	18 June 2015 (F2015L00841)	Sch 1 (item 2): 19 June 2015 (s 2(1) item 1)	—
106, 2015	29 June 2015 (F2015L00967)	Sch 1 (items 1–6): 1 July 2015 (s 2(1) items 2–6) Sch 1 (item 7): 1 July 2016 (s 2(1) item 7)	—
134, 2015	12 Aug 2015 (F2015L01262)	Sch 1 (item 2): 13 Aug 2015 (s 2(1) item 1)	—

Name	Registration	Commencement	Application, saving and transitional provisions
Treasury Laws Amendment (2016 Measures No. 1) Regulation 2016	26 Feb 2016 (F2016L00156)	Sch 2 (items 9–18): 27 Feb 2016 (s 2(1) item 1)	—
Treasury Laws Amendment (2016 Measures No. 2) Regulation 2016	9 May 2016 (F2016L00705)	Sch 2: 1 July 2016 (s 2(1) item 3)	—
Treasury Laws Amendment (Professional Standards Schemes) Regulations 2017	24 May 2017 (F2017L00595)	Sch 1 (items 12–28): 25 May 2017 (s 2(1) item 1)	—

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Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Competition and Consumer Amendment (Competition Policy Review) Regulations 2017	3 Nov 2017 (F2017L01431)	Sch 1 (items 1–37): 6 Nov 2017 (s 2(1) item 2) Sch 1 (items 38–48): 4 Nov 2017 (s 2(1) item 3) Sch 1 (items 49–51): never commenced (s 2(1) (item 4)	—
Treasury Laws Amendment (Professional Standards Schemes) Regulations 2018	9 Feb 2018 (F2018L00096)	Sch 1 (items 4–9): 10 Feb 2018 (s 2(1) item 1)	—
Competition and Consumer Amendment (Australian Consumer Law Review) Regulations 2018	8 June 2018 (F2018L00737)	9 June 2018 (s 2(1) item 1)	—
Treasury Laws Amendment (Professional Standards Schemes No. 2) Regulations 2018	2 Oct 2018 (F2018L01393)	Sch 1 (items 7–15): 3 Oct 2018 (s 2(1) item 1)	—
Treasury Laws Amendment (Miscellaneous Amendments) Regulations 2018	7 Dec 2018 (F2018L01691)	Sch 1 (item 9): 8 Dec 2018 (s 2(1) item 4)	—
Treasury Laws Amendment (Gift Cards) Regulations 2018	13 Dec 2018 (F2018L01754)	Sch 1: 14 Dec 2018 (s 2(1) item 1)	—
Treasury Laws Amendment (Professional Standards Schemes) Regulations 2019	25 Mar 2019 (F2019L00368)	Sch 1 (items 8–20): 26 Mar 2019 (s 2(1) item 1)	—
Treasury Laws Amendment (Professional Standards Schemes No. 2) Regulations 2019	21 Oct 2019 (F2019L01351)	Sch 1 (items 12–25): 22 Oct 2019 (s 2(1) item 1)	—
Competition and Consumer Amendment (Australian-made Complementary Medicines) Regulations 2019	17 Dec 2019 (F2019L01627)	18 Dec 2019 (s 2(1) item 1)	—
Competition and Consumer Legislation Amendment (Electricity Retail) Regulations 2020	10 Feb 2020 (F2020L00112)	Sch 1 (item 17): 11 Feb 2020 (s 2(1) item 2)	—
Treasury Laws Amendment (Professional Standards Schemes) Regulations 2020	12 June 2020 (F2020L00699)	Sch 1 (items 6–11): 1 July 2020 (s 2(1) item 1)	—

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Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Treasury Laws Amendment (Acquisition as Consumer—Financial Thresholds) Regulations 2020	13 July 2020 (F2020L00907)	Sch 1 (items 3, 4): 1 July 2021 (s 2(1) item 1)	—
Competition and Consumer Amendment (Australian Consumer Law—Country of Origin Representations) Regulations 2020	11 Dec 2020 (F2020L01592)	12 Dec 2020 (s 2(1) item 1)	—
Competition and Consumer Amendment (AER Functions) Regulations 2020	14 Dec 2020 (F2020L01606)	15 Dec 2020 (s 2(1) item 1)	—
Treasury Laws Amendment (Professional Standards Schemes) Regulations 2021	30 Apr 2021 (F2021L00520)	Sch 1 (items 3–5): 1 May 2021 (s 2(1) item 1)	—
Treasury Laws Amendment (Miscellaneous and Technical Amendments) Regulations 2021	25 June 2021 (F2021L00848)	Sch 1 (item 1): 26 June 2021 (s 2(1) item 2)	—
Treasury Laws Amendment (Professional Standards Schemes No. 2) Regulations 2021	24 Aug 2021 (F2021L01186)	Sch 1 (items 5–10): 25 Aug 2021 (s 2(1) item 1)	—
Competition and Consumer Amendment (State/Territory Energy Law) Regulations 2021	18 Oct 2021 (F2021L01441)	19 Oct 2021 (s 2(1) item 1)	—
Competition and Consumer Amendment (Consumer Data Right) Regulations 2021	26 Nov 2021 (F2021L01617)	27 Nov 2021 (s 2(1) item 1)	—
Treasury Laws Amendment (Professional Standards Schemes) Regulations 2022	21 Mar 2022 (F2022L00350)	Sch 1 (items 4–8): 22 Mar 2022 (s 2(1) item 2) Sch 1 (items 14, 15): 1 July 2022 (s 2(1) item 3)	—
Competition and Consumer Amendment (Consumer Data Right Measures No. 1) Regulations 2022	1 Apr 2022 (F2022L00497)	2 Apr 2022 (s 2(1) item 1)	—
Treasury Laws Amendment (Professional Standards Schemes No. 2) Regulations 2022	24 June 2022 (F2022L00831)	Sch 1 (items 4–6): 1 July 2022 (s 2(1) item 1)	—

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Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Competition and Consumer Amendment (Consumer Data Right Measures No. 2) Regulations 2022	16 Sept 2022 (F2022L01216)	17 Sept 2022 (s 2(1) item 1)	—
Competition and Consumer Amendment (State/Territory Coal Market Price Emergency Law) Regulations 2023	8 Feb 2023 (F2023L00095)	Sch 1 (item 2): 1 July 2024 (s 2(1) item 3) Remainder: 9 Feb 2023 (s 2(1) items 1, 2)	—
Competition and Consumer Amendment (Review of Exemptions to Privacy Safeguards) Regulations 2023	24 July 2023 (F2023L01028)	25 July 2023 (s 2(1) item 1)	—
Treasury Laws Amendment (Professional Standards Schemes) Regulations 2023	18 Oct 2023 (F2023L01394)	Sch 1 (items 2, 3): 19 Oct 2023 (s 2(1) item 1)	—
Treasury Laws Amendment (Precontractual Disclosure and Other Measures) Regulations 2023	15 Dec 2023 (F2023L01677)	Sch 2 (items 10–20): 12 Jan 2024 (s 2(1) item 5)	—
Treasury Laws Amendment (Professional Standards Schemes) Regulations 2024	21 June 2024 (F2024L00725)	Sch 1 (items 4–6): 22 June 2024 (s 2(1) item 1)	—
Competition and Consumer Amendment (State/Territory Energy Law) Regulations 2024	18 July 2024 (F2024L00899)	19 July 2024 (s 2(1) item 1)	—

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Endnote 4—Amendment history

Provision affected	How affected
Part 1	
Part I heading	ad No 199, 1989
Part 1 heading (prev Part I heading)	renum ed C59
r 1	rs No 365, 1998; No 280, 2010
r 2	am No 1, 1979; No 199, 1989; No 248, 1995; No 322, 1997; No 365, 1998; No 137, 2008; No 159, 2009; No 280, 2010 (as am by No 337, 2010); F2021L01617
r 4	am No 330, 1995
Part 2	
Part 2 heading	ad No 199, 1989
r 4A	ad No 280, 2010
r 4A	ad No 199, 1989
r 4AA (prev r 4A)	renum No 280, 2010
r 5	am No 1, 1979; No 330, 1995
r 6AA	ad No 118, 2005
	am No 137, 2008; No 159, 2009
r 6A	ad No 330, 1995; No 37, 2015
	am F2017L01431
r 6B	ad No 330, 1995
r 6BA	ad F2017L01431
r 6C	ad No 20, 1996; No 37, 2015
r 6D	ad No 20, 1996
r 6E	ad No 20, 1996
r 6F	ad No 20, 1996
	am No 163, 2000
r 6FA	ad No 124, 2010
r 6FB	ad No 124, 2010
r 6FC	ad No 124, 2010
r 6G	ad No 20, 1996
	am No 163, 2000; No 37, 2015
r 6H	ad No 20, 1996
r 6I	ad No 20, 1996
r 6J	ad No 86, 1997
	am No 145, 2005; No 280, 2010 (as am by No 337, 2010)
r 7	am No 1, 1979
	rs No 39, 1980
	am No 248, 1995; No 53, 1997
	rep No 370, 2006

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Endnote 4—Amendment history

Provision affected	How affected
	ad No 137, 2008
	am No 159, 2009; No 150, 2012; No 106, 2015; F2023L01677
r 7A	ad No 137, 2008
	rs No 137, 2008
	am No 159, 2009; No 150, 2012; No 106, 2015; F2016L00705; F2021L01441; F2023L00095; F2023L01677; F2024L00899
r 7AA	ad No 150, 2012
	am F2020L00112; F2020L01606
r 7B	ad No 137, 2008
	am No 277, 2013
r 7C	ad No 137, 2008
r 7D	ad No 137, 2008
r 8	ad No 212, 1978
	rep No 1, 1979
	ad No 39, 1980
	am F2017L00595
r 8A	ad No 98, 2006
	am No 78, 2007; No 205, 2007; No 332, 2007; No 359, 2007
	rs No 96, 2008; No 87, 2009; No 123, 2010
	am No 123, 2010; No 336, 2010; No 79, 2011; No 271, 2011; No 247, 2012; No 9, 2013; No 149, 2013; No 33, 2014; No 88, 2014
	rs No 185, 2014
	am No 92, 2015; No 134, 2015; F2016L00156; F2018L00096; F2018L01393; F2019L00368; F2019L01351; F2020L00699; F2021L00520; F2021L01186; F2022L00350; F2022L00831; F2023L01394; F2024L00725
r 9	am No 1, 1979
	rs No 39, 1980
	am No 248, 1995
	rs No 90, 2012
	rs F2017L01431
r 10	rep No 1, 1979
r 12	am No 1, 1979; No 37, 2015
r 13	am No 1, 1979; No 370, 2006; F2017L01431
r 15	am No 1, 1979; No 330, 1995
r 16	am F2021L00848
r 17	am No 1, 1979; No 20, 1996
r 18	am No 1, 1979; No 20, 1996
r 20	am No 1, 1979; No 248, 1995; No 322, 1997; No 370, 2006; F2017L01431
r 20A	ad No 20, 1996
	am No 322, 1997; F2017L01431
r 21	am No 37, 2015

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Provision affected	How affected
r 22	am No 20, 1996; F2017L01431
r 22A	ad No 20, 1996
	am F2017L01431
r 22B	ad No 20, 1996
	am No 322, 1997; F2017L01431
r 24	am No 1, 1979; No 370, 2006; F2017L01431
r 25	am No 1, 1979
r 26	am No 1, 1979; No 370, 2006; No 90, 2012; F2017L01431
r 28	am No 1, 1979
	rs No 92, 1992
	am No 21, 1993; No 248, 1995; No 20, 1996; No 322, 1997; No 365, 1998; No 226, 2001; No 370, 2006; No 45, 2007; No 16, 2008; No 178, 2009; No 90, 2012; F2017L01431
r 28A	ad No 175, 1974
	am No 247, 1974; No 13, 1975
	rep No 87, 1979
	ad No 92, 1992
r 28AA	ad No 164, 2000
	rep No 22, 2002
	ad No 228, 2007
Part 2A	
Part 2A	ad No 20, 1996
r 28B	ad No 20, 1996
	am No 322, 1997; F2017L01431
r 28C	ad No 20, 1996
	am No 322, 1997; F2017L01431
r 28D	ad No 20, 1996
r 28E	ad No 20, 1996
r 28F	ad No 20, 1996
r 28G	ad No 20, 1996
r 28H	ad No 20, 1996
r 28I	ad No 20, 1996
r 28J	ad No 20, 1996
r 28K	ad No 20, 1996
r 28L	ad No 20, 1996
r 28M	ad No 20, 1996
r 28N	ad No 20, 1996
r 28P	ad No 20, 1996
r 28Q	ad No 20, 1996

Endnote 4—Amendment history

Provision affected	How affected
Part 2BA	
Part 2BA	ad F2021L01617
r 28RA	ad F2021L01617
	am F2023L01028
	(5)–(8) rep 30 June 2032 (r 28RA(8))
r 28RAA	ad F2022L01216
r 28RB	ad F2022L00497
Part 2B	
Part 2B	ad No 322, 1997
Division 1	
r 28R	ad No 322, 1997
	am F2017L01431
Division 2	
r 28S	ad No 322, 1997
Division 3	rep No 37, 2015
r 28T	ad No 322, 1997
	rep No 37, 2015
r 28U	ad No 322, 1997
	rep No 37, 2015
r 28V	ad No 322, 1997
	rep No 37, 2015
r 28W	ad No 322, 1997
	am No 163, 2000
	rep No 37, 2015
r 28X	ad No 322, 1997
	am No 163, 2000
	rep No 37, 2015
Division 4	
r 28Y	ad No 322, 1997
	am F2017L01431
r 28Z	ad No 322, 1997
Part 3	
Part 3 heading	ad No 199, 1989
r 29	rs No 199, 1989
r 30	rs No 199, 1989; No 57, 2001
r 31	rs No 199, 1989
r 32	rs No 199, 1989
	am No 57, 2001
r 33	rs No 199, 1989
	am No 57, 2001

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Endnote 4—Amendment history

Provision affected	How affected
r 34	rs No 199, 1989
	am No 57, 2001
r 35	ad No 199, 1989
	am No 57, 2001
r 36	ad No 199, 1989
	am No 57, 2001
r 37	ad No 199, 1989
	am No 330, 1995
r 38	ad No 199, 1989
	am No 71, 1992; No 330, 1995; No 57, 2001
r 38A	ad No 57, 2001
r 39	ad No 199, 1989
	rs No 57, 2001
r 40	ad No 199, 1989
	am No 71, 1992; No 57, 2001
r 41	ad No 199, 1989
r 42	ad No 199, 1989
	am No 71, 1992; No 57, 2001
r 43	ad No 199, 1989
	am No 57, 2001
r 44	ad No 199, 1989
	am No 71, 1992
r 45	ad No 199, 1989
	am No 71, 1992; No 57, 2001
r 46	ad No 199, 1989
	am No 330, 1995; No 57, 2001; No 37, 2015
r 47	ad No 199, 1989
	am No 71, 1999
Part 4	ad No 251, 1999
	rep No 211, 2010
	ad No 90, 2012
	rep F2017L01431
r 48	ad No 251, 1999
	rep No 211, 2010
	ad No 90, 2012
	rep F2017L01431
r 49	ad No 251, 1999
	am No 163, 2000
	rep No 211, 2010
	ad No 90, 2012

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Endnote 4—Amendment history

Provision affected	How affected
	rep F2017L01431
r 50	ad No 163, 2000
	rep No 211, 2010
r 51	ad No 163, 2000
	rep No 211, 2010
r 52	ad No 163, 2000
	am No 74, 2001
	rep No 211, 2010
r 53	ad No 163, 2000
	am No 40, 2001
	rep No 211, 2010
r 54	ad No 163, 2000
	am No 186, 2000
	rep No 211, 2010
r 55	ad No 163, 2000
	rep No 211, 2010
r 56	ad No 163, 2000
	rep No 211, 2010
r 57	ad No 163, 2000
	rep No 211, 2010
r 58	ad No 186, 2000
	rep No 211, 2010
r 59	ad No 149, 2001
	rep No 211, 2010
r 60	ad No 149, 2001
	rep No 211, 2010
Part 5	
Part 5	ad No 370, 2006
r 70	ad No 370, 2006
	am No 178, 2009; No 90, 2012
	rep F2017L01431
r 71	ad No 370, 2006
	am No 90, 2012
	rep F2017L01431
r 71A	ad No 45, 2007
r 71B	ad No 45, 2007
r 71C	ad No 45, 2007
r 71D	ad No 45, 2007
r 72	ad No 370, 2006
	rs No 16, 2008

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Provision affected	How affected
	rep F2017L01431
r 73	ad No 370, 2006
	rep F2017L01431
r 74	ad No 370, 2006
	rep F2017L01431
r 75	ad No 370, 2006
r 76	ad No 370, 2006
	am No 280, 2010 (as am by No 337, 2010)
Part 6	
Part 6	ad No 280, 2010
r 77A	ad F2020L00907
r 77	ad No 280, 2010
r 78	ad No 280, 2010 (as am by No 337, 2010)
r 79	ad No 280, 2010
r 80	ad No 280, 2010
r 80A	ad No 177, 2013
r 81	ad No 280, 2010 (as am by No 337, 2010)
r 82	ad No 280 , 2010
r 83	ad No 280, 2010
	am F2017L01431; F2018L00737
r 84	ad No 280, 2010 (as am by No 337, 2010)
r 85	ad No 280, 2010
r 86	ad No 280, 2010
r 87	ad No 280, 2010
r 88	ad No 280, 2010
r 89	ad No 280, 2010
r 89A	ad F2018L01754
r 89B	ad F2018L01754
r 89C	ad F2018L01754
r 90	ad No 280, 2010 (as am by No 337, 2010)
	am F2018L00737
r 91	ad No 280, 2010
r 92	ad No 280, 2010
	am F2023L01677
r 92A	ad F2018L01754
r 92AA	ad F2019L01627
	rs F2020L01592
r 92B	ad F2018L01691
Part 7	
Part 7	ad No 280, 2010

Endnote 4—Amendment history

Provision affected	How affected
r 93	ad No 280, 2010 (as am by No 337, 2010)
	rep F2023L01677
r 94	ad No 280, 2010 (as am by No 337, 2010)
	rep F2023L01677
r 95	ad No 225, 2011
Part 8	
Part 8	ad F2017L01431
Division 1	
r 96	ad F2017L01431
r 97	ad F2017L01431
Division 2	
Division 2	ad F2018L00737
r 98	ad F2018L00737
r 99	ad F2018L00737
Division 3	
Division 3	ad F2020L00907
r 100	ad F2020L00907
Schedule 1	
Schedule heading	rep No 248, 1995
Schedule 1 heading	ad No 248, 1995
Schedule	rs No 1, 1979
	am No 68, 1982
Schedule 1	am No 248, 1995; No 330, 1995; No 20, 1996; No 53, 1997; No 322, 1997
Forms 1–10	rep No 1, 1979
Part 1	
Part 1 heading	ad No 370, 2006
Form AA	ad No 20, 1996
	am No 280, 2010 (as am by No 337, 2010); F2017L01431
Part 2 heading	ad No 370, 2006
	rep F2017L01431
Part 2	rep F2017L01431
Form A	ad No 1, 1979
	am No 248, 1995; No 330, 1995; No 53, 1997
	rs No 370, 2006
	am No 178, 2009; No 280, 2010 (as am by No 337, 2010); No 37, 2015
	rep F2017L01431
Form B	ad No 1, 1979
	am No 330, 1995
	rs No 370, 2006
	am No 178, 2009; No 280, 2010 (as am by No 337, 2010); No 37, 2015

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Provision affected	How affected
	rep F2017L01431
Form BA	ad No 90, 2012
	am No 37, 2015
	rep F2017L01431
Form C	ad No 1, 1979
	am No 248, 1995; No 330, 1995
	rs No 370, 2006
	am No 280, 2010 (as am by No 337, 2010); No 37, 2015
	rep F2017L01431
Form D	ad No 1, 1979
	am No 248, 1995; No 330, 1995
	rs No 53, 1997; No 370, 2006
	am No 280, 2010 (as am by No 337, 2010); No 37, 2015
	rep F2017L01431
Form DA	ad No 53, 1997
	rs No 370, 2006
	am No 280, 2010 (as am by No 337, 2010); No 37, 2015
	rep F2017L01431
Form E	ad No 1, 1979
	am No 330, 1995
	rs No 370, 2006
	am No 280, 2010 (as am by No 337, 2010); No 37, 2015
	rep F2017L01431
Form EA	ad No 248, 1995
	am No 330, 1995; No 53, 1997
	rs No 370, 2006
	am No 280, 2010 (as am by No 337, 2010); No 37, 2015
	rep F2017L01431
Form F	ad No 1, 1979
	am No 248, 1995; No 330, 1995
	rep No 370, 2006
Form FA	ad No 370, 2006
	am No 280, 2010 (as am by No 337, 2010); No 37, 2015
	rep F2017L01431
Form FB	ad No 370, 2006
	am No 280, 2010 (as am by No 337, 2010)
	rep F2017L01431
Form FC	ad No 370, 2006
	am No 280, 2010 (as am by No 337, 2010); No 37, 2015
	rep F2017L01431

Endnote 4—Amendment history

Provision affected	How affected
Part 3 heading	ad No 370, 2006
	rep F2017L01431
Part 3	rep F2017L01431
Form G	ad No 1, 1979
	am No 68, 1982; No 248, 1995; No 248, 1995; No 330, 1995
	rs No 370, 2006
	am No 280, 2010 (as am by No 337, 2010); No 37, 2015
	rep F2017L01431
Form GAA	ad No 90, 2012
	am No 37, 2015
	rep F2017L01431
Form GA	ad No 370, 2006
	am No 178, 2009; No 280, 2010 (as am by No 337, 2010); No 37, 2015
	rep F2017L01431
Part 4	
Part 4 heading	ad No 370, 2006
Form H	ad No 1, 1979
	am No 330, 1995; No 280, 2010 (as am by No 337, 2010)
Form I	ad No 1, 1979
	am No 330, 1995; No 20, 1996; No 280, 2010 (as am by No 337, 2010); No 37, 2015; F2017L01431
Form J	ad No 1, 1979
	am No 248, 1995; No 330, 1995; No 20, 1996; No 370, 2006; No 280, 2010 (as am by No 337, 2010); No 37, 2015
	rs F2017L01431
Form JA	ad No 20, 1996
	am No 280, 2010 (as am by No 337, 2010); No 37, 2015; F2017L01431
Form JAA	ad No 322, 1997
	am No 280, 2010 (as am by No 337, 2010); No 37, 2015
Form JB	ad No 20, 1996
	am No 280, 2010 (as am by No 337, 2010); No 37, 2015; F2017L01431
Form JBA	ad F2017L01431
Form JC	ad No 20, 1996
	am No 280, 2010 (as am by No 337, 2010); No 37, 2015; F2017L01431
Form JD	ad No 322, 1997
	am No 280, 2010 (as am by No 337, 2010); No 37, 2015
	rep F2017L01431
Form JE	ad No 322, 1997
	am No 280, 2010 (as am by No 337, 2010); No 37, 2015
	rep F2017L01431

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Provision affected	How affected
Form K	ad No 1, 1979
	am No 330, 1995; No 20, 1996; No 280, 2010 (as am by No 337, 2010); F2017L01431
Form L	ad No 20, 1996
	am No 280, 2010 (as am by No 337, 2010); No 37, 2015; F2017L01431
Form LA	ad No 322, 1997
	am No 280, 2010 (as am by No 337, 2010); No 37, 2015
	rep F2017L01431
Form M	ad No 322, 1997
	am No 280, 2010 (as am by No 337, 2010)
	rep No 37, 2015
Part 5 heading	ad No 370, 2006
	rep F2017L01431
Part 5	rep F2017L01431
Form N	ad No 370, 2006
	am No 45, 2007; No 280, 2010 (as am by No 337, 2010); No 37, 2015
	ed C59
	rep F2017L01431
Form O	ad No 370, 2006
	am No 45, 2007; No 211, 2010; No 280, 2010 (as am by No 337, 2010); No 37, 2015
	rep F2017L01431
Form P	ad No 370, 2006
	am No 280, 2010 (as am by No 337, 2010); No 37, 2015
	rep F2017L01431
Form Q	ad No 370, 2006
	am No 280, 2010 (as am by No 337, 2010); No 37, 2015
	rep F2017L01431
Form R	ad No 370, 2006
	am No 45, 2007; No 211, 2010; No 280, 2010 (as am by No 337, 2010); No 37, 2015
	rep F2017L01431
Form S	ad No 370, 2006
	am No 45, 2007; No 211, 2010; No 280, 2010 (as am by No 337, 2010); No 37, 2015
	rep F2017L01431
Form T	ad No 370, 2006
	am No 280, 2010 (as am by No 337, 2010); No 37, 2015
	rep F2017L01431
Form U	ad No 370, 2006
	am No 280, 2010 (as am by No 337, 2010); No 37, 2015
	rep F2017L01431
Form V	ad No 370, 2006
	am No 45, 2007; No 211, 2010; No 280, 2010 (as am by No 337, 2010); No 37, 2015

Endnote 4—Amendment history

Provision affected	How affected
	rep F2017L01431
Form W	ad No 370, 2006
	am No 45, 2007; No 280, 2010 (as am by No 337, 2010); No 37, 2015
	rep F2017L01431
Schedule 1A	
Schedule 1A heading	rs No 365, 1998; No 226, 2001
Schedule 1A	ad No 21, 1993
	am No 248, 1995; No 365, 1998
	rs No 226, 2001
Schedule 1B	
Schedule 1B heading	rs No 365, 1998; No 226, 2001; No 45, 2007; F2017L01431
Schedule 1B	ad No 21, 1993
	am No 248, 1995; No 365, 1998
	rs No 226, 2001
	am No 370, 2006; No 45, 2007; No 178, 2009; No 90, 2012
	rs F2017L01431
Schedule 2	
Schedule 2 heading	am No 248, 1995
Schedule 2	ad No 199, 1989
	rs No 71, 1992
	am No 57, 2001
Schedule 3	
Schedule 3 heading	am No 248, 1995
Schedule 3	ad No 199, 1989
Form 1	ad No 199 , 1989
	am No 280, 2010 (as am by No 337, 2010)
Form 2	ad No 199, 1989
	am No 280, 2010 (as am by No 337, 2010)
Form 3	ad No 199, 1989
	am 2010 No 280 (as am by No 337, 2010)
Form 4	ad No 199, 1989
	am No 280, 2010 (as am by No 337, 2010)
Form 5	ad No 199, 1989
	am No 280, 2010 (as am by No 337, 2010)
Form 6	ad No 199, 1989
	am No 280, 2010 (as am by No 337, 2010)
Form 7	ad No 199, 1989
	am No 280, 2010 (as am by No 337, 2010)

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