

Trade Practices Regulations (Amendment) 1992 No. 92

EXPLANATORY STATEMENT

STATUTORY RULES 1992 No. 92

Issued by the Authority of the Attorney-General

Trade Practices Act 1974

Trade Practices Regulations (Amendment)

Section 172 of the *Trade Practices Act 1974* (the Act) empowers the Governor-General to make regulations, not inconsistent with the Act, prescribing all matters that are required or permitted by the Act to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Section 171A of the Act, which was inserted by the *Law and Justice Legislation Amendment Act 1991*, specifically empowers the Trade Practices Commission to make a charge where it permits a person to attend or take part in a prescribed activity arranged by or on behalf of the Commission for the purpose of carrying out its functions and where the Commission provides a discretionary service for a person. "Discretionary service" is defined to mean a prescribed act that the Commission has power to do but is not required to do by or under any law and which is done at a person's request.

The Regulations prescribe the activities and services in respect of which the Commission may charge under these provisions.

The activities prescribed by the Regulations are conducting workshops, seminars and training. The Regulations also prescribe various acts which may constitute discretionary services. These are providing a speaker or information for a workshop, seminar, training session or other activity not arranged by the Commission, providing a speaker or information for use in training materials not produced by the Commission, providing information relating to trade practices for use in material published by a person other than the Commission and developing industry codes of conduct to encourage compliance with the Act.

The Regulations also update the fees payable under Regulation 28 of the Trade Practices Regulations. The Regulations increase the fees payable for obtaining copies of certain documents to \$1 per page and increase the additional fee for obtaining a certified copy of certain documents to \$10. At present the fees are 40 cents per page for up to 5 pages, 10 cents for each page over 5 pages and there is an additional fee of \$5 for certification. These fees have not been increased since their introduction in 1974.