



New South Wales

Competition Policy Reform (New South Wales) Regulation 2001

under the

Competition Policy Reform (New South Wales) Act 1995

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Competition Policy Reform (New South Wales) Act 1995*.

ANDREW REFSHAUGE, M.P.,

Acting Premier

Explanatory note

The object of this Regulation is to replace the *Competition Policy Reform (New South Wales) Regulation 1996*. That Regulation will be repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.

The *Competition Policy Reform (New South Wales) Regulation 1996* authorises certain things to be done to the extent that they might otherwise contravene Part IV of the *Trade Practices Act 1974* of the Commonwealth and the Competition Code of New South Wales. The authorisations conferred by the Regulation were each conferred for a period of 2 years only, and most of the authorisations have now expired.

The new Regulation continues an authorisation that relates to certain things done under Chapter 6 of the *Industrial Relations Act 1996* (relating to public vehicles and carriers). The authorisation is continued for the balance of the 2-year period for which it was originally conferred.

The Regulation comprises or relates to matters arising under legislation that is substantially uniform with legislation of the Commonwealth and the other States and Territories and also comprises or relates to matters of a transitional nature.

2001 No 611

Competition Policy Reform (New South Wales) Regulation 2001

Explanatory note

The Regulation is made under section 38 (the general regulation-making power), section 39 (regulations for exceptions under section 51 of Trade Practices Act or Code) and section 45 (regulations relating to savings and transitional matters) of the *Competition Policy Reform (New South Wales) Act 1995*.

The Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989*.

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Contents

Contents

	Page
1 Name of Regulation	4
2 Commencement	4
3 Definitions	4
4 Object of Regulation	4
5 Authorisations—Chapter 6 of Industrial Relations Act 1996	5
6 Savings provision	5

Competition Policy Reform (New South Wales) Regulation 2001

1 Name of Regulation

This Regulation is the *Competition Policy Reform (New South Wales) Regulation 2001*.

2 Commencement

This Regulation commences on 1 September 2001.

Note. This Regulation replaces the *Competition Policy Reform (New South Wales) Regulation 1996* which is repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

- (1) In this Regulation:

Commonwealth Act means the *Trade Practices Act 1974* of the Commonwealth.

Competition Code means the *Competition Code of New South Wales*.

exercise a function includes perform a duty.

function includes power, authority or duty.

- (2) The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

4 Object of Regulation

- (1) The object of this Regulation is to authorise, for the purposes of section 51 of the Commonwealth Act and the Competition Code, particular things done in the State within a certain period after the authorisation is conferred (as specified in the authorisation).
- (2) Things authorised to be done by this Regulation are authorised only to the extent (if any) that they would otherwise contravene Part IV of the Commonwealth Act and the Competition Code.

Note. Section 51 of the Commonwealth Act and the Competition Code provide that anything that is authorised by an Act or Regulation is to be disregarded in deciding whether a person has contravened Part IV of the Commonwealth Act and the Competition Code (which relates to restrictive trade practices).

5 Authorisations—Chapter 6 of Industrial Relations Act 1996

- (1) The following are specifically authorised by this Regulation for the purposes of the Commonwealth Act and the Competition Code:
- (a) anything done by the Industrial Relations Commission in exercising its functions under Chapter 6 of the *Industrial Relations Act 1996*,
 - (b) anything done by a person in order to comply with a determination of the Industrial Relations Commission under that Chapter,
 - (c) the entering into of an agreement approved by the Industrial Relations Commission under that Chapter,
 - (d) the doing of anything preparatory or incidental to the entering into of any such agreement,
 - (e) anything done under any such agreement.
- (2) The authorisation conferred by this clause ceases to have effect on 13 January 2002.

Note. This clause continues the authorisation conferred by clause 8 of the *Competition Policy Reform (New South Wales) Regulation 1996* for the balance of the 2-year period for which it was originally conferred.

6 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Competition Policy Reform (New South Wales) Regulation 1996*, had effect under that Regulation continues to have effect under this Regulation.