



New South Wales

Competition Policy Reform (New South Wales) Regulation 1996

under the

Competition Policy Reform (New South Wales) Act 1995

His 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*.

Bob Carr

Premier

Explanatory note

The object of this Regulation is to ensure, for a transitional period of 2 years, that certain aspects of the current government milk marketing arrangements in New South Wales administered by the Dairy Corporation do not contravene Part IV of the Commonwealth *Trade Practices Act 1974* and the Competition Code. Any restriction on competition in those arrangements will be subject to review under the Competition Principles Agreement of the Commonwealth, States and Territories.

The Competition Code consists principally of provisions that are in virtually the same terms as Part IV of the Commonwealth Act, except that the Code applies to individuals as well as corporations. Part IV deals with restrictive trade practices.

The *Competition Policy Reform (New South Wales) Act 1995* already excludes from those provisions licensing functions and the acquisition of primary products by a government body under legislation. This Regulation will ensure that things done by or on behalf of the Dairy Corporation in connection with the vesting of milk in the Corporation (for example, the determination of the amount of milk it will accept and milk quotas) will also be excluded from those provisions.

1996 No 324

Competition Policy Reform (New South Wales) Regulation 1996

Explanatory note

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.

The Regulation is made under section 38 (the general regulation-making power), section 39 (regulations for exceptions under section 51 of the 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*.

Contents

	Page
1 Name of Regulation	3
2 Commencement	3
3 Definitions	3
4 Object of Regulation	3
5 Authorisations -Dairy Corporation	4

Competition Policy Reform (New South Wales) Regulation 1996

1 Name of Regulation

This Regulation is the *Competition Policy Reform (New South Wales) Regulation 1996*.

2 Commencement

This Regulation commences on the date of commencement of Parts 2–6 of the State Act.

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.

State Act means the *Competition Policy Reform (New South Wales) Act 1995*.

(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 the period of 2 years after that authority is conferred.

(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—Dairy Corporation

Anything done by the New South Wales Dairy Corporation, and anything done on its behalf by its employees, agents or other duly authorised persons, in the course of exercising the following functions conferred or imposed on the Corporation by the *Dairy Industry Act 1979* is specifically authorised by this Regulation for the purposes of the Commonwealth Act and the Competition Code:

- (a) the delivery to and acceptance by the Corporation of milk vested in the Corporation by the *Dairy Industry Act 1979* (including the determination of the quantities of milk that may be delivered to or will be accepted by the Corporation or the quantities of any such milk for which payment will be made by the Corporation at any particular price),
- (b) the allocation, transfer, reduction or cancellation of quotas in relation to any such delivery and acceptance of milk,
- (c) the appointment of persons as authorised agents of the Corporation.