

Restrictive Trade Practices

No. 118 of 1972

An Act to amend the *Restrictive Trade Practices Act 1971* in relation to Overseas Cargo Shipping.

[Assented to 31 October 1972]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title and citation.

1.—(1.) This Act may be cited as the *Restrictive Trade Practices Act 1972*.

(2.) The *Restrictive Trade Practices Act 1971** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Restrictive Trade Practices Act 1971–1972*.

Commencement.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Definitions.

3. Section 104 of the Principal Act is amended by adding at the end of the definition of “the Clerk” the words “and includes a person appointed to act as Clerk of Shipping Agreements”.

Clerk of Shipping Agreement.

4. Section 109 of the Principal Act is amended by inserting after sub-section (1.) the following sub-section:—

“(1A.) Where the Clerk of Shipping Agreements is, or is expected to be, absent from duty or the office of Clerk of Shipping Agreements is vacant, the Governor-General may appoint a person to act as Clerk of Shipping Agreements during the absence or until the filling of the vacancy, as the case may be.”.

Minister may request undertakings.

5. Section 116 of the Principal Act is amended—

(a) by omitting from sub-section (2.) the word “relevant” (wherever occurring) and inserting in its stead the word “designated”; and

(b) by omitting sub-section (5.) and inserting in its stead the following sub-sections:—

“(5.) The designated officer may appoint an officer or officers to be his deputy or deputies and any undertaking given for the

* Act No. 138, 1971.

purposes of this section by a party to a conference agreement shall be deemed to include an undertaking that the party will—

- (a) cause a deputy so appointed to be furnished with such information as the deputy requires concerning the progress of the negotiations with the designated shipper body; and
- (b) in the event of the absence of the designated officer from a meeting in the course of the negotiations, permit the deputy, or, if there is more than one deputy, one of the deputies, to be present at that meeting and give consideration to any suggestions that he may make.

“(6.) In this section—

‘the designated officer’ means the officer designated by the Minister under paragraph (b) of sub-section (2.) of this section;

‘the designated shipper body’ means the shipper body designated by the Minister in the notice requesting the undertaking.”.

6. Section 122 of the Principal Act is amended—

- (a) by omitting from sub-section (1.) the word “relevant” (wherever occurring) and inserting in its stead the word “designated”; and
- (b) by omitting sub-section (5.) and inserting in its stead the following sub-sections:—

“(5.) The designated officer may appoint an officer or officers to be his deputy or deputies and any undertaking given for the purposes of this section by a shipowner shall be deemed to include an undertaking that the shipowner will—

- (a) cause a deputy so appointed to be furnished with such information as the deputy requires concerning the progress of the negotiations with the designated shipper body; and
- (b) in the event of the absence of the designated officer from a meeting in the course of the negotiations, permit the deputy, or, if there is more than one deputy, one of the deputies, to be present at that meeting and give consideration to any suggestions that he may make.

“(6.) In this section—

‘the designated officer’ means the officer designated by the Minister under paragraph (b) of sub-section (1.) of this section;

‘the designated shipper body’ means the shipper body designated by the Minister in the notice requesting the undertaking.”.

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