

Trade Practices

No. 30 of 1967

An Act to extend the operation, in relation to the State of Tasmania, of the *Trade Practices Act* 1965, as amended from time to time, and to amend section 4 of the *Trade Practices Act* 1965–1966.

[Assented to 23 May 1967]

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 *Trade Practices Act* 1967.

(2.) The *Trade Practices Act* 1965–1966* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Trade Practices Act* 1965–1967.

Commencement.

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

Provisions relating to Australian Industries Preservation Act.

3. Section 4 of the Principal Act is amended—

(a) by omitting sub-sections (4.) and (5.) and inserting in their stead the following sub-section:—

“(4.) Section 7 of the *Northern Territory (Administration) Act* 1910–1966 is repealed.”; and

(b) by omitting sub-section (7.) and inserting in its stead the following sub-section:—

“(7.) The *Northern Territory (Administration) Act* 1910–1966, as amended by this section, may be cited as the *Northern Territory (Administration) Act* 1910–1967.”.

* Act No. 111, 1965, as amended by No. 39, 1966.

4. After section 7 of the Principal Act the following section is inserted:—

“7A.—(1.) Subject to this section, this Act, to the extent that it is capable of having, in addition to its force and effect apart from this section, force and effect as a law with respect to a matter referred to the Parliament of the Commonwealth by the *Commonwealth Powers (Trade Practices) Act 1966* of the Parliament of the State of Tasmania has, by virtue of this section, force and effect as such a law.

Extended
operation of
Act in relation
to Tasmania.

“(2.) For the purposes of the extended operation of this Act by virtue of this section—

- (a) an agreement is an examinable agreement only if and when it is an agreement the parties to which include a person carrying on wholly or partly in Tasmania a business in relation to which any relevant restriction under the agreement is applicable;
- (b) a practice is an examinable practice only if it has been engaged in, or is proposed to be engaged in, whether by a person or by a combination, wholly or partly in Tasmania;
- (c) the provisions of this Act relating to collusive tendering apply only in relation to making tenders, or abstaining from making tenders, in respect of the supply or acquisition of goods or services in Tasmania; and
- (d) the provisions of this Act relating to collusive bidding apply only in relation to auctions in Tasmania.

“(3.) For the purposes of the extended operation of this Act by virtue of this section—

- (a) references in this Act to the Tribunal shall be read as references to the Tribunal established by this Act in its operation apart from this section;
- (b) references in this Act to the Commissioner or a person acting as the Commissioner shall be read as references to the person who is the Commissioner, or is acting as the Commissioner, for the purposes of this Act in its operation apart from this section; and
- (c) references in this Act to the Register shall be read as references to the Register kept for the purposes of this Act in its operation apart from this section.

“(4.) An act or thing done (including the making of regulations or the issue of a Proclamation) before the commencement of this section under or for the purposes of the *Trade Practices Act 1965*, or under or for the purposes of that Act as amended, has effect for the purposes of the extended operation that this Act has by virtue of this section as if the act or thing had been done after the commencement of this section.

“(5.) A law of the Commonwealth in force immediately before the commencement of this section (including the *Acts Interpretation Act* 1901–1966, the *Crimes Act* 1914–1966, the *Statutory Declarations Act* 1959–1966 and the *Evidence Act* 1905–1964) that affects the operation of, or otherwise has effect in relation to or for the purposes of, other laws of the Commonwealth, has effect, by force of this section, according to its tenor, in relation to, or for the purposes of, this Act in its extended operation by virtue of this section.”
