

1996

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

COMPETITION POLICY REFORM ACT 1996

EXPLANATORY MEMORANDUM

Circulated by Authority of the Chief Minister

Kate Carnell MLA

**COMPETITION POLICY REFORM (SAVINGS AND TRANSITIONAL)
REGULATIONS No. OF 1996**

EXPLANATORY MEMORANDUM

On 21 July 1996, the Competition Code comes into effect in the ACT and all other Australian jurisdictions. A technical issue has arisen whereby, currently there is no provision stating that existing authorisations/notifications under the *Trade Practices Act 1974* (TPA) are also deemed to be authorisations/notifications under the Competition Code.

In practice this means that, once the Competition Code comes into effect, businesses which are engaged in anti-competitive conduct under the TPA and are currently exempt by virtue of a Trade Practices Commission/Australian Competition and Consumer Commission authorisation or notification, would to all intents and purposes, be engaging in illegal activity from 21 July 1996.

Following consultations amongst the States and Territories it was agreed that a transitional regulation to the *Competition Policy Reform Act 1996* would be the most satisfactory means of resolving the issue. This regulation ensures that authorisations and notifications granted prior to 21 July 1996 will also be effective for the purposes of the Competition Code.

Template regulation was developed by the New South Wales Parliamentary Counsel for adaptation by all States and Territories.

This regulation has no financial implications and will commence on gazettal.