

2005

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

FAIR TRADING AMENDMENT REGULATION 2005 (No 1)

SUBORDINATE LAW No SL2005-27

EXPLANATORY STATEMENT

Circulated by authority of the
Attorney General
Jon Stanhope MLA

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Overview

Section 33 of the *Fair Trading Act 1992* (the Act) provides that a draft Code of Practice for fair dealing may be submitted by the Commissioner for Fair Trading to the Minister for approval. Section 34 provides that *the Fair Trading Regulation 1995* may prescribe a Code of Practice approved by the Minister. Section 35 provides that amendments to a Code of Practice must follow the same process as a new Code of practice. On 28 May 2005 the Minister approved amendments contained in a consolidated republication of the Fitness Industry Code of Practice – June 2005 (the Code).

The purpose of the Fair Trading Amendment Regulation 2005 (the Regulation) is to prescribe the Fitness Industry Code of Practice – June 2005. The Regulation gives effect to the Ministers decision to approve the amended Code.

This amendment to the Regulation will enable the new Code to be enforced in the ACT by the Commissioner for Fair Trading.

Regulation

Regulation 1 & 2 – Name of regulations and commencement

Regulations 1 & 2 are formal requirements of all regulations, specifying the title of the Regulation and commencement date.

The Code has been approved by the Minister. There is no need for a delayed commencement date.

Regulation 3 – Legislation amended

This Regulation provides that the Regulation amends the *Fair Trading Regulation 1995*.

Regulation 4 – Substitutes section 4(1)(a)

This Regulation substitutes a new section 4(1)(a) to prescribe the Fitness Industry Code of Practice – June 2005.

Regulation 5 – Omits section 5

Omits a section which prescribed an amendment in 1999 to the Fitness industry Code of Practice.