

TRADE PRACTICES AMENDMENT ACT 1976

No. 88 of 1976

An Act relating to Trade Practices.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:—

1. (1) This Act may be cited as the *Trade Practices Amendment Act* 1976.¹ Short title
and citation.

(2) The *Trade Practices Act* 1974-1975² 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* 1974-1976.

2. This Act shall come into operation on the day on which it receives the Royal Assent¹ but the amendments made by paragraph 3 (a) and by sections 8 and 17 shall be deemed to have had effect at all times on and from 1 October 1974. Commence-
ment.

3. Section 4 of the Principal Act is amended—

(a) by omitting from sub-section (1) the definition of “Court” and substituting the following definition:—

“ ‘Court’ means the Australian Industrial Court;”;

(b) by omitting from sub-section (1) the definition of “person”; and

(c) by adding at the end of the section the following sub-section:—

“(5) The express references in this Act to corporations and bodies corporate shall not be taken to imply that references to persons do not also include references to persons who are not natural persons.”.

4. Section 6 of the Principal Act is amended—

(a) by omitting from paragraph (b) of sub-section (2) the words “section 46, Part V (other than section 55)” and substituting the words “sections 46, 60 and 61, sub-sections 64 (3) and (4)”;

(b) by omitting from paragraph (h) of sub-section (2) the word and figures “or 89 (7)”.

Interpret-
ation.

Additional
operation of
Act.

Representa-
tion at
public
hearings by
Commission.

5. Section 24 of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraphs:—

“(a) a natural person may appear in person;

“(aa) a person other than a body corporate may be represented by an employee of the person approved by the Commission;”.

6. (1) Section 33 of the Principal Act is repealed and the following section substituted:—

Remuner-
ation of
members of
Tribunal.

“33. (1) The President shall, if he is not the Chief Judge of the Court or the President of the Australian Conciliation and Arbitration Commission, be paid—

(a) additional salary at a rate per annum equal to the difference between the rate per annum of the salary payable to the Chief Judge of the Court and the rate per annum of the salary payable to a Judge of the Court; and

(b) an additional annual allowance at a rate per annum equal to the difference between the rate per annum of the annual allowance payable to the Chief Judge of the Court and the rate per annum of the annual allowance payable to a Judge of the Court.

“(2) A member of the Tribunal other than a presidential member shall be paid such remuneration as is determined by the Remuneration Tribunal.

“(3) Subject to the *Remuneration Tribunals Act* 1973, a member of the Tribunal other than a presidential member shall be paid such allowances as are prescribed.

“(4) Where the President, not being the Chief Judge of the Court or the President of the Australian Conciliation and Arbitration Commission, dies or—

(a) being a Judge of a Federal Court, retires as such a Judge; or

(b) being a person who has the status of a Judge of the Court, retires from the office by virtue of which he has that status,

the *Judges' Pensions Act* 1968 applies to and in relation to him as if he had been Chief Judge of the Court immediately before his death or retirement.”.

(2) Sub-section 33 (4) of the Principal Act as amended by this Act applies in the case of a President of the Tribunal who retired before the commencement of this Act as if that sub-section had been in force at the time of his retirement.

Exceptions.

7. Section 51 of the Principal Act is amended by omitting paragraph (g) of sub-section (2) and substituting the following paragraph:—

“(g) to any provision of a contract, or to any arrangement or understanding, being a provision or an arrangement or understanding that relates exclusively to the export of goods from