



Western Australia

Fair Trading Amendment Act 2022

As at 28 Oct 2022

No. 34 of 2022

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Fair Trading Amendment Act 2022

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Western Australia

Fair Trading Amendment Act 2022

No. 34 of 2022

An Act to amend the *Fair Trading Act 2010*.

[Assented to 28 October 2022]

The Parliament of Western Australia enacts as follows:

s. 1

1. Short title

This is the *Fair Trading Amendment Act 2022*.

2. Commencement

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on the day after that day.

3. Act amended

This Act amends the *Fair Trading Act 2010*.

4. Section 17 amended

In section 17(1) insert in alphabetical order:

amend includes replace;

amending law means a Commonwealth Act that amends either or both of the following —

- (a) Schedule 2 to the *Competition and Consumer Act 2010* (Commonwealth);
- (b) the regulations made under section 139G of that Act;

5. Section 19 amended

(1) In section 19(1):

(a) delete paragraph (a) and insert:

- (a) Schedule 2 to the *Competition and Consumer Act 2010* (Commonwealth) as in force on

1 June 2021 and as amended by each provision that —

- (i) is in an amending law that has effect for the purposes of this section under section 19B; and
- (ii) has come into operation for the purposes of this section under section 19C;

and

- (b) in paragraph (b) delete “time.” and insert:

time, subject to subsection (1A).

- (2) After section 19(1) insert:

(1A) For the purposes of subsection (1)(b), a provision of an amending law does not amend regulations made under the *Competition and Consumer Act 2010* (Commonwealth) section 139G unless —

- (a) the amending law has effect for the purposes of this section under section 19B; and
- (b) the provision has come into operation for the purposes of this section under section 19C.

Note: The heading to amended section 19 is to read:

Application of Australian Consumer Law text

6. Sections 19A to 19E inserted

After section 19 insert:

19A. Tabling amending laws

An amending law must be laid before each House of Parliament within 18 sitting days of the House after the day on which the law receives the Royal Assent.

19B. Disallowance of amending laws

(1) In this section —

disallowance period, in relation to a disallowance resolution notice of which is given in a House of Parliament, means the period of 30 sitting days of the House after the day on which the notice is given;

disallowance resolution means a resolution that an amending law be disallowed;

notice period, in relation to an amending law laid before a House of Parliament under section 19A, means the period of 14 sitting days of the House after the day on which the amending law is laid before it.

(2) An amending law has effect for the purposes of section 19 if the amending law is laid before each House of Parliament under section 19A and either —

(a) no notice of a disallowance resolution is given in either House within the notice period; or

(b) at least 1 notice of a disallowance resolution is given in a House within the notice period and, for each such notice, 1 of the following applies —

(i) the notice is withdrawn or discharged within the disallowance period;

- (ii) the disallowance resolution is lost in the House or not agreed to within the disallowance period.
- (3) For the purposes of this section and section 19A —
- (a) the period specified in section 19A, a notice period or a disallowance period continues to run even though a House of Parliament is prorogued or dissolved or expires; and
 - (b) notice of a disallowance resolution given in a House of Parliament, or a motion that an amending law be disallowed in the House, does not lapse even though the House is prorogued or dissolved or expires.

19C. Commencement of amending laws

- (1) In this section —
- amending provision*** means a provision of an amending law that amends either or both of the following —
- (a) Schedule 2 to the *Competition and Consumer Act 2010* (Commonwealth);
 - (b) the regulations made under section 139G of that Act.
- (2) If, under section 19B(2), an amending law has effect for the purposes of section 19, the Governor must declare that fact by proclamation as soon as practicable.
- (3) If an amending provision has come into operation in the Commonwealth before the proclamation is published in the *Gazette*, the amending provision comes into operation for the purposes of section 19 on a day fixed by the proclamation.

- (4) If an amending provision has not come into operation in the Commonwealth before the proclamation is published in the *Gazette*, the amending provision comes into operation for the purposes of section 19 when the amending provision comes into operation in the Commonwealth in accordance with the amending law.

19D. Amending laws enacted after 1 June 2021 but before commencement day

If an amending law receives the Royal Assent after 1 June 2021 but before the day (*commencement day*) on which the *Fair Trading Amendment Act 2022* section 6 comes into operation, sections 19A to 19C apply to the amending law as if the amending law received the Royal Assent on commencement day.

19E. Tabling of amending law taken to be publication for Standing Orders

- (1) In this section —
parliamentary committee means a committee established by either or both of the Houses of Parliament.
- (2) If a Standing Order of a House of Parliament provides that on the publication of an instrument under a written law the instrument is referred to a parliamentary committee for consideration, the laying of an amending law before the House under section 19A is taken to be publication of the amending law for the purposes of the Standing Order.
- (3) This section does not apply if the Standing Orders of the House provide specifically for an amending law to be considered by a parliamentary committee.

7. Section 36 deleted; particular regulations repealed

- (1) Delete section 36.
- (2) The *Fair Trading (Permitted Calling Hours) Regulations 2014* are repealed.

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