

IMPORTANT NOTICE

This publication is under review following recent amendments to the *Trade Practices Act 1974* (the Act).

Amending legislation

Trade Practices Amendment (Clarity in Pricing) Act 2008.

This legislation requires corporations making price representations about consumer goods or services to specify (as far as possible) a single price for acquiring those goods or services. This amendment is expected to commence by 25 May 2009. Other minor and technical amendments to product safety provisions commenced on 26 November 2008.

Trade Practices Legislation Amendment Act 2008

This legislation commenced on 22 November 2008 and amends ss. 10, 46, 51AC, 86 and 155 of the Act.

Summary of amendments

- **Deputy chairperson, s. 10**—new s. 10(1B) requires that at least one of the ACCC's deputy chairpersons has knowledge of, or experience in, small business matters.
- **Misuse of market power, s. 46**—the inclusion of new subsection (6A) clarifies the meaning of 'take advantage' for the purpose of this section. Further, the role of recoupment in predatory pricing cases under s. 46(1) is clarified by inserting s. 46(1AAA). This subsection provides that, in proving such cases, it is not necessary to show that recoupment will be possible.
- **Unconscionable conduct, s. 51AC**—the monetary threshold applicable to unconscionable conduct cases under this section (\$10 million) has been removed.
- **Jurisdictional issues, s. 86**—jurisdiction is given to the Federal Magistrates Court under s. 86(1A) to hear s. 46 matters and access to the Court under s. 86(1A) is extended to the ACCC.
- **ACCC's information-gathering powers, s. 155**—new s. 155(4) provides that in matters where interim injunctions are sought by the ACCC, it may continue to use its s. 155 powers until pleadings are closed.

More information

More information about these changes is available on the Commonwealth of Australia Law website (www.comlaw.gov.au; refer to specific Act) or by contacting the ACCC Infocentre on 1300 302 502.

December 2008