1997 No 603

New South Wales

Retirement Village Industry Code of Practice Amendment Regulation 1997

under the

Fair Trading Act 1987

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Fair Trading Act 1987*.

Faye Lo Po'

Minister for Fair Trading

Explanatory note

Section 78A of the *Fair Trading Act 1987* allows a consumer, in certain circumstances, to apply to the Commercial Tribunal in respect of alleged contraventions of a code of practice for an order that the person who contravened the code of practice discontinue the contravention or take specified action to rectify the consequences of the contravention. However, section 78A applies in respect of a code of practice only if the regulations state, or the code itself states, that section 78A so applies.

The object of this Regulation is to apply section 78A to the *Retirement Village Industry Code of Practice* (set out in Schedule 1 to the *Retirement Village Industry Code of Practice Regulation 1995)*.

This Regulation is made under the *Fair Trading Act 1987*, in particular section 78A (Orders on application of affected person).

Retirement Village Industry Code of Practice Amendment Regulation 1997

1 Name of Regulation

This Regulation is the *Retirement Village Industry Code of Practice Amendment Regulation 1997*.

2 Commencement

This Regulation commences on 1 December 1997.

3 Amendment of Retirement Village Industry Code of Practice Regulation 1995

The *Retirement Village Industry Code of Practice Regulation 1995* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment

(Clause 3)

Clause 3A

Insert after clause 3:

3A Application of section 78A of the Fair Trading Act 1987

Section 78A (Orders on application of affected person) of the *Fair Trading Act 1987* applies to the Code of Practice referred to in clause 3.