

South Australia

Fair Trading (Health and Fitness Industry Code of Practice) Variation Regulations 2012

under the *Fair Trading Act 1987*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Fair Trading (Health and Fitness Industry Code of Practice) Regulations 2007*

- 4 Variation of regulation 1—Short title
 - 5 Substitution of regulations 2 and 3
 - 2 Interpretation
 - 2A Prescription of code
 - 3 Contravention of code subject to civil penalty
 - 6 Substitution of heading to Schedule 1
 - 7 Variation of Schedule 1—Health and Fitness Industry Code
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fair Trading (Health and Fitness Industry Code of Practice) Variation Regulations 2012*.

2—Commencement

These regulations will come into operation on the day on which Schedule 1 of the *Small Business Commissioner Act 2011* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Fair Trading (Health and Fitness Industry Code of Practice) Regulations 2007*

4—Variation of regulation 1—Short title

Regulation 1—delete "*of Practice*"

5—Substitution of regulations 2 and 3

Regulations 2 and 3—delete the regulations and substitute:

2—Interpretation

In these regulations—

Act means the *Fair Trading Act 1987*;

civil penalty contravention has the same meaning as in Part 7 Division 3A of the Act;

code means the Health and Fitness Industry Code 2007 set out in Schedule 1.

2A—Prescription of code

- (1) The code is prescribed as an industry code for the purposes of Part 3A of the Act.
- (2) The Commissioner for Consumer Affairs is responsible for the administration of the code.

Note—

Under clause 37(2) of Schedule 1 of the *Small Business Commissioner Act 2011*, the code is taken to have been prescribed as an industry code.

3—Contravention of code subject to civil penalty

- (1) A contravention of section 28E of the Act constituted of a contravention of the code is to be subject to a civil penalty under Part 7 Division 3A of the Act.
- (2) The expiation fee for an alleged civil penalty contravention involving an alleged contravention or attempted contravention of the code (other than an alleged contravention or attempted contravention of clause 7 of the code) is \$500.

6—Substitution of heading to Schedule 1

Heading to Schedule 1—delete the heading and substitute:

Schedule 1—*Health and Fitness Industry Code*

7—Variation of Schedule 1—Health and Fitness Industry Code

Schedule 1 clause 1—delete "*Fair Trading (Health and Fitness Industry) Code of Practice 2007*" and substitute:

Health and Fitness Industry Code 2007

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 15 March 2012

No 14 of 2012

MCA0004/12CS