
COMMERCE (TRADE DESCRIPTIONS).

No. 15 of 1930.

An Act to amend the *Commerce (Trade Descriptions) Act 1905-1926*.

[Assented to 18th July, 1930.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1.—(1.) This Act may be cited as the *Commerce (Trade Descriptions) Act 1930*.

Short title and citation.

(2.) The *Commerce (Trade Descriptions) Act 1905-1926** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Commerce (Trade Descriptions) Act 1905-1930*.

Definitions.

2. Section three of the Principal Act is amended—

(a) by omitting the definition of “ Officer ” and inserting in its stead the following definition :—

“ ‘ Officer ’ means an officer of Customs and, in relation to exports, includes an officer of the Department of Markets.”; and

(b) by inserting, after the definition of “ Officer ”, the following definition :—

“ ‘ The Secretary ’ means the Secretary of the Department of Markets.”.

Application of trade description.

3. Section four of the Principal Act is amended—

(a) by inserting in sub-section (1.), after the word “ A ”, the word “ false ”; and

(b) by inserting, after sub-section (1.), the following sub-section :—

“ (1A.) A trade description which is required by the regulations to be applied to any goods shall be deemed to be applied to the goods if—

(a) it is applied to the goods themselves ; or

(b) it is used in relation to the goods in the manner prescribed.”.

Inspection of imports and exports.

4. Section five of the Principal Act is amended by adding at the end of sub-section (1.) the words “ or are in course of manufacture or preparation for export ”.

Notice of intention to export.

5. Section six of the Principal Act is amended by inserting, after the word “ Customs ”, the words “, or to the Department of Markets,”.

Prohibition of imports not bearing prescribed trade description.

6. Section seven of the Principal Act is amended by omitting from sub-section (1.) the word “ specified ”.

Imported goods found in Australia without prescribed trade description.

7. Section eight of the Principal Act is amended—

(a) by omitting the words “ this Act or ” ;

(b) by omitting the words “ in any package or covering in which they were imported, and ” ;

(c) by inserting, after the word “ deemed ”, the words “, subject to the regulations,”; and

(d) by omitting the words “ this Act or of the regulations as the case may be ” and inserting in their stead the words “ the regulations ”.

* Act No. 16, 1905, as amended by No. 87, 1926.

8. After section nine of the Principal Act the following section is inserted :—

“9A. All imported goods found in Australia which bear a false trade description shall, until the contrary is proved, be deemed to have been imported in contravention of this Act.”.

Imported
goods found
in Australia
with false
trade
description.

9. Section eleven of the Principal Act is amended—

- (a) by omitting the word “specified”;
- (b) by inserting in sub-section (2.), after the word “Collector”, the words “or the Secretary”;
- (c) by inserting, after the word “Minister” (wherever occurring), the words “of State for Markets”; and
- (d) by omitting the word “Comptroller-General” (wherever occurring) and inserting in its stead the word “Secretary”.

Prohibition of
exports not
bearing the
prescribed
trade
description.

10. Section thirteen of the Principal Act is amended—

- (a) by omitting the word “Comptroller-General” and inserting in its stead the word “Secretary”; and
- (b) by inserting, after the word “Minister”, the words “of State for Markets”.

Exportation of
falsely marked
goods.

11. Section fifteen of the Principal Act is repealed.

Application of
section 11.