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:—

**Short title and citation.**

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

(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 (l.),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 (l.) 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 (l.) 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”.

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

**Imported goods found in Australia with false trade description.**

“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.”.

**Prohibition of exports not bearing the prescribed 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”.

**Exportation of falsely marked goods.**

**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”.

**Application of section 11.**

**11.** Section fifteen of the Principal Act is repealed.