



Commerce (Trade Descriptions) Amendment Act 1981

No. 151 of 1981

An Act to amend the *Commerce (Trade Descriptions) Act 1905* in relation to the exportation of food

[Assented to 26 October 1981]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title, &c.

1. (1) This Act may be cited as the *Commerce (Trade Descriptions) Amendment Act 1981*.

(2) The *Commerce (Trade Descriptions) Act 1905*¹ is in this Act referred to as the Principal Act.

Commencement

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Penalty for applying false trade description of exports

3. (1) Section 12 of the Principal Act is amended by adding at the end thereof the following sub-sections:

“(2) A person who contravenes sub-section (1), where the description relates, or purports to relate, to food, is guilty of an indictable offence and, subject to this section, is punishable on conviction by a fine not exceeding \$100,000 or imprisonment for a period not exceeding 5 years, or both.

“(3) Notwithstanding that an offence referred to in sub-section (2) is an indictable offence, a court of summary jurisdiction may hear and determine proceedings in respect of such an offence if the court is satisfied that it is proper to do so and the defendant and the prosecutor consent.

“(4) Where, in accordance with sub-section (3), a court of summary jurisdiction convicts a person of an offence referred to in sub-section (2), the penalty that the court may impose is a fine not exceeding \$5,000 or imprisonment for a period not exceeding 1 year, or both.

“(5) A person who contravenes sub-section (1), otherwise than as mentioned in sub-section (2), is guilty of an offence and is punishable on conviction by a fine not exceeding \$200.”.

(2) Section 12 of the Principal Act is amended by omitting “Penalty: Two hundred dollars.”.

NOTE

1. No. 16, 1905, as amended. For previous amendments, see No. 37, 1926; No. 15, 1930; No. 13, 1933; No. 80, 1950; No. 93, 1966; No. 216, 1973; and No. 61, 1981.