



Commerce (Trade Descriptions) Amendment Act 2018

No. 60, 2018

An Act to amend the *Commerce (Trade Descriptions) Act 1905*, and for related purposes

Note: An electronic version of this Act is available on the Federal Register of Legislation (<https://www.legislation.gov.au/>)

Contents

1	Short title	1
2	Commencement	2
3	Schedules	2
Schedule 1—Country of origin representations		3
	<i>Commerce (Trade Descriptions) Act 1905</i>	3
Schedule 2—Incorporation of information standards		5
	<i>Commerce (Trade Descriptions) Act 1905</i>	5



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No. 60, 2018

An Act to amend the *Commerce (Trade Descriptions) Act 1905*, and for related purposes

[Assented to 29 June 2018]

The Parliament of Australia enacts:

1 Short title

This Act is the *Commerce (Trade Descriptions) Amendment Act 2018*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	29 June 2018
2. Schedule 1	The day after this Act receives the Royal Assent.	30 June 2018
3. Schedule 2	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	29 December 2018

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Country of origin representations

Commerce (Trade Descriptions) Act 1905

1 At the end of subsection 9(2)

Add:

Note: For rules about representations as to the country of origin of goods, see section 10AA.

2 At the end of section 9A

Add:

Note: For rules about representations as to the country of origin of goods, see section 10AA.

3 At the end of subsection 10(1)

Add:

Note: For rules about representations as to the country of origin of goods, see section 10AA.

4 At the end of Part III

Add:

10AA Country of origin representations do not contravene certain provisions

- (1) For the purposes of sections 9, 9A and 10, goods:
 - (a) do not have a false trade description applied to them; and
 - (b) do not bear a false trade description;only by the making of a representation of a kind referred to in an item in the first column of the table in subsection 255(1) of Schedule 2 to the *Competition and Consumer Act 2010*, if the requirements of the corresponding item in the second column are met.
- (2) Subsections 255(2), (5), (7), (8) and (9) of Schedule 2 to the *Competition and Consumer Act 2010* apply in relation to

subsection (1) of this section in a way corresponding to the way in which they apply in relation to subsection 255(1) of that Schedule.

- (3) Regulations made for the purposes of subsection 255(3) of Schedule 2 to the *Competition and Consumer Act 2010* apply in relation to subsection 255(2) of that Schedule (as applied by subsection (2) of this section) in a way corresponding to the way in which they apply in relation to subsection 255(2) of that Schedule.

5 Application provision

Section 10AA of the *Commerce (Trade Descriptions) Act 1905*, as added by this Schedule, applies in relation to goods imported on or after the commencement of this item.

Schedule 2—Incorporation of information standards

Commerce (Trade Descriptions) Act 1905

1 After subsection 7(3)

Insert:

- (3A) Despite subsection 14(2) of the *Legislation Act 2003*, regulations made for the purposes of this section may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, any matter contained in an information standard as in force or existing from time to time.
- (3B) For the purposes of subsection (3A), an ***information standard*** is an information standard made under section 134, or declared under section 135, of Schedule 2 to the *Competition and Consumer Act 2010*.

[Minister's second reading speech made in—
House of Representatives on 28 March 2018
Senate on 19 June 2018]

(57/18)
