

Commerce (Trade Descriptions) Amendment Act 2018

No. 60, 2018

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

Contents

1 Short title 1

2 Commencement 2

3 Schedules 2

Schedule 1—Country of origin representations 3

Commerce (Trade Descriptions) Act 1905 3

Schedule 2—Incorporation of information standards 5

Commerce (Trade Descriptions) Act 1905 5



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Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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)