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The Parliament of the
Commonwealth of Australia

THE SENATE

Presented and read a first time

Food Safety (Trans Fats) Bill 2007

No. , 2007

(Senator Nettle)

**A Bill for an Act to prohibit the addition of
synthetic trans fatty acids to food, and for related
purposes**

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1 **A Bill for an Act to prohibit the addition of**
2 **synthetic trans fatty acids to food, and for related**
3 **purposes**

4 The Parliament of Australia enacts:
5

6 **1 Short title**

7 This Act may be cited as the *Food Safety (Trans Fats) Act 2007*.

8 **2 Commencement**

9 This Act commences one year after the day on which it receives
10 the Royal Assent.

11 **3 Purpose etc.**

- 12 (1) The purpose of this Act is to prohibit, within the bounds of
13 Commonwealth constitutional competence, the addition of
14 synthetic trans fatty acids to foods in Australia.
- 15 (2) The use of the Corporations Power in this Act is specifically
16 limited so that it does not override State legislation. Consequently
17 this Act does not abuse the recent extensions to the Corporations
18 Power.
- 19 (3) It is the intention of the Parliament that State Parliaments may
20 adopt the provisions of this Act in their own legislation, and in the
21 Australia New Zealand Food Standards Code.

22 **4 Definitions**

- 23 (1) In this Act, unless the contrary intention appears:

24 *constitutional corporation* means a corporation to which
25 paragraph 51(xx) of the Constitution applies.

26 *synthetic trans fatty acids* means non-naturally occurring fats
27 formed by the hydrogenation of vegetable oils.

1 **5 Prohibition—corporations**

2 (1) A constitutional corporation must not manufacture, distribute, offer
3 for sale, sell or otherwise trade in food containing synthetic trans
4 fatty acids.

5 Penalty: 700 penalty units.

6 (2) A person must not manufacture, distribute, offer for sale, sell or
7 otherwise trade in food containing synthetic trans fatty acids if that
8 action will, or would, be likely to have the effect of causing
9 substantial loss or damage to the business of a constitutional
10 corporation.

11 Penalty: 700 penalty units.

12 **6 Operation of State and Territory Laws**

13 It is the Parliament's intention that, where a law of a State or
14 Territory regulates the content of synthetic trans fatty acids in food
15 in that State or Territory, and that law is inconsistent with section 5
16 of this Act, the State or Territory law prevails over section 5 of this
17 Act to the extent of the inconsistency.