

2010-2011-2012-2013

The Parliament of the
Commonwealth of Australia

THE SENATE

Presented and read a first time

Fair Trade (Australian Standards) Bill 2013

No. , 2013

(Senator Madigan)

**A Bill for an Act to provide for certain minimum
standards for products imported into Australia
under a trade agreement, and for related purposes**

Contents

Part 1—Preliminary	1
1 Short title	1
2 Commencement	2
3 Object	2
Part 2—Minimum standards about the quality of goods imported into Australia	3
4 Trade Agreement must include certain requirements	3
5 Commonwealth must not enter into certain trade agreements	3
6 Meaning of Trade Agreement.....	3

1 **A Bill for an Act to provide for certain minimum**
2 **standards for products imported into Australia**
3 **under a trade agreement, and for related purposes**

4 The Parliament of Australia enacts:

5 **Part 1—Preliminary**
6

7 **1 Short title**

8 This Act may be cited as the *Fair Trade (Australian Standards)*
9 *Act 2013*.

Part 1 Preliminary

Section 2

1 **2 Commencement**

2 This Act commences on the day this Act receives the Royal
3 Assent.

4 **3 Object**

5 It is the object of this Act to encourage Australia's trading partners
6 to ensure that goods that are imported into Australia, from a
7 country that has a trade agreement with Australia, are subject to
8 minimum standards about the quality of those goods.
9

1 **Part 2—Minimum standards about the quality of**
2 **goods imported into Australia**
3

4 **4 Trade Agreement must include certain requirements**

- 5 (1) Subsection (2) applies to a new Trade Agreement and an
6 agreement that amends an existing Trading Agreement.
- 7 (2) Prior to entering into the agreement, the Commonwealth must
8 ensure that the Trade Agreement includes a binding requirement
9 that goods sold to a purchaser located in one country, by a
10 company or entity located in the other country:
- 11 (a) comply with all applicable product standards that apply in the
12 purchaser's country; or
- 13 (b) if the goods do not comply with all applicable product
14 standards that apply in the purchaser's country—the
15 company or entity selling the products must ensure that the
16 goods are improved to standards that comply with all
17 applicable Australian product standards.

18 **5 Commonwealth must not enter into certain trade agreements**

19 The Commonwealth must not enter into a Trade Agreement with a
20 country, or a group of countries, if the Trade Agreement does not
21 include the requirements set out in subsection 4(2).

22 **6 Meaning of Trade Agreement**

23 An international agreement is a **Trade Agreement** for the purpose
24 of this Act if it is an international agreement that the
25 Commonwealth has, or will, enter into with the government of
26 another country, or with the governments of a group of countries,
27 that will abolish or decrease tariffs (or other import charges) that
28 are levied or charged by Australia at the time goods are imported
29 into Australia.

30 Note 1: An international agreement may be entered into by way of entering
31 into a treaty or memorandum of understanding with the other country,
32 or by exchange of letters with that country, or in any other way that

Part 2 Minimum standards about the quality of goods imported into Australia

Section 6

1 gives rise to a binding agreement between Australia and the other
2 country for the purposes of international law.

3 Note 2: An international agreement negotiated under a framework provided by
4 the World Trade Organisation or the United Nations is a Trade
5 Agreement for the purpose of this Act.