

1980-81

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
HOUSE OF REPRESENTATIVES

Commerce (Trade Descriptions) Amendment Bill 1981

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Primary  
Industry, The Hon. Peter Nixon, M.P.)

## OUTLINE

### Commerce (Trade Descriptions) Amendment Bill 1981

This Bill provides for an amendment to the  
Commerce (Trade Descriptions) Act 1905.

Provision is made for the imposition of penalties for any person who knowingly applies a false trade description to any foodstuffs intended for or entered for export.

Breaches of the provisions will be an indictable offence and subject to a fine of up to \$100,000 or 5 years imprisonment or both. However, provision is also made to proceed by summary jurisdiction with consequent fines up to \$5,000 or imprisonment for 1 year or both.

No. of  
Clause

Explanation

- |      |   |
|------|---|
| 1    | Citation  |
| 2    | Date of commencement to be date of Royal Assent.  |
| 3(1) | Provides - <ul style="list-style-type: none"><li>(1) in relation to foodstuffs, for punishment on conviction by indictable jurisdiction, fine not exceeding \$100,000 or imprisonment not exceeding 5 years or both</li><li>(2) in relation to foodstuffs, for a court of summary jurisdiction to hear the proceedings if the court, defendant and prosecutor consent</li><li>(3) in relation to foodstuffs, for punishment on conviction by summary jurisdiction, fine not exceeding \$5,000 or imprisonment not exceeding 1 year or both</li><li>(4) in relation to other goods, a penalty not exceeding \$200.</li></ul> |
| 3(2) | Omits the existing penalty provision of \$200 for all goods.  |

