



Competition and Consumer Amendment (Country of Origin) Act 2017

No. 5, 2017

An Act to amend the *Competition and Consumer Act 2010*, and for related purposes

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

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No. 5, 2017

An Act to amend the *Competition and Consumer Act 2010*, and for related purposes

[Assented to 22 February 2017]

The Parliament of Australia enacts:

1 Short title

This Act is the *Competition and Consumer Amendment (Country of Origin) Act 2017*.

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. The whole of this Act	The day after this Act receives the Royal Assent.	23 February 2017

Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

Competition and Consumer Act 2010

1 Subsection 2(1) of Schedule 2 (definition of *substantially transformed*)

Omit “section 255(3)”, substitute “section 255(2)”.

2 Subsections 255(1) to (4) of Schedule 2

Repeal the subsections, substitute:

- (1) A person does not contravene section 18, 29(1)(a) or (k) or 151(1)(a) or (k) only by making a representation of a kind referred to in an item in the first column of this table, if the requirements of the corresponding item in the second column are met.

Country of origin representations		
Item	Representation	Requirements to be met
1	A representation that goods were grown in a particular country	(a) each significant ingredient or significant component of the goods was grown in that country; and (b) all, or virtually all, processes involved in the production or manufacture of the goods happened in that country.
2	A representation that goods are the produce of a particular country	(a) the country was the country of origin of each significant ingredient or significant component of the goods; and (b) all, or virtually all, processes involved in the production or manufacture of the goods happened in that country.
3	A representation that goods were made or manufactured in, or otherwise originate in, a particular country	(a) the goods were last substantially transformed in that country; and (b) the representation is not a representation to which item 1 or 2 of this table applies.
4	A representation in the form of a mark specified in an information standard relating to country of origin labelling of goods	the requirements under the information standard relating to the use of that mark.

- (2) Goods were *substantially transformed* in a country if:
- (a) the goods met, in relation to that country, the requirements of item 1 or 2 in the second column of the table in subsection (1); or
 - (b) as a result of one or more processes undertaken in that country, the goods are fundamentally different in identity, nature or essential character from all of their ingredients or components that were imported into that country.
- (3) Without limiting subsection (2), the regulations:
- (a) may prescribe (in relation to particular classes of goods or otherwise) processes or combinations of processes that, for the purposes of that subsection, do not have the result described in subsection (2)(b); and
 - (b) may include examples (in relation to particular classes of goods or otherwise) of processes or combinations of processes that, for the purposes of that subsection, have the result described in subsection (2)(b).

3 Subsection 255(6) of Schedule 2

Repeal the subsection.

4 Subsections 255(8) and (9) of Schedule 2

Repeal the subsections, substitute:

- (8) For the purposes of item 1 of the table in subsection (1) in relation to particular goods, packaging materials are not treated as ingredients or components of the goods.
- (9) For the purposes of item 1 of the table in subsection (1) in relation to an ingredient or component, water added to the ingredient or component is treated as having the same origin as the ingredient or component, regardless of its actual origin, if:
- (a) the ingredient or component has been dried or concentrated by the evaporation of water; and
 - (b) the added water returns the water content of the ingredient or component to no more than its natural level.

5 Sections 256 and 257 of Schedule 2

Repeal the sections.

*[Minister's second reading speech made in—
House of Representatives on 1 September 2016
Senate on 29 November 2016]*

(113/16)

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