

Commerce (Imports) Regulations (Amendment) 1998 No. 100

EXPLANATORY STATEMENT

STATUTORY RULES NO. 100

Issued by the Authority of the Minister for Customs and Consumer Affairs

Commerce (Trade Descriptions) Act 1905

Commerce (Imports) Regulations (Amendment)

Section 7 of the *Commerce (Trade Descriptions) Act 1905* (the Act) provides in part that,

(1) The regulations may prohibit the importation or introduction into Australia of any goods unless there is applied to them a trade description of such character, relating to such matters, and applied in such manner, as is prescribed.

Furthermore, section 17 of the Act provides in part that,

[t]he Governor-General may make regulations not inconsistent with this Act prescribing all matters and things required or permitted by this Act to be prescribed or which are necessary and convenient to be prescribed for carrying out or giving effect to this Act...

The purpose of these regulations was to remove certain trade description requirements for articles of apparel and textile products, and to remove certain country of origin trade description requirements for cigars, cigarettes and manufactured tobacco.

The Commerce (Imports) Regulations (the Regulations) prohibit the importation of certain goods unless there is applied to them a trade description in accordance with the Regulations.

Regulation 15 prescribed different trade descriptions for various articles of apparel and textile products. For example, it prescribed circumstances where the words "Pure Wool" or "All Wool" had to, or could not, be included in the trade description.

The requirements under regulation 15 conflicted with the provisions of the current Standards Australia Standard AS/NZS 2622:1996, which has recently been made mandatory in NSW. Other states may also adopt the standard. The regulation was repealed in order to remove the inconsistency between import and domestic controls.

Regulation 4 omitted regulation 15 from the Regulations.

Regulation 6 omitted the Third Schedule from the Regulations. The Third Schedule listed a number of goods which were not subject to the requirements of regulation 15.

Regulation 5 omitted regulation 19A from the Regulations.

Regulation 19A required the following country of origin description to be placed in specified locations on the packaging of cigars, cigarettes and manufactured tobacco imported for sale by retail:

the name of the country in which the goods were made or produced ... in conspicuous characters not obscured by the colour of the background or dominated by other wording.

Regulation 19A conflicted with the provisions of the Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations concerning health warnings on tobacco products. Whereas the Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations require prominent health warnings to be placed on retail packages of tobacco, regulation 19A required that the country of origin description not be dominated by other wording. Regulation 19A also had potential to add unnecessary costs for business and may have posed difficulties for the Australian Customs Service to administer.

Regulation 3 retained the general trade description requirement in relation to country of origin for cigars, *cigarettes and* manufactured tobacco. Thereby, the general requirement in subparagraph 8(c)(i) of the Regulations - which requires the trade description to contain, in prominent and legible characters, the name of the country in which the goods were made or produced - still applies to cigars, cigarettes and manufactured tobacco.

The regulations commenced on gazettal.