

Commerce (Imports) Amendment Regulations 1999 (No. 1) 1999 No. 329

EXPLANATORY STATEMENT

STATUTORY RULES 1999 No. 329

Issued by the Authority of the Minister for Justice and Customs

Commerce (Imports) Amendment Regulations 1999 (No. 1)

Section 17 of the *Commerce (Trade Descriptions) Act 1905* ("the Act") provides in part that the 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, and particularly for the analysis of samples taken under this Act, and the extent to which certificates of analysis shall be prima facie evidence in proceedings under the Act of the facts therein stated.

The regulations update and repeal particular regulations. The regulations relate to consumer protection and the proposed amendments repeal those that are out of date and unnecessary. The present regulations are unduly prescriptive, may conflict with or duplicate other legislative requirements and have the potential to add to the burden of business both in paperwork and financially.

The regulations omit present regulations numbered 9, 11, 12, 13, 14, 15A and 20 as out of date or unnecessary (item 5 of Schedule 1).

Regulation 11 is repealed as it specifies marking requirements for medicines or medicinal preparations. The provision is unnecessary as it duplicates those in place under *Therapeutic Goods Act 1989*.

Regulation 12 is repealed as it specifies the marking requirements on bagged fertiliser. This provision is not often used as most fertiliser is imported in bulk.. The marking requirements are also inconsistent with those applied to Australian packaged fertilisers.

Regulation 13 is repealed as it specifies the wording of the trade description for agricultural seeds and maize. The Australian Quarantine and Inspection Services (AQIS) has controls in place in relation to seeds and all seeds are referred to AQIS by Customs for examination and identification purposes. There is no need to retain this control.

Regulation 14 is repealed as it specifies the content of the trade description for plants. As AQIS has controls in place in relation to plants and all plants are referred to AQIS for examination and identification purposes, there is no need to retain this control.

Regulation 15A is repealed as it requires goods listed in Schedule 4 to the regulations to state the name of the Material constituting the outside or covering of the goods. Repeal of this regulation has been agreed to as part of the Governments response to the Industry Commission Report on Packaging and Labelling. A consequential amendment will be required to the Fourth Schedule to the regulations to remove the reference to regulations 15A.

Regulation 20 is repealed as it requires details as to where watches, clocks and movements were made or produced to appear on the back of the movement and on the dial if there is one. As parts for watches and clocks are manufactured in many different countries and sent to a number of countries for assembly this requirement is impossible to meet. Repeal of this regulation has also been agreed to as part of the Governments response to the Industry Commission Report on Packaging and Labelling.

The regulations further amend the trade description general requirements provisions of the regulations to include reference to regulation 15B which is not repealed. This regulation, 15B, will be included as regulation 8(g) (item 4 of Schedule 1).

The regulations further amend subparagraph 8(c)(i) and (ii) to reflect the repeal of regulations 20 and 9 (items 2 and 3 of Schedule 1).

The regulations further amend The Fourth Schedule to indicate that the repeal of paragraph 15A (item 6 of Schedule 1).

The regulations commenced on gazettal.