



Legislation (Deferral of Sunsetting—Commerce Imports) Certificate 2016

I, George Brandis QC, Attorney-General, make the following certificate.

Dated 16 March 2016

George Brandis QC
Attorney-General

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1 Name

This is the *Legislation (Deferral of Sunsetting—Commerce Imports) Certificate 2016*.

2 Commencement

- (1) Each provision of this instrument 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 instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under paragraph 51(1)(c) of the *Legislation Act 2003*.

4 Definitions

In this instrument:

Act means the *Legislation Act 2003*.

5 Statement of reasons for issue of certificate

For paragraph 51(2)(a) of the Act, this section sets out the statement of the reasons for the issue of this certificate.

Statement of reasons

I am satisfied that an instrument proposed to be made in substitution for the *Commerce (Imports) Regulations 1940* (the Regulations) will not be able to be completed before the scheduled sunsetting day for reasons that the rule-maker, the Minister for Immigration and Border Protection, could not have foreseen and avoided.

The Regulations are essential to enforcing labelling requirements for certain goods, including food, at the Australian border. The *Commerce (Trade Descriptions) Act 1905* and the Regulations give Australian Border Force officers the power to inspect and examine imports to determine whether accurate trade descriptions, including country of origin, have been applied.

Section 6

In late 2015, the Department of Immigration and Border Protection reviewed the Regulations to identify any redundant provisions and deregulation opportunities. It was intended that the Regulations would be remade to implement the results of the review and to include provisions to give effect to the Government's broader reforms relating to country of origin labelling for food.

In late 2015, the Government extended until June 2016 the implementation deadlines for the reforms relating to country of origin labelling, which has in turn, delayed the remaking of the Regulations.

The Regulations are due to sunset on 1 April 2016. A 12 month deferral of the sunset day will allow these Regulations to be remade taking into account the country of origin labelling reforms. It will also ensure that Australian Border Force officers can continue to legally take action at the border to enforce labelling requirements.

6 Deferral of sunset of the *Commerce (Imports) Regulations 1940*

The *Commerce (Imports) Regulations 1940*, for which the sunset day is 1 April 2016, are taken to cease to be in force under section 51 of the Act on 1 April 2017.

7 Repeal of this instrument

This instrument is repealed on 2 April 2017.