DEPARTMENT OF IMMIGRATION AND BORDER PROTECTION NOTICE

**No. 2016/38**

**Replacement of Commerce (Imports) Regulations 1940**

Due to the sunsetting of the Commerce (Imports) Regulations 1940 (CI Regulations), the Australian Government has developed a new regulation called the Commerce (Trade Descriptions) Regulation 2016 (the CTD Regulation) which will commence on 1 April 2017. The CI Regulations will continue to be in force until this date.

The CTD Regulation retains most of the existing trade description requirements that currently apply to specified goods, and related matters. The CTD Regulation contains modifications to simplify expressions, and to remove redundant provisions. Some goods will no longer require a trade description (such as medicines and medicinal preparations) while others are no longer exempt from requiring a trade description (such as packages containing less than 15 grams of tobacco).

In addition, the CTD Regulation aligns with the Australian Government’s broader country of origin labelling for food reforms and includes reference to the *Country of Origin Labelling Information Standard 2016*. The mandatory changes to food labelling will not take effect until 1 July 2018.

# Background

The CTD Regulation was developed to ensure that the Australian Border Force (ABF) can continue to enforce labelling requirements for the importation of a range of goods, including food, at the Australian border. The *Commerce (Trade Descriptions) Act 1905* and the CTD Regulation give officers in the ABF the power to inspect and examine imported goods to determine whether accurate trade descriptions, including the country of origin, have been applied.

In late 2015, prior to the development of the CTD Regulation, the Department of Immigration and Border Protection (the Department) undertook a review of the CI Regulations that involved a public consultation process. All submissions made during this process were considered by the Department when making the CTD Regulation. The Department of Industry, Innovation and Science also undertook a separate consultation process in relation to country of origin labelling for food which informed the development of the CTD Regulation.

# Further information

Further information about the CTD Regulation will be made available on the Department’s website at [www.border.gov.au/Busi/cargo-support-trade-and-goods/importing-goods/labelling-requirements.](http://www.border.gov.au/Busi/cargo-support-trade-and-goods/importing-goods/labelling-requirements)

The CTD Regulation is available on the Federal Register of Legislation at [www.legislation.gov.au/Details/F2016L01907.](http://www.legislation.gov.au/Details/F2016L01907)

[signed] [signed]

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