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Parliament of the Commonwealth of Australia

House of Representatives

Customs (Unlawful Exportation of Food) Amendment

Bill 1981

Explanatory Memorandum

(Circulated by the Authority of the Minister for
Business and Consumer Affairs, the Honourable
John Moore, M.P.)

Customs (Unlawful Exportation of Food)
Amendment Bill 1981

Purpose of the Bill

The purpose of this Bill is to amend the Customs Act 1901 to increase the penalties in that Act for offences relating to the unlawful exportation of food.

The Government has decided to take this action following the discovery in the United States of America of Australian boneless beef being adulterated with horsemeat and kangaroo meat.

The exportation from Australia of certain food is now prohibited by regulations made under the Customs Act and the Commerce (Trade Descriptions) Act. In particular, exportation of meat is prohibited under certain circumstances by the Customs (Prohibited Exports) Regulations and the Exports (Meat) Regulations unless an approval is issued by the Minister for Primary Industry.

By this Bill the penalty for the exportation of food the exportation of which is prohibited by such regulations, will be increased to a maximum fine of \$100,000 or imprisonment for a period not exceeding 5 years, or both.

Provision is also made for a court of summary jurisdiction to hear and determine proceedings in respect of the offence and for that court to impose a fine not exceeding \$5,000 or imprisonment for a period not exceeding 1 year, or both. Clause 5 of the Bill also increases to \$1,000 the maximum penalty that might be prescribed for a contravention of a regulation relating to food.

- Clause 1 Citation of the Amendment Act and identification of the Customs Act 1901 as the Principal Act.
- Clause 2 Provides for the Amendment Act to come into operation on the day on which the Act receives the Royal Assent.
- Clause 3 Defines "food" to include substances capable of being used as human food or drink and ingredients for food whether or not in a condition fit for human consumption.
- Clause 4 Amends section 233 of the Principal Act to exclude from paragraph (1)(c) of that section the new offence proposed to be created by Clause 4 of the Bill.
- Clause 5 Creates a new indictable offence of exporting food which is prohibited from exportation from Australia by regulations in force under the Customs Act 1901 or the Commerce (Trade Descriptions) Act 1905. The penalty for such an offence is to be a maximum fine of \$100,000 or imprisonment for a period not exceeding 5 years or both. Provision is also made for a Court of summary jurisdiction to hear and determine proceedings in respect of the new offence. If the summary court convicts a person of the offence, the maximum penalty that the court may impose is to be a fine of \$5,000 or imprisonment for 1 year, or both.
- Clause 6 Increases to \$1,000 the maximum penalty that might be prescribed for a contravention of a regulation relating to food.

