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The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

## **Imported Food Warning Labels Bill 2013**

**No.     , 2013**

*(Mr Katter)*

**A Bill for an Act to provide for warning labels in  
relation to imported food, and for related purposes**



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1     **A Bill for an Act to provide for warning labels in**  
2     **relation to imported food, and for related purposes**

3     The Parliament of Australia enacts:  
4  
5

6     **1 Short title**

7                     This Act may be cited as the *Imported Food Warning Labels Act*  
8                     2013.

9     **2 Commencement**

10                    (1) Each provision of this Act specified in column 1 of the table  
11                    commences, or is taken to have commenced, in accordance with

## Section 3

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1 column 2 of the table. Any other statement in column 2 has effect  
2 according to its terms.

3

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<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	
2. Sections 4 to 10	The day after the end of the period of 6 months beginning on the day this Act receives the Royal Assent.	

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4 Note: This table relates only to the provisions of this Act as originally  
5 enacted. It will not be amended to deal with any later amendments of  
6 this Act.

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

## 10 3 Definitions

11 In this Act:

12 **constitutional corporation** means a corporation to which  
13 paragraph 51(xx) of the Constitution applies.

14 **constitutional trade or commerce** means trade or commerce:

- 15 (a) between Australia and places outside Australia; or  
16 (b) among the States; or  
17 (c) within a Territory, between a State and Territory or between  
18 2 Territories.

19 **food** includes:

- 20 (a) any substance or thing of a kind used or capable of being  
21 used as food or drink by human beings; or

- 1 (b) any substance or thing of a kind used or capable of being  
2 used as an ingredient or additive in, or substance used in the  
3 preparation of, a substance or thing referred to in  
4 paragraph (a); or  
5 (c) any other substance or thing that is prescribed;  
6 whether or not it is in a condition fit for human consumption, but  
7 does not include a therapeutic good within the meaning of the  
8 *Therapeutic Goods Act 1989*.

9 ***imported food warning label***: see section 4.

10 ***operator***, of a regulated retail food business, means the person who  
11 operates the business.

12 ***regulated food*** means food imported into Australia other than:

- 13 (a) food that is imported for private consumption; or  
14 (b) food that is ship's stores or aircraft's stores, within the  
15 meaning of section 130C of the *Customs Act 1901*; or  
16 (c) food that is imported as a trade sample.

17 ***regulated minimally-packaged food*** means regulated food that is  
18 displayed for retail sale in a package that does not obscure the  
19 nature or quality of the food.

20 ***regulated packaged food*** means regulated food that is packaged  
21 (other than regulated minimally-packaged food).

22 ***regulated retail food business*** means a retail business of selling  
23 regulated food (whether or not the business also sells other food) to  
24 consumers, if:

- 25 (a) at least one of the following applies:  
26 (i) the operator of the business is a constitutional  
27 corporation;  
28 (ii) the business is engaged in constitutional trade or  
29 commerce; and  
30 (b) the food is not offered for immediate consumption on the  
31 business's premises.

32 ***regulated unpackaged food*** means regulated food that is  
33 unpackaged.

## Section 4

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1                    *retail unit*, of regulated packaged food, means an individual unit of  
2                    the packaged food offered for retail sale.

### 3                    **4 Imported food warning label**

4                    (1) The *imported food warning label* is as follows:

5                    

6                    WARNING: IMPORTED FOOD. THIS FOOD HAS NOT BEEN 7                    GROWN OR PROCESSED UNDER AUSTRALIAN HEALTH 8                    AND HYGIENE STANDARDS AND MAY BE INJURIOUS TO 9                    YOUR HEALTH.
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9                    (2) A legislative instrument made under this Act may prescribe  
10                    standards that apply in relation to any or all of the following:

- 11                    (a) the size of the label;  
12                    (b) any other matters relating to display of the label.

### 13                    **5 Warning label requirements**

#### 14                    *Regulated packaged food*

15                    (1) Every retail unit of regulated packaged food imported into  
16                    Australia must carry the imported food warning label.

#### 17                    *Regulated unpackaged food*

18                    (2) Every item of regulated unpackaged food displayed for retail sale  
19                    must have the imported food warning label:

- 20                    (a) fixed to the item; or  
21                    (b) prominently displayed so close to the item that a person  
22                    considering buying the item could not avoid seeing the label.

#### 23                    *Regulated minimally-packaged food*

24                    (3) Regulated minimally-packaged food displayed for retail sale must  
25                    have the imported food warning label:

- 26                    (a) fixed to each item of the food; or  
27                    (b) fixed to each retail unit of the food; or



- 1 (c) prominently displayed so close to each display of retail units  
2 of the food that a person considering buying a retail unit of  
3 the food could not avoid seeing the label.

4 **6 Offence: failure to comply for regulated packaged food**

- 5 A person commits an offence if:  
6 (a) the person imports food into Australia; and  
7 (b) the food is regulated packaged food; and  
8 (c) subsection 5(1) is contravened in relation to a retail unit of  
9 the food.

10 Penalty: \$500,000.

11 **7 Offence: failure to comply for regulated unpackaged food**

- 12 A person commits an offence if:  
13 (a) the person is the operator of a regulated retail food business;  
14 and  
15 (b) the business displays food for sale; and  
16 (c) the food is regulated unpackaged food; and  
17 (d) subsection 5(2) is contravened in relation to an item of the  
18 food.

19 Penalty: \$500,000.

20 **8 Offence: failure to comply for regulated minimally-packaged food**

- 21 A person commits an offence if:  
22 (a) the person is the operator of a regulated retail food business;  
23 and  
24 (b) the business displays food for sale; and  
25 (c) the food is regulated minimally-packaged food; and  
26 (d) subsection 5(3) is contravened in relation to a retail unit of  
27 the food.

28 Penalty: \$500,000.

1     **9 Application of *Crimes Act 1914***

2                     Section 4AB of the *Crimes Act 1914* does not apply to this Act.

3                     Note:       Section 4AB of the *Crimes Act 1914* has the effect of converting  
4                                     penalties expressed in dollars into a number of penalty units.

5     **10 Legislative instruments**

6                     The Minister may make legislative instruments prescribing  
7                     matters:

- 8                     (a) required or permitted by this Act to be prescribed; or  
9                     (b) necessary or convenient to be prescribed for carrying out or  
10                                     giving effect to this Act.