

Fair Trading (Environmental Labelling) Bill

EXPLANATORY MEMORANDUM

Clause 1 sets out the purpose of the Act.

Clause 2 provides for the commencement of the Act.

Clause 3 defines the Principal Act to which amendment is being made.

Clause 4 provides definitions for the purpose of the Act. These definitions are:

“environmental claim”—This term is the focal point of the Act and the definition specifies its meaning within the Act when applied in conjunction with goods, or their use.

Clause 5 provides a new section to be added to the Principal Act to effect the current amendment. This new section describes the nature of environmental claims prohibited by the amendment.

It also excludes the application of section 130 of the **Magistrates' Court Act 1989** to ensure that the onus of proof attaches to the person proceeded against.

Clause 6 provides a consequential amendment to section 10B (1) of the Principal Act which refers to the new section inserted into the Principal Act by *Clause 5*.

Clause 7 provides statute law revisions to the Principal Act in the following Sections:

- (a) Section 5 (1);
- (b) Section 11A (4) (a);
- (c) Section 24 (2);
- (d) Section 27 (2);
- (e) Section 30 (3) (b);
- (f) Section 41 (1).

