

EXPOSURE DRAFT

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Inserts for
**Treasury Laws Amendment (Fairer for Families and Farmers) Bill 2024:
industry codes (penalties and other amendments)**

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Schedule 1	The later of: (a) 1 April 2025; and (b) the day after this Act receives the Royal Assent.	
2.		
3.		

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Schedule 1—Industry codes

Part 1—Amount of penalties

Competition and Consumer Act 2010

1 Section 51ACF

Repeal the section, substitute:

51ACF Amount of penalty

(1) The penalty to be specified in an infringement notice to be issued to a person, for an alleged contravention of a civil penalty provision of an industry code, must be equal to the following:

(a) if subsection (2) applies to the industry code:

(i) if the person is a body corporate—600 penalty units; or

(ii) otherwise—120 penalty units;

(b) otherwise:

(i) if the person is a body corporate—60 penalty units; or

(ii) otherwise—12 penalty units.

Industry code relating to the industry of food and groceries

(2) This subsection applies to an industry code that:

(a) relates to the industry of food and groceries; and

(b) provides that this subsection applies to the code.

2 Subsection 51AE(2)

After “industry of franchising”, insert “or food and groceries”.

3 Subsection 51AE(2A)

After “industry of franchising”, insert “or food and groceries”.

4 Paragraph 51AE(2A)(c)

Repeal the paragraph, substitute:

(c) if the code does not prescribe a pecuniary penalty mentioned in paragraph (a) or (b) for a contravention of a civil penalty provision of the code by a person—prescribe the following for the contravention:

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- 1 (i) in the case of an industry code that relates to the
2 industry of franchising—a pecuniary penalty not
3 exceeding 600 penalty units;
4 (ii) in the case of an industry code that relates to the
5 industry of food and groceries—a pecuniary penalty not
6 exceeding 3,200 penalty units if the person is a body
7 corporate and 640 penalty units if the person is not a
8 body corporate.

9 **5 Subsection 52ZZG(2)**

10 Omit “paragraph 51ACF(a) to 50 penalty units”, substitute
11 “subparagraph 51ACF(1)(b)(i) to 60 penalty units”.

12 **6 Application of amendments**

13 The amendments of sections 51ACF and 51AE of the *Competition and*
14 *Consumer Act 2010* made by this Part apply in relation to
15 contraventions which happen, or are alleged to happen, on or after the
16 day this Schedule commences.

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1 **Part 2—Technical amendment**

2 *Competition and Consumer Act 2010*

3 **7 Paragraph 51AE(1B)(b)**

- 4 Omit all the words after “any person or body”, substitute:
5 whether or not a participant in the industry to which the code
6 relates, including the following:
7 (i) a person or body referred to in subparagraph (a)(i), (ii)
8 or (iii);
9 (ii) any person from time to time holding, occupying or
10 performing the duties of a specified office or position.