

FOOD AMENDMENT (SHARK FIN PROHIBITION) BILL 2019

INTRODUCED BY
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EXPLANATORY MEMORANDUM

Overview of the Bill

The purpose of the Bill is to introduce offences for selling food containing shark fins, such as shark fin soup, and to ensure penalties for such offences mirror existing food offence provisions.

Clause 1

This clause contains the title of the Bill.

Clause 2

This clause provides for commencement of the Act.

Sections 1 and 2 come into operation on the day on which the Act receives Royal Assent.

The rest of the Act will come into operation on a day fixed by proclamation. The delay in commencement is to ensure that required administrative arrangements can be undertaken before the new offence provision commences. This includes amendment of the *Food Regulations 2018* to include the new Section 22A in Regulation 53, as a provision to which the processes of Section 126 of the *Food Act 2008* (relating to infringement and modified penalties) apply (including addition to Schedule 3 of the Regulations).

Clause 3

This clause provides that the Act being amended by the Bill is the *Food Act 2008*.

Clause 4

This clause inserts new provisions into the *Food Act* to introduce the offences of selling food that contains shark fins. These provisions intend to provide for liability for individuals and corporations selling food containing shark fins, and will be subject to the same infringement procedures as other *Food Act* offences.

Inserted Clause 22A(1)

This clause provides a definition of “shark fin” used in the following offence provisions.

Inserted Clause 22A(2)

Under this clause, an individual or corporation will be liable where food is sold that is known to contain shark fins. An individual convicted on indictment for an offence under this clause is liable to a fine of \$50,000. A corporation is liable to a fine of \$250,000.

Inserted Clause 22A(3)

Under this clause, an individual or corporation will be liable where food is sold that ought to be known to contain shark fins. An individual convicted on indictment for an offence under this clause is liable to a fine of \$40,000. A corporation is liable to a fine of \$200,000.

