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| **EXPOSURE DRAFT** |

Inserts for

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

| Commencement information | | |
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| 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. |  |  |

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:

(i) in the case of an industry code that relates to the industry of franchising—a pecuniary penalty not exceeding 600 penalty units;

(ii) in the case of an industry code that relates to the industry of food and groceries—a pecuniary penalty not exceeding 3,200 penalty units if the person is a body corporate and 640 penalty units if the person is not a body corporate.

5 Subsection 52ZZG(2)

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

6 Application of amendments

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

Part 2—Technical amendment

Competition and Consumer Act 2010

7 Paragraph 51AE(1B)(b)

Omit all the words after “any person or body”, substitute:

whether or not a participant in the industry to which the code relates, including the following:

(i) a person or body referred to in subparagraph (a)(i), (ii) or (iii);

(ii) any person from time to time holding, occupying or performing the duties of a specified office or position.