

Rural and Regional Affairs and Transport Legislation Committee

Answers to questions on notice

Agriculture, Water and the Environment Portfolio

Inquiry: Definitions of meat and other animal products
Question No: IQ21-000094
Hearing Date: 7 December 2021
Division/Agency: Exports and Veterinary Services Division (EVSD) G2
Topic: Export product labelling
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Question Date: 7 December 2021
Question Type: Spoken

Senator McDonald asked:

CHAIR: I don't have notice of questions from other senators, so I will continue, though we are about to break for morning tea. Does the agricultural department have any other legislative or regulatory requirements on marketing of our products and the terminology that might be used? I'm thinking now of the plant based space. A grain producer the other day suggested that, if they packaged up their wheat and called it barley, they would be in big trouble. What sort of regulation is there around the selling of pulses and grains and other products, both domestically and internationally?

Ms Deininger: In terms of the domestic regulation, there are—aside from the food safety rules—rules that the ACCC enforces around truth in labelling, and the Consumer Law and that kind of thing. So, to the extent that a person or a company markets a product in a way that is misleading, it's likely to be picked up through that Consumer Law aspect—and that wouldn't just go to food; it would go to a whole range of products.

In terms of the international side: as I mentioned earlier, that's not my particular area in the department, but I'm happy to take on notice if there are particular requirements. Certainly, when we export to other countries, they have certain requirements around biosecurity and labelling so that they know the source of that particular item and can be assured that our foods meet their regulatory requirements. There are different requirements in different countries. I'm just not across the detail. But I'm happy to provide you with some information on that.

CHAIR: No, that's fine. I guess what I'm trying to understand is: if an overseas consumer were to come to Australia wanting to confirm the validity of the products they're buying or what it is that they would be importing into their own country, do you think there's any risk that they would walk into our retail businesses or go to restaurants where they would be told they were buying beef or chicken—but, no doubt in a smaller font, that it was plant based—and that they might go home going, 'I wonder if I should do some more research or some more product testing on what exactly it is that Australia sells'?

Ms Deininger: I'm happy to provide some information as to what happens on the export side. Certainly, I think the evidence provided to the committee indicates that there are different views about whether consumers are misled. I think that there have been some surveys or some information presented to the committee which indicate that consumers can be misled or can misunderstand labelling, and there was some earlier evidence around that.

CHAIR: Alright.

Answer:

The Department of Agriculture Water and the Environment administers the *Export Control Act 2020* (the Act) which sets out the overarching legal framework for the regulation of exported goods, including food and agricultural products, from Australia.

Exported products are defined as either a prescribed good or a non-prescribed good.

Prescribed goods are subject to the requirements of the Act and are controlled by the Department of Agriculture, Water and the Environment. Non-prescribed goods are not regulated by Australian export laws unless the importing country government authority requires government assurances via certification,

Plant-based alternatives are non-prescribed goods.

Like Australia, international trading partners are examining novel meat substitutes such as plant and cell-based products to determine their regulatory settings in regard to these products.

These discussions must take into account international commitments and guidance, such as obligations under the World Trade Organization Sanitary and Phytosanitary agreement, as well as any applicable Codex Alimentarius labelling guidelines.

These decisions will ultimately form the importing country requirements that will be applied to Australian exports of these products into the future.