

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: IQ21-000093

Hearing Date: 7 December 2021

Division/Agency: Exports and Veterinary Services Division (EVSD) G2

Topic: Codex standards - Dairy

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Question Type: Spoken

Senator McDonald asked:

CHAIR: The dairy industry said that they've been raising this with the Australian government and were not subject to consultation when FSANZ made their changes in 2016. They said that they have been pleading with government to listen to their concerns around Australia not come complying with their trade agreement under the Codex—I'm sorry, 'trade agreement' is probably not the right terminology—their international agreement of the Codex and that they have not been able to get support from government agencies, FSANZ and others to provide clarity of definitions around their product and, more importantly, other products that are now using dairy associated terminology. Do you have a comment on that as the agricultural department?

Ms Deininger: Certainly I'm aware that around that 2016 time frame there were changes that required manufacturers or organisations using terminology like 'nil' to have an identifier like 'soy' attached to that where it's not from dairy. I'm not across the consultation arrangements that led to that. So there is regulation that clearly says what constitutes dairy and red meat, and then there are those additional regulations around the kinds of identifiers. That's really the source of these discussions. Are those current arrangements enough? Do they go far enough? I'm not in a position to comment on the consultation arrangements in 2016 and who was involved in those. I don't have that information, and I doubt that the department of agriculture would have been involved in those discussions. Certainly, from an international perspective, the working group that you referred to did look at the international experience, and some countries have gone further in terms of their labelling requirements. That, again, really goes to the importance of this inquiry and the importance of the working group in terms of understanding what's needed in the market and what's happening overseas.

CHAIR: Are you familiar with the Codex, which the dairy industry referred to?

Ms Deininger: The Codex arrangements are managed out of our trade groups. If there are particular questions that you, Senator McDonald, or other senators have, I'm very happy to take them on notice. There are committee structures, meetings and so on in that arena that our international trade area is involved in, so I'm happy to provide any information that you might need.

CHAIR: Alright, terrific—specifically, I'm interested in how Australia could sign an agreement that we don't honour domestically. I hear about Kyoto, Paris and every other agreement that the opposition is very keen on the government holding true to, yet this one, which I think is equally important, we don't honour. So I'd like to understand how that could be the case.

Answer:

The *Codex Alimentarius Commission* (Codex) is an intergovernmental body established by the World Health Organisation (WHO) and the Food and Agriculture Organisation (FAO).

Codex develops food standards, guidelines and codes of practice to contribute to the safety, quality and fairness of the international trade in food.

Australia is a member country of Codex and provides technical expertise into the development of Codex texts.

The World Trade Organization (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) encourages WTO members to harmonise national regulations with Codex texts. However, uptake of Codex texts by member countries is voluntary, they do not have binding effect on national food legislation, and international trade law recognises the right of local regulators to adopt local standards.

Food Standards Australia New Zealand (FSANZ) is responsible for developing food regulations that are set out in the Food Standards Australia New Zealand Code.