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Australian Government

Australian Government response to the Rural and Regional Affairs
and Transport Legislation Committee report into the National
Organic Standard Bill 2024

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Abbreviations

Australian Competition and Consumer Commission (ACCC)

Australian Consumer Law (ACL)

Department of Agriculture, Forestry and Fisheries (DAFF)

Food Standards Australia New Zealand (FSANZ)

National Standard for Organic and Bio-dynamic Produce (National Standard)

Senate Standing Committee on Rural and Regional Affairs and Transport Legislation
(the Committee)

Introduction

On 28 November 2024, the Senate Standing Committee on Rural and Regional Affairs and Transport Legislation (the Committee) commenced an inquiry into the *National Organic Standard Bill 2024* (the Bill). This was a private members' bill introduced by Senator the Hon Bridget McKenzie on 19 November 2024. The Bill would establish the National Standard for Organic and Bio-dynamic Produce as the mandatory domestic standard for businesses selling or importing organic products in Australia.

Over the course of the inquiry, the Committee received a total of 26 submissions. The Committee examined the current regulation of the Australian organics industry, key issues raised in submissions as well as the key concerns that the Bill sought to address.

The Committee published its report on 11 February 2025 and made two recommendations. There was also one dissenting recommendation.

The Australian Government thanks the Committee for its work in considering the Bill and also thanks those who contributed to the inquiry for their submissions.

Responses to recommendations

Recommendation 1: The committee recommends that the Senate does not pass the bill in its current form. Additional consideration needs to be given to the matters raised by submitters, including but not restricted to those of a proposed definition of “organic” and providing legislative capacity for the Department of Agriculture, Fisheries and Forestry (or another relevant agency) to act as the regulator.

The Australian Government **supports** this recommendation.

The Bill, if re-introduced, should not be passed in its current form.

The Bill raised a number of policy and regulatory issues which would need to be resolved if re-introduced. These include but are not limited to:

- the costs associated with implementation, enforcement and compliance to industry, consumers, and Commonwealth and state and territory governments;
- the legislative authority for any regulation of the industry and the interaction with other regulatory and legislative schemes, including in the states and territories;
- the legislated definition of the term ‘organic’;
- interactions with Australia’s trade obligations;
- the appropriate application of any civil penalties and how to address any potential enforcement overlap;
- the composition and operation of any certifying bodies;
- the scope and utility of any auditing powers to regulate such bodies; and
- the competitive impacts and interaction with existing consumer protection legislation.

The Government notes that the purpose of the export control framework may not align with the purpose of the Bill as previously before the Senate. It may be problematic to leverage the export control framework for the purpose of regulating imports and domestic sales.

Recommendation 2: The committee recommends that the Australian Government works with industry and other stakeholders regarding the need for a domestic regulation for the organics industry, including through a scoping exercise led by the Department of Agriculture, Fisheries and Forestry.

The Australian Government **supports in principle** this recommendation and acknowledges the ongoing advocacy of the organics industry for domestic regulation.

The Government is open to working with the organics sector, state and territory governments and other relevant stakeholders in more detail to explore the need for any domestic regulation and consider various policy options, both regulatory and non-regulatory.

Any approach to the domestic regulation of the organics industry would require consideration of policy and regulatory issues outlined in the response to Recommendation 1.

Dissenting recommendation

The Government commit to work closely with the organics industry in Australia to develop a domestic regulation framework that will include a legislated definition of 'organic' and a mandatory standard for organic products produced and sold domestically in Australia

The Australian Government **notes** the dissenting recommendation made by the Coalition.

As per the response to recommendation 2, the Department of Agriculture, Fisheries and Forestry will work with the organics industry and other relevant stakeholders to consider the range of policy options for any domestic regulation.