Queensland Government

Minister for Agriculture, Fisheries and Forestry
Hon Dr John McVeigh MP

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Mr Tim Watling
Committee Secretary
Senate Rural and Regional Affairs and Transport References Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Mr Watling

I refer to your correspondence of 27 June 2014 to the Director-General of the Department of Agriculture, Fisheries and Forestry about the Senate Rural and Regional Affairs and Transport References Committee inquiry into current requirements for labelling of seafood and seafood products.

Please find attached a submission to this inquiry, compiled by the Department of Agriculture, Fisheries and Forestry, with input from the Department of Health and the Department of Justice and Attorney-General. The submission is not confidential and may be posted online on the inquiry website.

Yours sincerely

DR JOHN McVEIGH, MP
Minister for Agriculture, Fisheries and Forestry
Member for Toowoomba South

Att

SENATE RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE
INQUIRY INTO CURRENT REQUIREMENTS FOR
LABELLING OF SEAFOOD AND SEAFOOD PRODUCTS

General remarks

- The Queensland Government encourages marketing initiatives and other non-regulatory measures that will promote Queensland and Australian seafood, without adding to the burden of regulation.
- However, the Queensland Government is not in favour of introducing additional mandatory seafood labelling requirements beyond the current requirements that are already in place.
- Mandatory labelling regarding method of seafood harvest or production and mandatory Country of Origin Labelling (CoOL) for seafood sold in restaurants would significantly increase red tape and costs for many businesses, and is not supported.

Comments on Country of Origin Labelling of seafood

- CoOL requirements for food, including seafood, are set out in Standard 1.2.11 of the *Australia New Zealand Food Zealand* (FSANZ) *Food Standards Code* (the Code). In Queensland these requirements are enforced by Queensland Health under Queensland's *Food Act 2006*. These requirements apply to packaged food and certain unpackaged food, but not to food sold for immediate consumption.
- After a review of food labelling law and policy chaired by Dr Neal Blewett AC, it was recommended in the report *Labelling Logic: Review of Food Labelling Law and Policy (2011)* that Australia's existing mandatory CoOL requirements for food be maintained and be extended to cover all primary food products for retail sale.
- On 27 June 2014 Ministers instructed FSANZ during the Legislative and Governance Forum on Food Regulation not to prepare a proposal to extend CoOL to all other primary food products.
- There is limited scope under the *Food Regulation Agreement 2008* for jurisdictions to introduce State/Territory food laws to address local problems. If a State or Territory introduces its own legislation that amends a nationally adopted food standard, the new State or Territory requirement must only relate to public health and safety and only apply for a period no longer than 12 months.
- CoOL for seafood is not considered to be a public health and safety issue. An industry-initiated self-regulatory model, such as a voluntary code of practice, could be developed to address consumer values and preferences regarding the provenance of seafood, including CoOL for seafood in restaurants and clubs.
- The Australian Consumer Law (ACL) includes prohibitions on making false or misleading representations and misleading or deceptive conduct concerning the place of origin of goods. The ACL does not contain any mandatory requirements for suppliers to declare the origin of their products. The ACL contains 'safe harbour' provisions that require suppliers to satisfy certain requirements where they have chosen to make a CoOL claim, in order to avoid breaching the prohibitions in the ACL.

Specific comments relating to the Terms of Reference

(a) *Whether the current requirements provide consumers with sufficient information to make informed choices, including choices based on sustainability and provenance preferences, regarding their purchases:* The current labelling requirements allow businesses to provide information to consumers regarding the sustainability and provenance of food, including seafood that they sell. Regulations under Queensland's *Fisheries Act 1994* do not impose any requirements on fishers or seafood producers

about how they market their product once harvested, but as a point of differentiation some producers clearly label their own seafood and some provide traceability.

Consumers are able to request information regarding the source of the food they purchase. False or misleading representations concerning the place of origin of produce are explicitly prohibited under the ACL.

(b) *Whether the current requirements allow for best-practice traceability of product chain-of-custody:* The choice resides with individual producers as to how to market their product. Queensland's fisheries legislation does not impose requirements on businesses regarding product traceability. However, there are no obvious impediments to voluntary adoption of traceability and chain-of-custody practices, and some Queensland seafood producers have opted to provide this information on a voluntary basis. For example, some fishers from North Queensland who supply products to Sydney restaurants provide information regarding the source of barramundi.

(c) *The regulations in other jurisdictions, with particular reference to the standards in the European Union (EU) under the common market regulation (EU) No 1379/2013 Article 35:* Some of the restrictions imposed on marketing of wild caught and farmed seafood production under the Regulation (EU) No 1169/2011 would be very complex and costly to administer in Queensland and would impose significant costs and red tape on businesses.

(d) *The need for consistent definitions and use of terms in product labelling, including catch area, species names, production method (including gear category), and taking into account Food and Agriculture Organisation guidelines:* No labelling requirements regarding definitions, catch area and method of production, etc., are imposed under Queensland's fisheries legislation. However, false, misleading or deceptive conduct could breach the ACL. See also item (f) below.

(e) *The need for labelling for cooked or pre-prepared seafood products with reference to the Northern Territory's seafood country of origin regulation:* It may be practicable to license eating establishments under the Northern Territory (NT) fisheries legislation and impose certain requirements about labelling the origin of seafood. However, there are relatively fewer seafood producers, and a comparatively small number of eating establishments in the NT compared to many other jurisdictions. The system in place in the NT is not considered appropriate in jurisdictions such as Queensland, with different geography and supply chain characteristics, and by comparison a very large number of eating establishments selling seafood.

(f) *Recommendations for the provision of consumer information as determined through the Common Language Group process conducted by the Fisheries Research and Development Corporation:* Australian standard fish names are used throughout Queensland's fisheries regulations and educational material by the Queensland Government. The adoption of these standard fish names in the marketing of seafood in Queensland is done on a voluntary basis. There are no regulations under the *Fisheries Act 1994* requiring any business or individual in the seafood supply chain to use these names, or any other 'standard' definitions, when selling seafood.

(g) *Whether current labelling laws allow domestic seafood producers to compete on even terms with imported seafood products:* Imported seafood is already covered by the same food safety and food labelling requirements in the Food Standards Code as domestically produced seafood. Beyond these requirements, businesses may wish to promote the provenance and sustainability of their product, and in doing so may gain a market advantage.