

Chapter 4

Australian Fish Names Standard, sustainability and provenance labelling

4.1 This chapter considers the Australian Fish Names Standard (AFNS) and explores the arguments in relation to sustainability and provenance labelling with particular focus on the European model.

Australian Fish Names Standard

4.2 The process of naming fish species is the responsibility of the Fish Names Committee (FNC) which sits within the Australian Fisheries Research and Development Corporation (FRDC). The FNC receives applications from industry regarding the naming of species before undertaking a public consultation process and deciding on species names. As part of this process, fish names are developed and modified while new species are named and incorporated into the AFNS.¹

4.3 The purpose of the AFNS is to:

- improve monitoring and stock assessment thereby enhancing the sustainability of fisheries resources;
- increase efficiency in seafood marketing and improve consumer and industry profitability;
- improve accuracy in trade descriptions which enables consumers to make more informed choices when purchasing seafood and reduces the potential for misleading and deceptive conduct;
- provide more efficient management of seafood related public health incidents and food safety through improved labelling and species identification which reduces public health risk and facilitates efficient product recall arrangements;
- enhance marketability and consumer acceptability of the standard fish names used for a species eliminating misleading and deceptive conduct.²

4.4 FRDC noted that the AFNS was developed to ensure that all fish have a common set of names that are used along the supply chain. It made the point that the correct use of fish names enhances traceability and provides confidence for consumers.³ According to Dr Patrick Hone, Executive Director of FRDC, development of the AFNS provides the opportunity for uniformity across the states

1 Mr Bryan Skepper, Sydney Fish Market, *Committee Hansard*, 29 September 2014, p. 9.

2 Australian Fisheries Research and Development Corporation, *Submission 17*, p. 2.

3 Australian Fisheries Research and Development Corporation, *Submission 17*, p. 9.

and territories with regard to the recording of species, which is fundamental for both sustainability and fishery science.⁴

Challenges in achieving standardisation

4.5 As a voluntary scheme, the AFNS has no legal weight and serves as a reference.⁵ SIAA argued that, as the AFNS had not been adopted by Food Standards Australia New Zealand (FSANZ) or state food safety authorities, its voluntary application had 'significantly weakened' it.⁶

4.6 Some submitters supported mandatory application of the AFNS for this reason.⁷ They argued that legislated application of the AFNS would ensure that customers are provided with accurate information about their seafood choices and could be confident that they are getting the fish they have paid for.⁸ The point was made that national application of standard fish names would provide food safety benefits, particularly in the area of product recall.⁹ The Common Language Group (CLG) argued that the introduction of a legal requirement to use fish names in the AFNS, coupled with the application of country of origin labelling throughout the supply chain, including in relation to unpackaged seafood, would largely resolve concerns regarding 'misrepresentation, deception and subsequent consumer complaints'.¹⁰

4.7 However, not all specific species have a unique, standard name that can be incorporated into the AFNS. One such example is that of flathead which can be used to describe a number of different Australian species including dusky flathead and tiger flathead as well as some imported species which are not flathead species at all.¹¹ FRDC explained that while the AFNS has recorded the names of over 5000 species, many such names are group names, covering multiple species for which naming

4 Dr Patrick Hone, Fisheries Research and Development Corporation, *Committee Hansard*, 29 September 2014, p. 60.

5 Mr Paul Pak Poy, Department of Agriculture, *Committee Hansard*, 29 September 2014, p. 68.

6 Seafood Importers Association of Australasia, *Submission 1*, p. [2].

7 Mr Bryan Skepper, Sydney Fish Market, *Committee Hansard*, 29 September 2014, p. 9; National Seafood Industry Alliance, *Submission 10*, p. 9; Southern Shark Industry Alliance Inc. and Traffic, *Submission 13*, p. 4.

8 National Seafood Industry Alliance, *Submission 10*, p. 9; Australian Fisheries Research and Development Corporation, *Submission 17*, p. 4.

9 Mr Bryan Skepper, Sydney Fish Market, *Committee Hansard*, 29 September 2014, p. 9; Southern Shark Industry Alliance Inc. and Traffic, *Submission 13*, p. 4.

10 Australian Fisheries Research and Development Corporation, *Submission 17*, Attachment 2 – Submission from Common Language Group to FRDC, p. 18.

11 Ms Tooni Mahto, Australian Marine Conservation Society, *Committee Hansard*, 29 September 2014, p. 27.

conventions are yet to be established.¹² Greenpeace argued this made parts of the AFNS so broad as to be ineffective, allowing a large number of species groups to be labelled with the same common name. As a case in point, it is legal to label any number of species as white fish. Greenpeace made the point that while such labelling was not untrue, it provided consumers with no useful information as white fish is not a species of fish and the term does not appear in the AFNS.¹³

4.8 Greenpeace and WWF-Australia argued that it was important that Australia achieve accuracy in naming fish and recommended that adequate resources be provided to develop the AFNS to a point where standardised common names match each individual species. They suggested that until such time as the AFNS has been adequately developed, in instances where common names have yet to be applied to each species, the scientific name should be legally required.¹⁴

4.9 However, other submitters held different views. While some recognised mandatory use of the AFNS as an important aspiration, the fact that species are known by different names in different states was seen as a major challenge. As NT restaurant proprietor, Mr Simon Matthews explained, some fish are known by up to four different names across the country.¹⁵ A further challenge identified was that the universal application of fish names would need to be applied across the entire supply and not only to fresh fish retailers.¹⁶

4.10 The point was made that standardisation would not only require agreement between the states and territories on a name for each particular species, but also an extensive consumer and industry awareness campaign to complement the name changes.¹⁷ In fact, MFMA argued against a mandatory scheme on the grounds that there is limited awareness of fish names standards and name changes to key species within the industry let alone amongst the community.¹⁸ Furthermore, requiring businesses to sell seafood under new and unfamiliar names would carry a financial burden. Mr Kitchener also submitted that, while businesses can currently sell seafood under the names listed in the AFNS, they are also able to use historically entrenched common use marketing names as long as they are not misleading or deliberately

12 Dr Patrick Hone, Fisheries Research and Development Corporation, *Committee Hansard*, 29 September 2014, p. 60.

13 Greenpeace Australia Pacific, *Submission 6*, p. [6].

14 Greenpeace Australia Pacific, *Submission 6*, p. [11]; WWF-Australia, *Submission 21*, p. 6.

15 Mr Simon Matthews, Owner of Pee Wees on the Point, *Committee Hansard*, 13 November 2014, p. 13.

16 Mr Michael Kitchener, Master Fish Merchants' Association of Australia, *Committee Hansard*, 29 September 2014, p. 1.

17 Mr Simon Matthews, Owner of Pee Wees on the Point, *Committee Hansard*, 13 November 2014, p. 13.

18 Mr Michael Kitchener, Master Fish Merchants' Association of Australia, *Committee Hansard*, 29 September 2014, p. 1.

mislabelled.¹⁹ However, any move from locally used names, which are familiar to consumers, to standard names which would be unfamiliar to both consumers and industry alike, would require a complementary consumer awareness and education campaign at additional costs on the industry.

4.11 The voluntary status of the AFNS also brought to light an anomaly in labelling requirements regarding the import and export of fish and fish products to and from Australia. As Australian exporters of fish and fish products must use the Australian Fish Names list as part of the department's export documentation system (ExDoc system), they are compliant with the AFNS.²⁰ According to FRDC, the same requirements are not placed on importers of the same products. While the Imported Food Inspection Scheme refers to the Code, as AFNS is not mandated in the Code, the naming of fish and fish products cannot be enforced at Australia's borders. This means that the description on a box of imported fish products may not actually match the fish inside the box.²¹ This anomaly provides scope for mislabelling to take place, with flake being mislabelled as gummy shark one such example.²² FRDC argued that mandating names in Standard 2.2.3 of the Code would address this anomaly.²³

Sustainability and provenance information

4.12 While supporting the introduction of country of origin labelling in relation to the food services sector (as discussed in chapter 3) and the mandatory application of the AFNS, submitters including Greenpeace and AMCS argued that an additional step was required by way of the provision of sustainability and provenance labelling information.²⁴

4.13 At present, the Code has no labelling requirements regarding sustainability of seafood production.²⁵ Furthermore, there are no current requirements that food for retail sale be identified with information about either sustainability or farming, harvest or capture methods.²⁶ However, according to the CLG, in order for consumers to make an informed choice on sustainable seafood, they need to know:

19 Mr Michael Kitchener, Master Fish Merchants' Association of Australia, *Committee Hansard*, 29 September 2014, p. 6.

20 The ExDoc system electronically processes notices of intention to export and where required provide certification for products including fish. Australian Fisheries Research and Development Corporation, *Submission 17*, p. 4.

21 Australian Fisheries Research and Development Corporation, *Submission 17*, p. 4.

22 Mr Matthew Evans, private capacity, *Committee Hansard*, 29 September 2014, p. 33.

23 Australian Fisheries Research and Development Corporation, *Submission 17*, p. 4.

24 Ms Tooni Mahto, Australian Marine Conservation Society, *Committee Hansard*, 29 September 2014, p. 22.

25 NSW Food Authority, *Submission 19*, p. 3.

26 Australian Fisheries Research and Development Corporation, *Submission 17*, p. 4; Australian Marine Conservation Society Inc., *Submission 15*, p. 3.

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- Which fish is this?
 - Where did it come from?
 - How much is caught and how is it caught?
 - How is the fishery managed and assessed?
 - Who is saying/endorsing that the fish is sustainable and on what basis?²⁷

4.14 CLG recommended that the Code be amended to require the source, method of harvest, and sustainability assessment of both domestic and internationally caught seafood. In addition, it proposed that FZANZ develop regulations to display provenance of domestic and international seafood products as well as regulations on standards of sustainability for imported seafood product.²⁸

4.15 WWF-Australia also supported the introduction of a mandatory requirement to label products with details of species, origin and production method. It argued that these requirements, combined with independent third party seafood certification under schemes such as Marine Stewardship Council (MSC) and Aquaculture Stewardship Council, would significantly enhance the ability of consumers to make informed decisions when purchasing seafood.²⁹

4.16 However, SIAA argued that it was unlikely that a standard for labelling information could be developed that sufficiently, accurately and honestly articulated the complex subject of sustainability and provenance. It noted the wide abuse of words such as 'sustainable', and cautioned against the use of such words to cover complex subjects.³⁰

4.17 This concern was supported by a CLG survey which revealed considerable confusion with regard to sustainability, starting with the need to 'agree key elements to be included in sustainability definitions, use consistent terms and agree on terminology used across all the key elements of sustainability'.³¹ CLG noted that the definition of sustainability around any one species is too technically complex for consumers and that the introduction of values-neutral data which identifies species,

27 Common Language Group, *Defining Sustainable Australian Seafood – Wild Capture Fisheries Issues Paper 1*, Final, Australian Fisheries Research and Development Corporation, p. 1, <http://frdc.com.au/knowledge/Documents/Issue-Paper1-Defining-Sustainable-Wild-Fisheries.pdf> (accessed 17 September 2014).

28 Australian Fisheries Research and Development Corporation, *Submission 17*, Attachment 2 – Submission from Common Language Group to FRDC, p. 17.

29 WWF-Australia, *Submission 21*, p. 4.

30 Seafood Importers Association of Australasia, *Submission 1*, p. [2].

31 Australian Fisheries Research and Development Corporation, *Submission 17*, Attachment 2 – Submission from Common Language Group to FRDC, p. 18.

origin and production method could be provided to consumers to enable them to make informed, independent choices.³²

4.18 Similarly, the NSIA made the point that there are approximately 18 different bodies within Australia which apply certification but that without a consistent and universally applied definition of sustainability, consumers are left confused about what constitutes a 'good' method of catch.³³

4.19 SIAA suggested that the development of a standard for optional statements to ensure accuracy and honesty would be more desirable. It argued that this was already partly achieved through the voluntary display of best practice certification logos and use of codes that can be scanned by portable devices to obtain more detailed provenance information.³⁴ Furthermore, the NSW Food Authority made the point that, while the Code does not prescribe any requirement to label a food product on sustainability and provenance grounds, where producers choose to do so, the basic truth in labelling provisions in state and territory legislation would apply. Therefore, any claim in relation to environmental certification and sustainability would need to be substantiated.³⁵

4.20 In recognising the complexity in defining product as 'sustainable', some witnesses argued in favour of the provision of value-neutral information including where product is from, how it is caught or if it is farmed.³⁶ While recognising that it was unrealistic to expect all stakeholders to agree on matters of sustainability in all cases, Greenpeace argued that values-neutral data which identifies species, origin, and production method should be provided to consumers to allow them to make informed, independent choices.³⁷ Similarly, Mr Matthew Evans pointed out that at under the current labelling framework, consumers do not know exactly what they are putting into their mouths, where the product is from, how it was caught or whether it was farmed.³⁸ Greenpeace and AMCS argued that seafood labelling laws for all seafood purchased at all points of sale should require display of the following information:

- What it is – standardised species common name indicating unique species and/or scientific name;
- Where it was caught –

32 Australian Fisheries Research and Development Corporation, *Submission 17*, Attachment 2 – Submission from Common Language Group to FRDC, pp 19–20.

33 Mr Grahame Turk, National Seafood Industry Alliance, *Committee Hansard*, 29 September 2014, p. 48.

34 Seafood Importers Association of Australasia, *Submission 1*, p. [2].

35 NSW Food Authority, *Submission 19*, p. 4.

36 Mr Matthew Evans, private capacity, *Committee Hansard*, 29 September 2014, p. 31.

37 Greenpeace Australia Pacific, *Submission 6*, p. [2].

38 Mr Matthew Evans, private capacity, *Committee Hansard*, 29 September 2014, p. 29.

- a. For Australian seafood: the individual Australian state or Commonwealth fishery from which the fish is sourced;
 - b. For imported seafood: the United Nations Food and Agriculture Organisation (FAO) major fishing area designation identified by name or, where fish is harvested exclusively in national exclusive economic zones (EEZ), the name of the individual country(ies); and individual stock where more than one known stock exists in a given FAO area or EEZ or fishery.
- How it was caught – specific type of fishing gear used as per UN FAO designation.³⁹

4.21 In regard to catch method, Mr Evans provided an example of a gummy sharks which are fished by line and net:

As a consumer, if you want to make a valid choice about sustainability, if you could buy the line caught knowing that no school sharks have died, you might be willing to pay more for that or you might simply choose to eat a different fish, rather than eat one that came from the net.⁴⁰

4.22 However, Mr William Mure from Mures Fish Centre in Tasmania highlighted the importance of education in relation to catch method given that perceptions about method of capture may have no basis in reality. He argued that legislating provision of information on catch or production method might be a step too far given these widely held misperceptions. He noted that one such common misperception was that trawling and netting are bad practices.⁴¹ Yet, in Australia, trawling is the only way to capture prawns.⁴² NSIA shared these concerns as its Chairman, Mr Grahame Turk, explained:

The example I used was 'trawled' – and you put on the label that it was trawled product, many people will think that trawling is bad, because they have been told that. And that is incorrect. Not all trawling is bad. Mid-water trawling is not bad if you have by-catch exclusion devices and so on, in the trawl nets. Bottom trawling is not bad if it is over shifting ground.⁴³

European Union Regulation 1379/2013

4.23 A number of submitters made the point that both the European Union (EU) and the United States (US) adopted measures to regulate the importation of seafood sourced from illegal, unregulated or unreported fisheries. According to the CLG,

39 Greenpeace Australia Pacific, *Submission 6*, p. [2]; Australian Marine Conservation Society Inc., *Submission 15*, p. 1.

40 Mr Matthew Evans, private capacity, *Committee Hansard*, 29 September 2014, p. 35.

41 Mr William Mure, Mures Fish Centre, *Committee Hansard*, 29 September 2014, p. 36.

42 Mr Robert Fish, Northern Territory Seafood Council, *Committee Hansard*, 29 September 2014, p. 46.

43 Mr Grahame Turk, National Seafood Industry Alliance, *Committee Hansard*, 29 September 2014, p. 49.

greater transparency is needed in relation to the provenance of seafood products imported into Australia beyond the current, minimal requirements of country of origin.⁴⁴ Mr Evans made a similar point, emphasising that as at least 70 per cent of seafood consumed in Australia is sourced from overseas, it is derived from countries outside of Australia's regulations.⁴⁵

4.24 Regulation 1379/2013 was put in place by the EU in December 2013. It sets out the conditions for the common organisation of the EU market for fish/fishery products. Article 35 of the regulation requires that all fishery and aquaculture products marketed within the EU, irrespective of their origin or marketing method, may be offered for sale to the final consumer or to a mass caterer only if marketing or labelling indicates:

- (a) The commercial designation of the species and its scientific name;
- (b) The production method, in particular by the following words "...caught..." or "...caught in freshwater...." or "...farmed....";
- (c) The area where the product was caught or farmed and the category of fishing gear used in capture of fisheries;
- (d) Whether the product has been defrosted;
- (e) The date of minimum durability, where appropriate.⁴⁶

4.25 The information may be supplied on billboard or posters at point of final sale for non-pre-packaged fish.⁴⁷ Under the EU regulations, catch documentation from the point of export and in some instances, from the point of capture, is also required. Importers to the EU must provide a paper trail which reveals the species of the consignment, vessel or processing plant that it came from.⁴⁸

4.26 AMCS, WWF-Australia and Greenpeace argued that the EU managed to implement the regulations in a market which is far more complex than that in Australia.⁴⁹ They suggested that there should be little practical impediment to adopting similar guidelines in Australia given the less complicated nature of Australia's seafood trade.⁵⁰ In terms of some of the costs involved in moving to an

44 Australian Fisheries Research and Development Corporation, *Submission 17*, Attachment 2 – Submission from Common Language Group to FRDC, p.17.

45 Mr Matthew Evans, private capacity, *Committee Hansard*, 29 September 2014, p. 35.

46 Australian Fisheries Research and Development Corporation, *Submission 17*, p. 6.

47 Australian Fisheries Research and Development Corporation, *Submission 17*, p. 6.

48 Dr Ian Knuckey, private capacity, *Committee Hansard*, 29 September 2014, p. 58.

49 Australian Marine Conservation Society Inc., *Submission 15*, p. 4; WWF-Australia, *Submission 21*, p. 5; Greenpeace Australia Pacific, *Submission 6*, p. [9].

50 Greenpeace Australia Pacific, *Submission 6*, p. [9].

EU-type model, Greenpeace stated that the costs of adding fishing gear type, date of catch and related details to seafood labels in England and Wales amounted to an estimated AU \$1 million a year.⁵¹

Reinventing the wheel?

4.27 A number of submitters argued against moving towards an EU-style model for reasons including the substantial and complex changes that would be required to the existing labelling regime, which would pose a red tape and cost burden for the industry and involved businesses with the real prospect of causing greater confusion rather than clarity for consumers.⁵² Mr Fish from the NTSC stated that establishing a system such as that of the EU with sustainability and provenance information would require an entirely new system to be established in Australia which was tantamount to reinventing the wheel.⁵³

4.28 FRDC noted that application of the EU model in Australia would be a significant exercise given that Australian fisheries are managed by the Commonwealth as well as the states and territories, which record data on fish species differently. As there is no single straightforward process by which information is collected, every state and territory applies a different collection method.⁵⁴ Dr Hone explained that:

The EU is requiring a whole lot of information. For example, they want confirmation that it does not come from an illegal source. They also want confirmation that the source of stock is sustainably fished. Verifying that across Australia, in terms of the different processes—you have picked a good example with the South East Trawl because that is relatively easy; the Commonwealth fisheries have very good systems—they are not always the same in every jurisdiction and territory.⁵⁵

4.29 In contrast to the EU, Australia has many species and its fishing community has not yet reached the stage where it can provide the level of detailed information required in jurisdictions such as the EU. To highlight this point, Dr Hone provided the example of regional branding in the marketplace, whereby any claim that identifies seafood in accordance with location of production should have a scientific basis.

51 Mr Nathaniel Pelle, Greenpeace Australia Pacific, *Committee Hansard*, 29 September 2014, p. 24.

52 Mr Robert Fish, Northern Territory Seafood Council, *Committee Hansard*, 29 September 2014, p. 47; NSW Food Authority, *Submission 19*, p. 5; Queensland Government Department of Agriculture, Fisheries and Forestry, *Submission 4*, p. [2]; Mr Michael Kitchener, Master Fish Merchants Association of Australia, *Committee Hansard*, 29 September 2014, p. 1.

53 Mr Robert Fish, Northern Territory Seafood Council, *Committee Hansard*, 29 September 2014, p. 47.

54 Dr Patrick Hone, Fisheries Research and Development Corporation, *Committee Hansard*, 29 September 2014, p. 63.

55 Dr Patrick Hone, Fisheries Research and Development Corporation, *Committee Hansard*, 29 September 2014, p. 63.

While the technology is available to provide such evidence to demonstrate that western king prawns caught from Shark Bay are not western king prawns caught from the Spencer Gulf in South Australia, as a case in point, it comes at a cost.⁵⁶

4.30 MFMA emphasised the contextual differences between the EU and Australian markets in relation to seafood sustainability, including recent research which indicated that half of European stocks are overfished and subject to overfishing.⁵⁷ Seafood New Zealand also raised concerns with the implementation of regulations based on those in the EU. It argued that if similar regulations were introduced in Australia, the operation of supply chains to retail would be made considerably more complex. Therefore, Australia would become a much less attractive export market for small scale suppliers from New Zealand who provide the wide range of inshore fish species that are in strong demand in Australia.⁵⁸

4.31 Furthermore, MFMA submitted that ensuring compliance of such a scheme would be a time consuming and costly undertaking, and expressed doubt as to whether the inclusion of scientific names would make a material difference to the mitigation of product substitution as it is already an offence to call one type of seafood by another name.⁵⁹ MFMA also noted that it was not clear whether consumers would benefit from knowing the catch location of a species (outside country of origin) or the catch method.⁶⁰ Similarly, the department argued the point that it would be difficult to prove a genuine net public benefit from extending labelling to include sustainability and provenance information given the likely additional costs that would be imposed on the industry.⁶¹

4.32 MFMA also pointed out that, while it currently labels all species that have been produced by aquaculture (thereby all unlabelled species are wild caught), going the next step and labelling method of capture (such as trap, beach hauling, purse seine fishing and trawling) would be extremely complicated. Mr Kitchener provided the example of snapper which is fished around the country:

It is the same product, the exact same species, but it may be caught in a number of different ways. For the retailer to put, say, snapper from three different locations on display – and to show those different locations – would just be impossible.⁶²

56 Dr Patrick Hone, Fisheries Research and Development Corporation, *Committee Hansard*, 29 September 2014, p. 64.

57 Master Fish Merchants Association of Australia, *Submission 8*, p. 5.

58 Seafood New Zealand, *Submission 14*, p. 4.

59 Master Fish Merchants Association of Australia, *Submission 8*, p. 3.

60 Master Fish Merchants Association of Australia, *Submission 8*, p. 4.

61 Mr Paul Pak Poy, Department of Agriculture, *Committee Hansard*, 29 September 2014, p. 68.

62 Mr Michael Kitchener, Master Fish Merchants' Association of Australia, *Committee Hansard*, 29 September 2014, p. 4.

4.33 SFM also noted the complexity which such a system for the food services sector given the fact that many restaurants and other outlets source product from multiple suppliers.⁶³ Mr Skepper explained that the:

MSC is a very expensive process, and we always fall back on to the fact that Australia has the EPBC Act, which is based on the FAO codes of responsible fisheries management and responsible fishing practices. So we have a regulatory system in place now that says that we will manage our fisheries in accordance with the FAO codes. In many respects, the baseline is already there. So, if it is produced in Australia, if it is correctly named and if it is correctly labelled for country of origin, the consumer can purchase that product with confidence that it is well managed.⁶⁴

4.34 ABFA made the point that freshness is the primary consideration of consumers followed by origin while matters relating to catch method are yet to register on the minds of consumers.⁶⁵ SFM and the ABFA suggested that if sustainability is important to a consumer in choosing what to purchase, they can be confident that buying Australian product constitutes a purchase of sustainably managed stock.⁶⁶ While Greenpeace argued that not all seafood is sustainable in Australia, it acknowledged that Commonwealth fisheries are amongst the best fisheries in the world.⁶⁷ Furthermore, according to the respective industry bodies, barramundi is either gillnet caught or farmed domestically while most imports are farmed fish.⁶⁸ The Australian prawn farm sector is almost exclusively ponds while catch brood stock is relied upon for only a small percentage of production.⁶⁹ Therefore, there would be limited value in providing information on the catch method for these products.

4.35 The Queensland Government emphasised that current regulatory requirements do not prevent businesses from providing information to consumers regarding the sustainability and provenance of food, including seafood that they sell.⁷⁰

63 Mr Bryan Skepper, Sydney Fish Market, *Committee Hansard*, 29 September 2014, p. 6.

64 Mr Bryan Skepper, Sydney Fish Market, *Committee Hansard*, 29 September 2014, p. 7.

65 Mr Chris Calogeras, Australian Barramundi Farmers Association, *Committee Hansard*, 29 September 2014, p. 17.

66 Mr Bryan Skepper, Sydney Fish Market, *Committee Hansard*, 29 September 2014, p. 6; Mr Chris Calogeras, Australian Barramundi Farmers Association, *Committee Hansard*, 29 September 2014, p. 19.

67 Mr Nathaniel Pelle, Greenpeace Australia Pacific, *Committee Hansard*, 29 September 2014, p. 24.

68 Chris Calogeras, Australian Barramundi Farmers Association, *Committee Hansard*, 29 September 2014, p. 17.

69 Ms Helen Jenkins, Australian Prawn Farmers Association, *Committee Hansard*, 29 September 2014, p. 17.

70 Queensland Government Department of Agriculture, Fisheries and Forestry, *Submission 4*, p. [2].

4.36 The NSW Food Authority drew on the position of the Blewett Review into food labelling to argue that any consumer values information is best left to market forces, concluding that:

It would be an unnecessary burden on industry to mandate consumer value claims and at this time it is best left to commercial market mechanisms to drive consumer value information.⁷¹

4.37 FRDC warned that if Australia is to require further labelling information for consumers at the final point of sale beyond the current species naming requirements and CoOL labelling, the objectives underpinning the requirement for such additional information should be made clear and be generally supported by stakeholders. Noting that additional information requirements would have implications for business compliance and impact on costs, FRDC explained that:

The more information detail that may be required on point of sale labels – for example as to method of catch or origin of fish tracked back to capture or farming area – the greater the need to maintain secure, physical separation between batches of fish product and ensure that the integrity of those information elements is maintained from origin to point of sale.⁷²

4.38 FRDC further noted the importance of Australia remaining conscious of its international trade rule obligations to ensure equal treatment as between domestic suppliers and suppliers of imported products. To this end, Article 11.2.6 of the Code of Conduct for Responsible Fisheries explains that:

States should not directly or indirectly create unnecessary or hidden barriers to trade which limit the consumer's freedom of choice of supplier or that restrict market access.⁷³

4.39 FRDC suggested that the starting point in respect of labelling was to ensure the use of correct fish names, and for all retailers to use the AFNS. It noted that this would 'go a long way to providing consumers the information needed to make informed decisions about their purchase'.⁷⁴ As consumers have a right to make informed choices when purchasing, they must also have confidence in the correct labelling. For reasons including traceability and the fact that some species of seafood may cause problems to susceptible populations, ranging from allergies to serious illness, FRDC and the fish names community promoted the use of the fish names listed in AFNS throughout Australia.⁷⁵

71 NSW Food Authority, *Submission 19*, p. 5.

72 Australian Fisheries Research and Development Corporation, *Submission 17*, p. 9.

73 Food and Agriculture Organisation, *FAO Technical Guidelines For Responsible Fisheries: Responsible Fish Trade*, 2009, p. 11.

74 Australian Fisheries Research and Development Corporation, *Submission 17*, p. 10.

75 Australian Fisheries Research and Development Corporation, *Submission 17*, p. 13.

Committee view

Australian Fish Names Standard

4.40 The committee recognises the importance of a universally applied standard in relation to fish names. To this end, the committee acknowledges efforts to establish a common standard under the AFNS which is consistent with international principles including the FAO guidelines.

4.41 While recognising the validity of the arguments in support of the mandatory application of the AFNS, the committee takes the view that the challenges identified in this report and in evidence to the committee, including the fact that different names are given to the same species across the country and the naming conventions in relation to each and every species, must first be addressed.

4.42 The committee holds the view, reflected in the evidence of many submitters, that any steps to mandate the use of the AFNS in the future should be accompanied by an extensive education and awareness-raising campaign targeted at the industry as well as consumers.

Sustainability and provenance labelling

4.43 While there were many divergent views in relation to seafood labelling, most witnesses were in agreement that CoOL should be extended to include the food services sector.⁷⁶ The committee holds the view that steps beyond this, including the introduction of an EU-type labelling model, would require substantial changes to industry structures which would be onerous for the Australian industry and premature in terms of consumer awareness.

4.44 To this end, the point was repeatedly made throughout the inquiry that any changes to seafood labelling would not have the desired effect of informing consumers unless it is clear, simple, consistent and demand-driven.

4.45 The committee expects that greater consumer awareness brought about by the expansion of CoOL as recommended by this report, together with 'buy local' campaigns that will inevitably follow, will drive positive sustainability outcomes. Consumers will ultimately decide whether they are happy to purchase Australian or imported product or whether they want additional labelling information, including method of capture, to make informed choices. Ultimately, it is in the interests of retailers, supermarkets and the services industries to provide the information demanded by consumers. For this reason, information such as catch method, gear type and related information including traceability may well become important opportunities for branding and therefore selling points for retailers and restaurants. The committee notes that, in response to consumer feedback, Coles Supermarkets

76 Mr Anthony Ciconte, Southern Shark Industry Alliance, *Committee Hansard*, 29 September 2014, p. 53.

provide information on all its Coles Brand seafood labels as to whether the seafood is farmed or wild caught.⁷⁷

4.46 The committee's prediction in this regard is informed by the NT, where licence condition have provided consumers in the territory with a means of distinguishing between seafood products, resulting in increased engagement with, and more consciousness of, their seafood choices. To this end, the introduction of the licence condition coupled with a 'support local' campaign has had the effect of educating consumers as Mr Hanna explained:

...it has actually taught the consumer in a very short time that there is a question to be asked every time they order seafood, whether it be in a restaurant or at a retail level or even for fast food.⁷⁸

4.47 Another NT proprietor, Mr Simon Matthews observed that consumers are becoming more aware of what they want to eat and whether or not they are endangered a species by consuming it.⁷⁹ Within this context, sustainability, freshness and ecological issues are increasingly raised by consumers. Mr Matthews explained that common questions at NT restaurants now focus on where the seafood comes from, whether it is fresh and its journey to the plate.⁸⁰ There is no reason to suggest that the extension of CoOL to the food services sector, combined with a robust education campaign, could not have a similar impact on consumer awareness around the rest of the country.

4.48 The committee upholds the view that introduction of an EU-type model would require considerable structural changes to the way the industry operates and with it, substantial compliance costs. Notwithstanding this point, the committee notes that the EU reforms were progressively introduced. Species names and common names were legislated before the EU 2014 reforms were introduced.⁸¹ Moreover, the additional labelling information required as part of the EU reforms including gear type and information regarding the catch is to be implemented over the course of the year.⁸² Noting that these requirements were introduced progressively and that the naming conventions were in place for some time before the additional labelling requirements were introduced, the committee suggests that any steps towards sustainability and

77 Coles Supermarkets Australia, *Submission 20*, p. 2.

78 Mr Jason Hanna, Owner of Deck Bar, The Arch Rival and Nirvana, *Committee Hansard*, 13 November 2014, p. 3.

79 Mr Simon Matthews, Owner of Pee Wees on the Point, *Committee Hansard*, 13 November 2014, p. 3.

80 Mr Jason Hanna, Owner of Deck Bar, The Arch Rival and Nirvana, *Committee Hansard*, 13 November 2014, p. 3.

81 Mr Nathaniel Pelle, Greenpeace Australia Pacific, *Committee Hansard*, 29 September 2014, p. 28.

82 Mr Nathaniel Pelle, Greenpeace Australia Pacific, *Committee Hansard*, 29 September 2014, p. 28.

provenance labelling in Australia take a similarly gradual approach that is led by consumer demand and begins with the national adoption of the AFNS.

Senator Glenn Sterle
Chair

