

2008-2009

The Parliament of the
Commonwealth of Australia

THE SENATE

Presented and read a first time

**Food Standards Amendment (Truth in
Labelling Laws) Bill 2009**

No. , 2009

(Senators Xenophon, Bob Brown and Joyce)

**A Bill for an Act to provide for accurate labelling of
food, and for related purposes**

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1 **A Bill for an Act to provide for accurate labelling of**
2 **food, and for related purposes**

3 The Parliament of Australia enacts:

4 **1 Short title**

5 This Act may be cited as the *Food Standards Amendment (Truth in*
6 *Labelling Laws) Act 2009*.

7 **2 Commencement**

8 (1) Each provision of this Act specified in column 1 of the table
9 commences, or is taken to have commenced, in accordance with
10 column 2 of the table. Any other statement in column 2 has effect
11 according to its terms.

Commencement information

Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	
2. Schedule 1	The 28th day after the day on which this Act receives the Royal Assent.	

1 Note: This table relates only to the provisions of this Act as originally
2 passed by both Houses of the Parliament and assented to. It will not be
3 expanded to deal with provisions inserted in this Act after assent.

4 (2) Column 3 of the table contains additional information that is not
5 part of this Act. Information in this column may be added to or
6 edited in any published version of this Act.

7 **3 Schedule(s)**

8 Each Act that is specified in a Schedule to this Act is amended or
9 repealed as set out in the applicable items in the Schedule
10 concerned, and any other item in a Schedule to this Act has effect
11 according to its terms.

1 **Schedule 1—Amendment of the Food**
2 **Standards Australia New Zealand Act**
3 **1991**

4 **1 After section 16**

5 Insert:

6 **16A Matters for which standards must be developed and approved**

7 (1) The Authority must, within 28 days after the *Food Standards*
8 *Amendment (Truth in Labelling Laws) Act 2009* receives the Royal
9 Assent, develop and approve labelling standards that prescribe that
10 producers, manufacturers and distributors of food:

11 (a) may only use the word “Australian” on or in relation to the
12 relevant food if it is 100% produced in Australia;

13 (b) in the case of food containing one or more imported
14 ingredients—subject to paragraph (c), must display the
15 inclusion in the food of imported ingredients in letters of at
16 least 15 mm on the front label of the relevant food;

17 (c) in the case of juice, juice drink or any other drink product
18 containing juice—must display:

19 (i) in the case of the relevant product containing one or
20 more imported ingredients—the percentage amount of
21 imported ingredients included in the product; and

22 (ii) in the case of the relevant product containing juice
23 concentrate— the inclusion in the product of juice
24 concentrate;

25 in figures and/or letters of at least 25 mm on the front label of
26 the product container;

27 (d) in the case of any drink product partly or wholly containing
28 juice derived from orange skins—must not describe the juice
29 so derived as orange juice;

30 (e) must not include the product container and the product label
31 in any calculation of the percentage of Australian content in
32 the product.

33 (2) A standard developed and approved under subsection (1) is not
34 subject to section 18 (Objectives of the Authority in developing or
35 reviewing food regulatory measures and variations of food

- 1 regulatory measures) or Part 3 (Food regulatory measures),
2 particularly Division 3 (Council may request a review of approved
3 draft standard etc.) and sections 102 to 106.
- 4 (3) Subsection (2) does not prevent the Authority from:
5 (a) revoking a standard developed and approved under
6 subsection (1) and developing and approving a new standard
7 dealing with the same subject matter to replace that standard;
8 or
9 (b) developing and approving a variation of a standard developed
10 and approved under subsection (1) or paragraph (a).
- 11 (4) Part 3 (Food regulatory measures), apart from Division 3 (Council
12 may request a review of approved draft standard etc.) and
13 sections 102 to 106, applies to:
14 (a) a standard developed and approved under paragraph (3)(a);
15 and
16 (b) a variation of a standard developed and approved under
17 paragraph (3)(b).
- 18 (5) To avoid doubt, there must at all times be in force a standard in
19 accordance with each of paragraphs (1)(a), (b), (d) and (e) and
20 subparagraphs (1)(c)(i) and (ii).