

2008-2009

The Parliament of the  
Commonwealth of Australia

THE SENATE

*Presented and read a first time*

**Food Standards Amendment (Truth in  
Labelling—Palm Oil) Bill 2009**

**No.     , 2009**

*(Senators Xenophon, Bob Brown and Joyce)*

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



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1     **A Bill for an Act to provide for the accurate**  
2     **labelling of palm oil in food, and for related**  
3     **purposes**

4     The Parliament of Australia enacts:

5     **1 Short title**

6                     This Act may be cited as the *Food Standards Amendment (Truth in*  
7                     *Labelling—Palm Oil) Act 2009*.

8     **2 Commencement**

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

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**Commencement information**

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
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9 repealed as set out in the applicable items in the Schedule  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.

### 12 **4 Purpose of Act**

13 The purpose of this Act is:

- 14 (a) to ensure that consumers have clear, accurate information  
15 about the inclusion of palm oil in foods; and  
16 (b) to encourage the use of certified sustainable palm oil in order  
17 to promote the protection of wildlife habitat.

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

4 **1 After section 16**

5 Insert:

6 **16B Matters for which standards must be developed and**  
7 **approved—palm oil**

- 8 (1) The Authority must, within 6 months after the *Food Standards*  
9 *Amendment (Truth in Labelling—Palm Oil) Act 2009* receives the  
10 Royal Assent, develop and approve labelling standards that  
11 prescribe that producers, manufacturers and distributors of food  
12 containing palm oil:
- 13 (a) regardless of the amount of palm oil used in the food or to  
14 produce the food, palm oil must be listed as an ingredient of  
15 the food; and
  - 16 (b) if the palm oil used in the food or to produce the food has  
17 been certified sustainable in accordance with the regulations,  
18 the listing of the palm oil as an ingredient of the food may be  
19 shown as:  
20 CS palm oil  
21 to indicate its sustainable origins.
- 22 (2) Regulations made for the purpose of certifying the sustainability of  
23 palm oil must reflect the criteria determined for that purpose by the  
24 Roundtable on Sustainable Palm Oil.
- 25 (3) A standard developed and approved under subsection (1) is not  
26 subject to section 18 (Objectives of the Authority in developing or  
27 reviewing food regulatory measures and variations of food  
28 regulatory measures) or Part 3 (Food regulatory measures),  
29 particularly Division 3 (Council may request a review of approved  
30 draft standard etc.) and sections 102 to 106.
- 31 (4) Subsection (3) does not prevent the Authority from:
- 32 (a) revoking a standard developed and approved under  
33 subsection (1) and developing and approving a new standard

- 1                                   dealing with the same subject matter to replace that standard;  
2                                   or  
3                                   (b) developing and approving a variation of a standard developed  
4                                   and approved under subsection (1) or paragraph (a).
- 5                   (5) Part 3 (Food regulatory measures), apart from Division 3 (Council  
6                   may request a review of approved draft standard etc.) and  
7                   sections 102 to 106, applies to:
- 8                                   (a) a standard developed and approved under paragraph (4)(a);  
9                                   and  
10                                  (b) a variation of a standard developed and approved under  
11                                  paragraph (4)(b).
- 12                   (6) To avoid doubt, there must at all times after 28 days after the *Food*  
13                   *Standards Amendment (Truth in Labelling—Palm Oil) Act 2009*  
14                   receives the Royal Assent be in force a standard in accordance with  
15                   subsection (1).