

EXPLANATORY STATEMENT

Country of Origin Food Labelling Amendment (Legibility) Information Standard 2017

Authority

The *Country of Origin Food Labelling Amendment (Legibility) Information Standard 2017* (amending Information Standard) is made under section 134 of the Australian Consumer Law.

Background

The *Country of Origin Food Labelling Information Standard 2016* (the Information Standard) commenced on 1 July 2016 (with a two year transition period) to improve consumer confidence in country of origin labelling for food. The Information Standard gives effect to a decision made by Australian governments on 31 March 2016 through the Legislative and Governance Forum on Consumer Affairs (the Forum). That decision was based on a Regulatory Impact Statement (RIS) (<http://ris.pmc.gov.au/2016/04/22/country-origin-labelling-food>) which built on consumer research, stakeholder consultations and an analysis of regulatory options and their costs and benefits.

As described in the RIS, the objective of the reforms was to provide increased information to consumers without overly increasing costs. Following commencement of the Information Standard, the Department of Industry, Innovation and Science (DIIS) became aware that businesses were facing greater challenges than anticipated in implementing country of origin marks for unpackaged food that met the requirements set out in subsection 28(4) of the Information Standard. These unanticipated challenges put businesses of all sizes at risk of incurring implementation costs higher than estimated in the RIS. Amendment of this subsection to better align it with the overarching legibility provision of the Information Standard ensures the reforms will meet the agreed objective.

Purpose and operation

The purpose of this amending Information Standard is to amend section 28 (dealing with the general legibility requirements) and related sections, to better reflect the reform objective agreed to by the Legislative and Governance Forum on Consumer Affairs (the Forum) on 31 March 2016.

Consultation

Key stakeholders from government and the food retailing sector have been consulted on the changes. Given the amendments are aimed at better reflecting the policy underpinning the 31 March 2016 decision by the Forum, they are considered to be minor or inconsequential.

Detailed explanation of the Instrument’s provisions

Part 1—Preliminary

Section 1—Name of Instrument

This section provides the title of the amendment instrument: *Country of Origin Food Labelling Amendment (Legibility) Information Standard 2017* (the amending instrument).

Section 2—Commencement

This section provides that the amending instrument commences the day after it is registered.

Section 3—Authority

This section provides that the amending instrument is made under section 134 of the Australian Consumer Law.

Section 4—Schedules

This section provides for the amendment of each instrument specified in the Schedule to this instrument, as set out in the Schedule.

Schedule 1—Amendments

Country of Origin Food Labelling Information Standard 2016

Item 1—Subsection 17(3) (note)

This item amends the note to subsection 17(3) which includes a cross-reference to size requirements in subsection 28(4). The amendment of subsection 28(4) at item 2 means that the size requirement is no longer relevant and the note has been amended to reflect this.

Item 2—Subsection 28(4)

This item repeals subsection 28(4) and replaces it with a revised subsection 28(4). The new subsection 28(4) outlines a proximity requirement for signage displayed in connection with food when it is sold. This change sees signage displayed in association with foods subject to the same legibility and prominence requirements as labelling on packaged foods and ensures that consumers can clearly identify the product to which the signage relates. In making this change, food retailers are provided with the flexibility to implement the requirements of the information standard in a manner most appropriate to their method of display and the goods requiring labelling.

The revised subsection also includes the correction of an incorrect cross-reference from “subsection 17” to “section 17”.

Item 3—Section 1 of the Dictionary

This item repeals the definition of **size of type* from the Dictionary. The amendment of subsection 28(4) at item 2 removes the reference to size of type. As the term is not used in any other provision of the *Country of Origin Food Labelling Information Standard 2016* it is no longer relevant.

STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Country of Origin Food Labelling Amendment (Legibility) Information Standard 2017

This instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Instrument

The Instrument prescribes amendments to country of origin labelling requirements for food for human consumption sold in Australia.

Human rights implications

This Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Instrument is compatible with human rights as it does not raise any human rights issues.

The Minister for Industry, Innovation and Science, Senator the Hon Arthur Sinodinos AO