



Queensland

Food (Labelling of Seafood) Amendment Bill 2021



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2021

A Bill

for

An Act to amend the *Food Act 2006* for particular purposes

	The Parliament of Queensland enacts—	1
Clause 1	Short title	2
	This Act may be cited as the <i>Food (Labelling of Seafood) Amendment Act 2021</i> .	3 4
Clause 2	Commencement	5
	This Act commences on 1 July 2023.	6
Clause 3	Act amended	7
	This Act amends the <i>Food Act 2006</i> .	8
Clause 4	Amendment of s 8 (Main purposes)	9
	(1) Section 8—	10
	<i>insert—</i>	11
	(ba) to ensure seafood for sale at dining outlets is identified by country of origin information;	12 13
	(2) Section 8(ba) and (c)—	14
	<i>renumber</i> as section 8(c) and (d).	15
Clause 5	Amendment of s 9 (How main purposes are primarily achieved)	16 17
	(1) Section 9—	18
	<i>insert—</i>	19
	(da) requiring country of origin information to be displayed for seafood sold at dining outlets; and	20 21 22
	(2) Section 9(da) and (e)—	23
	<i>renumber</i> as section 9(e) and (f).	24

Clause 6	Amendment of s 164B (Definitions)	1
	Section 164B, definition <i>menu</i> —	2
	<i>omit.</i>	3
Clause 7	Insertion of new ch 6B	4
	After chapter 6A—	5
	<i>insert</i> —	6
	Chapter 6B Display of country of origin information for seafood sold for immediate consumption	7
		8
		9
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		11
	164H Definitions for chapter	12
	In this chapter—	13
	<i>country of origin information</i> , for seafood, includes any statement, image, label, word or abbreviation which—	14
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		16
	(a) is clear and legible; and	17
	(b) identifies—	18
	(i) the country of origin of the seafood; or	19
	<i>Examples</i> —	20
	a statement that the seafood is a ‘Product of Russia’ or a map of Russia or an image of the Russian flag	21
		22
		23
	(ii) if the seafood is named in a manner that identifies the country of origin—the name of the seafood; or	24
		25
		26
	<i>Example</i> —	27
	a sign that reads ‘Australian Barramundi’	28

[s 7]

- (iii) for seafood that has a country of origin other than Australia—that the seafood is imported. 1
2
3

Example— 4

a label that displays ‘I’ or ‘imp’ to identify that the seafood is imported 5
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dining outlet— 7

- (a) means a business whose primary purpose includes the sale of seafood for immediate consumption on or off the business premises; but 8
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- (b) does not include a business required to comply with the *Country of Origin Food Labelling Information Standard 2016* (Cwlth) in relation to the sale of seafood for immediate consumption on or off the business premises. 12
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Examples of a dining outlet— 18

cafe, coffee shop, drive-through facility, kiosk, milk bar, restaurant, takeaway shop 19
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164I Requirement to display country of origin information 21
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- (1) This section applies to seafood for sale at a dining outlet for immediate consumption, whether the seafood is sold for immediate consumption on or off the business premises. 23
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- (2) The proprietor of the dining outlet must not sell the seafood unless the seafood is identified with country of origin information— 27
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29

- (a) if the seafood is wholly sourced from Australian waters—identifying that the sole country of origin of the seafood is Australia; or 30
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32
33

- (b) if the seafood is not sourced from Australian waters—identifying that the sole country of 34
35

-
- origin is not Australia or that the seafood is wholly imported; or 1
2
- (c) if a product containing the seafood includes seafood sourced from Australian waters and seafood not sourced from Australian waters—identifying that the product includes— 3
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- (i) seafood with a country of origin of Australia; and 8
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- (ii) seafood with a country of origin that is not Australia or seafood that is imported. 10
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- Maximum penalty— 13
- (a) for a first offence—1 penalty unit; or 14
- (b) for a second or subsequent offence—5 penalty units. 15
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- (3) The proprietor is taken to comply with subsection (2)— 17
18
- (a) if the seafood is listed in a menu, or included in an item listed in a menu and the menu includes the country of origin information for the seafood; or 19
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21
22
- (b) if the country of origin information for the seafood is clearly visible at the point of sale to a person purchasing the seafood. 23
24
25
- (4) In this section— 26
- Australian fishing zone* see the *Fisheries Management Act 1991* (Cwlth), section 4. 27
28
- Australian waters* means— 29
- (a) waters within the Australian fishing zone; and 30
31
- (b) Queensland waters. 32
- sourced* includes caught or farmed. 33
-

Clause 8	Amendment of sch 3 (Dictionary)	1
(1)	Schedule 3, definition <i>menu</i> —	2
	<i>omit.</i>	3
(2)	Schedule 3—	4
	<i>insert—</i>	5
	<i>country of origin information</i> , for chapter 6B, see section 164H.	6 7
	<i>dining outlet</i> , for chapter 6B, see section 164H.	8
	<i>menu</i> means a menu, in printed or electronic form, that—	9 10
(a)	lists or otherwise shows 1 or more items of food; and	11 12
(b)	is either—	13
(i)	on a board, poster, leaflet or similar thing at the premises from which the items of food shown on the menu are sold; or	14 15 16 17
(ii)	distributed or available outside of the premises from which the items of food shown on the menu are sold.	18 19 20
	<i>seafood</i> means any marine, estuarine or freshwater fish or other aquatic animal sold for human consumption.	21 22 23