



LEGISLATIVE AND GOVERNANCE FORUM
ON CONSUMER AFFAIRS
PARLIAMENT HOUSE, CANBERRA 31 MARCH 2016

JOINT COMMUNIQUE

MEETING OF MINISTERS FOR CONSUMER AFFAIRS

Today, Commonwealth, State, Territory and New Zealand Ministers responsible for fair trading and consumer protection met at Parliament House, Canberra.

Members of the Forum are:

The Hon Kelly O'Dwyer MP (Commonwealth - Chair)

Mr Shane Rattenbury MLA (Australian Capital Territory)

The Hon Victor Dominello MP (New South Wales)

The Hon Yvette D'Ath MP (Queensland)

The Hon John Rau MP (South Australia)

The Hon Adam Brooks MP (Tasmania)

The Hon Michael Mischin MLC (Western Australia)

The Hon Paul Goldsmith (New Zealand)

Apologies were received from

The Hon Jane Garrett MP (Victoria) represented by Ben Carroll MP, Parliamentary Secretary for Justice

The Hon John Elferink MLA (Northern Territory), represented by Gary Clements

The objective of the Legislative and Governance Forum on Consumer Affairs (CAF)

CAF's objective is to provide the best and most consistent protection for Australian and New Zealand consumers through its consideration of consumer affairs and fair trading issues of national significance and, where possible, development of consistent approaches to those issues.

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Country of Origin Labelling

Australian Consumer Affairs Ministers today agreed to reform the country of origin labelling system for food to give Australian consumers clearer and more meaningful information about the food they buy.

As a result of today's decision, many foods such as fresh produce and processed food products, found on Australian retailer shelves, will be required to include a kangaroo in a triangle logo to indicate the food is made, produced or grown in Australia, and a bar chart indicating the proportion of Australian ingredients with a supporting text statement.

A new information standard will be crafted under the Australian Consumer Law for country of origin labelling. This standard will replace the current mandatory labelling requirements outlined in the Australia New Zealand Food Standards Code. Australian Ministers further agreed to amend the Australian Consumer Law to simplify and clarify the existing safe harbour defences for country of origin claims.

Australian consumers will now have greater certainty on the source of ingredients in their food and that claims of "Made in" and "Product of" Australia are applied consistently.

New Zealand is not a party to the Intergovernmental Agreement for the Australian Consumer Law and did not vote on the issue.

Free Range Egg Labelling

Consumer Affairs Ministers agreed to the introduction of a new information standard for free range eggs. The reforms will give more information to consumers when they buy eggs, providing much-needed clarity about free range claims. At the same time, the changes will reduce the regulatory uncertainty faced by egg producers and encourage investment in the industry.

The new information standard, made under the Australian Consumer Law, will require eggs labelled as 'free range' to have been laid by hens with meaningful and regular access to the outdoors, and there will be a ceiling on outdoor stocking density of 10,000 hens per hectare. For the first time, this will provide an enforceable, national requirement that producers must meet to label their eggs 'free range'. The information standard will also require producers to prominently disclose the outdoor stocking density of hens laying free range eggs, allowing consumers to easily compare the practices of different egg producers.

Amendments to the Australian Consumer Law will provide certainty to producers so long as their free range claims comply with the information standard.

Ministers expressed their desire for the information standard to be in place within 12 months.

Review of the Australian Consumer Law

Consumer Affairs Ministers noted progress of the Australian Consumer Law Review, which is being conducted by Consumer Affairs Australia and New Zealand throughout 2016 and will report to Ministers by March 2017.

Ministers welcomed the release of an Issues Paper for public consultation, emphasising the importance of stakeholder engagement to the review. Ministers encouraged consumers, businesses and other interested stakeholders to provide feedback regarding the effectiveness of the national consumer policy framework in improving consumer wellbeing and ensuring that the framework remains relevant into the future.

Lemon Laws

Ministers noted that the Queensland Parliament's Legal Affairs and Community Safety Committee (the Committee) had undertaken an inquiry into consumer protections and remedies for buyers of new motor vehicles ("lemon" laws).

Ministers noted that the Committee's report, which was tabled in the Queensland Parliament on 30 November 2015, will be a useful resource during the consideration of lemon laws being conducted as part of the 2016 review of the Australian Consumer Law.

Australian Uniform Co-operatives Laws Agreement (AUCLA)

Ministers were pleased to note that five jurisdictions have commenced their Co-operatives National Laws, as provided for under the Australian Uniform Co-operative Laws Agreement. This extends the benefits of the reforms in the new laws to all co-operatives based in those jurisdictions. In particular, simplification of laws for doing business across borders, and the financial reporting and audit requirements for small co-operatives.

Three jurisdictions commenced their new laws in 2015 (South Australia 22 May 2015, Northern Territory 1 July 2015 and Tasmania 1 September 2015); and two jurisdictions New South Wales and Victoria, had both commenced their new laws on 3 March 2014.

Ministers also extended the time limits in which the remaining jurisdictions can commence their new laws by a further 12 months. This is consistent with the staged approach to the start of the CNL, which acknowledges that factors such as elections and changes of Governments affect the time it takes for States and Territories to prepare their enabling laws to bring in the CNL or equivalent legislation.

Consumer Affairs Australia New Zealand (CAANZ) Progress Report To CAF

Ministers noted the progress of key CAANZ national projects over the last 12 months including: Property Spruikers; Ladder Safety; Most Complained About Businesses Nationally; the formation of the Fundraising Regulatory Reform Working Group; and the completion of the National Indigenous Consumer Strategy Funeral Products and Training Providers projects.