



Queensland

Food (Labelling of Seafood) Amendment Bill 2021



Queensland

Food (Labelling of Seafood) Amendment Bill 2021

Contents

		Page
1	Short title	4
2	Commencement	4
3	Act amended	4
4	Amendment of s 8 (Main purposes)	4
5	Amendment of s 9 (How main purposes are primarily achieved)	4
6	Amendment of s 164B (Definitions)	5
7	Insertion of new ch 6B	5
	Chapter 6B Display of country of origin information for seafood sold for immediate consumption	
	164H Definitions for chapter	5
	164I Requirement to display country of origin information	6
8	Amendment of sch 3 (Dictionary)	8

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
		10
		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
		15
		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
6

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
9
10
11

(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
13
14
15
16
17

Examples of a dining outlet— 18

cafe, coffee shop, drive-through facility, kiosk, milk bar,
restaurant, takeaway shop 19
20

**164I Requirement to display country of origin
information** 21
22

(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
24
25
26

(2) The proprietor of the dining outlet must not sell
the seafood unless the seafood is identified with
country of origin information— 27
28
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
31
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
4
5
6
7
- (i) seafood with a country of origin of Australia; and 8
9
- (ii) seafood with a country of origin that is not Australia or seafood that is imported. 10
11
12
- Maximum penalty— 13
- (a) for a first offence—1 penalty unit; or 14
- (b) for a second or subsequent offence—5 penalty units. 15
16
- (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
20
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