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Introduced by Mr G R Torbay, MP

Draft

New South Wales

Food Amendment (Beef Grading) Bill 2009

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New South Wales

Food Amendment (Beef Grading) Bill 2009

No. , 2009

A Bill for

An Act to amend the *Food Act 2003* with respect to the advertising, packaging and labelling of beef.

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Clause 1 Food Amendment (Beef Grading) Bill 2009

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Food Amendment (Beef Grading) Act 2009*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Food Act 2003 No 43

[1] Part 2, Division 2A

Insert after section 23:

Division 2A Beef labelling

23A Beef labelling schemes

- (1) The regulations may prescribe schemes regulating the use of words and expressions used in the labelling of any type of beef intended for sale or beef for sale to indicate the type of beef, the quality of beef or any other characteristic of the beef.
- (2) Without limiting subsection (1), the regulations prescribing a scheme may:
 - (a) specify the type of beef that the scheme applies to, or
 - (b) specify the requirements for labelling beef with a word or expression indicating the type, quality or any other characteristic of the beef, or
 - (c) specify any other conditions relating to the use of a word or expression indicating the type, quality or any other characteristic of the beef, or
 - (d) prohibit activities in relation to the labelling of beef, or
 - (e) require records to be kept in relation to the labelling of beef.
- (3) This section does not limit the operation of the provisions of this Act relating to food safety schemes.
- (4) In this section:
beef means the whole or any part of the carcase of any bovine animal.

23B Misleading and deceptive conduct in relation to beef

- (1) For the purposes of section 18 (1), a person carrying on a food business is taken to have engaged in conduct that is misleading or deceptive (or is likely to mislead or deceive) in relation to the advertising, packaging or labelling of beef intended for sale, or in relation to the sale of beef, if:
 - (a) the person does not use AUS-MEAT language consistently (unless the person is complying with a scheme prescribed under section 23A), or

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- (b) the person voluntarily adopts, but does not consistently comply with, a scheme prescribed under section 23A, or
 - (c) the beef is advertised, packaged or labelled with the word “budget” and does not also include the words “low grade” or “low quality”, or
 - (d) the beef is advertised, packaged or labelled with the word “manufacturing” and does not also include the words “suitable for mince only”.
- (2) For the purposes of subsection (1) (a), a person does not use AUS-MEAT language consistently if:
- (a) the person advertises, packages, labels or sells beef described by means of AUS-MEAT language, and
 - (b) other beef advertised, packaged, labelled or sold by that person is described by any other means that does not include a description by means of:
 - (i) AUS-MEAT language, or
 - (ii) a consumer descriptor.
- (3) For the purposes of subsection (1) (b), a person voluntarily adopts, but does not consistently comply with, a scheme prescribed under section 23A, if:
- (a) the person labels any beef in accordance with a scheme prescribed under section 23A or advertises, packages or sells beef that has been labelled in accordance with such a scheme, and
 - (b) the person does not comply with that scheme in respect of all beef to which the scheme applies that is advertised, packaged, labelled or sold by that person.
- (4) This section does not limit the operation of section 18 (1).
- (5) In this section:
AUS-MEAT language means any words, letters or symbols (other than the words beef, steak or veal or any words indicating a cooking method) that (whether alone, in combination or

together with other words, letters or symbols) are used by the AUS-MEAT manual to designate or indicate beef as belonging to a particular type, quality, classification, category, cut or grade.

AUS-MEAT manual means the Australian Meat Industry Classification System (Manual 1) (2009 edition) published by AUS-MEAT Limited (ACN 082 528 881) or, if a replacement document is prescribed for the purposes of this definition, that document.

beef means the whole or any part of the carcase of any bovine animal.

consumer descriptor means a word or expression prescribed by the regulations that is used to describe beef that is of a cut prescribed by the regulations.

23C False descriptions of beef

- (1) For the purposes of section 18 (2), beef is falsely described if:
 - (a) it is described by means of AUS-MEAT language that is referable to beef of a particular type, quality, classification, category, cut or grade and:
 - (i) it has not been assessed in accordance with the requirements of the AUS-MEAT manual, or
 - (ii) it does not comply with the standards set out in the AUS-MEAT manual, with respect to beef of that type, quality, classification, category, cut or grade, or
 - (b) it is described by means of a word or expression that is regulated in accordance with a scheme prescribed under section 23A and the description does not comply with the requirements of the scheme, or
 - (c) it is described by means of a word or expression that is prescribed for the purposes of the definition of *consumer descriptor* in section 23B and the beef cannot be described as being of the cut that is prescribed in relation to that word or expression.
- (2) This section does not limit the operation of section 18 (2).
- (3) In this section:

AUS-MEAT language has the same meaning as it has in section 23B.

AUS-MEAT manual has the same meaning as it has in section 23B.

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beef means the whole or any part of the carcass of any bovine animal.

23D Exemptions for restaurants, take-away food shops and similar outlets

- (1) Subject to subsection (2), any person selling beef that has been cooked and is intended for immediate consumption (including, but not limited to, restaurants and take-away food shops) is exempt from sections 23B and 23C.
- (2) The regulations may prescribe any persons or classes of persons in respect of which the exemption provided by this section is not to apply from the date specified in the regulations.

[2] Section 87A

Insert after section 87:

87A Beef labelling auditors

- (1) This section only authorises the exercise of functions in relation to the auditing of the beef labelling requirements.
- (2) The Food Authority may appoint a person employed by an approved industry body to be a beef labelling auditor for the purposes of carrying out audits to determine compliance with the beef labelling requirements.
- (3) A beef labelling auditor is to exercise his or her functions in accordance with the directions issued to the approved industry body by the Food Authority.
- (4) The cost of exercising those functions is the responsibility of the approved industry body.
- (5) A beef labelling auditor is taken to be a food safety auditor for the purposes of this Act and accordingly a reference in this Act to a food safety auditor is taken to include a reference to a beef labelling auditor.
- (6) In this section:

approved industry body means a body that represents the beef industry and that is approved for the time being by the Food Authority.

beef labelling requirements means the requirements arising under Division 2A of Part 2.