



# The Australian Standard Organic and Biodynamic Products

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# Australian Regulation

## Protecting Certified Organic

- Australia has no domestic regulatory system for organic and biodynamic products
- The current National Standard only applies to exports
- It has limited jurisdiction on the domestic market
- Does not cover imports





# Australian Regulation

## Protecting Certified Organic

- The process of developing the Australian Standard for Organic and Biodynamic Products started in May 2007
- The current National Standard used as the basis of the Australian Standard
- Widespread consultation on draft started July 2008
- Over 900 submissions have been received





# Australian Standard

## Protecting Certified Organic

- A Federal Court decision in August 2007 highlighted the need for a domestic regulatory system using an Australian Standard as the definition of 'organic'





# Australian Standard

## Protecting Certified Organic

- The Hon. Justice Gray acknowledged the absence of any recognised legal definition of the term 'organic'
- The difficulty this presented in creating an enforceable injunction in broader terms to prevent misrepresentation of eggs as 'organic'.





# Australian Standard

## Protecting Certified Organic

- Justice Gray stated 'attempts to overcome the lack of clear criteria by which it can be said eggs are, or are not, organic have been unsuccessful'.
- This means that anyone can produce to their own definition/standard of 'organic/biodynamic'





# Australian Standard

## Why Do We Need a Standard?

- A standard is the definition of Organic/Biodynamic
- It is essential that Organic/Biodynamic is clearly defined – otherwise anything could be 'organic'
- Australian Standards are used by regulatory authorities for this purpose
- They can become the legal benchmarks used by courts
- Private Standards can rarely be used for regulation





# Australian Standard

## Standards Australia

- A not for profit company owned by members
- Only facilitates development of credible standards
- These are developed by the sector - not Standards Australia staff or government
- Government Regulatory agencies enforce them
- The process is open, transparent and democratic
- No single interest group can dominate





# Australian Standard

## Protecting Certified Organic

- ACCC has publicly stated that they can prosecute non complying products when there is an Australian Standard for Organic and Biodynamic Products
- This will establish the standard as the legal definition of organic in case law
- The Australia Competition & Consumer Commission (ACCC) is the main regulatory authority for prosecuting false and misleading claims and products





# Certification System Australian Standard

## Protecting Certified Organic

- Certification will be mandated in the labelling provisions of the Standard
- Scheme on Certification arrangements to the standard is being developed
- This is a parallel process due for completion with the Standard in Dec 2008
- Widespread Consultation from July 2008





# Certification System Australian Standard

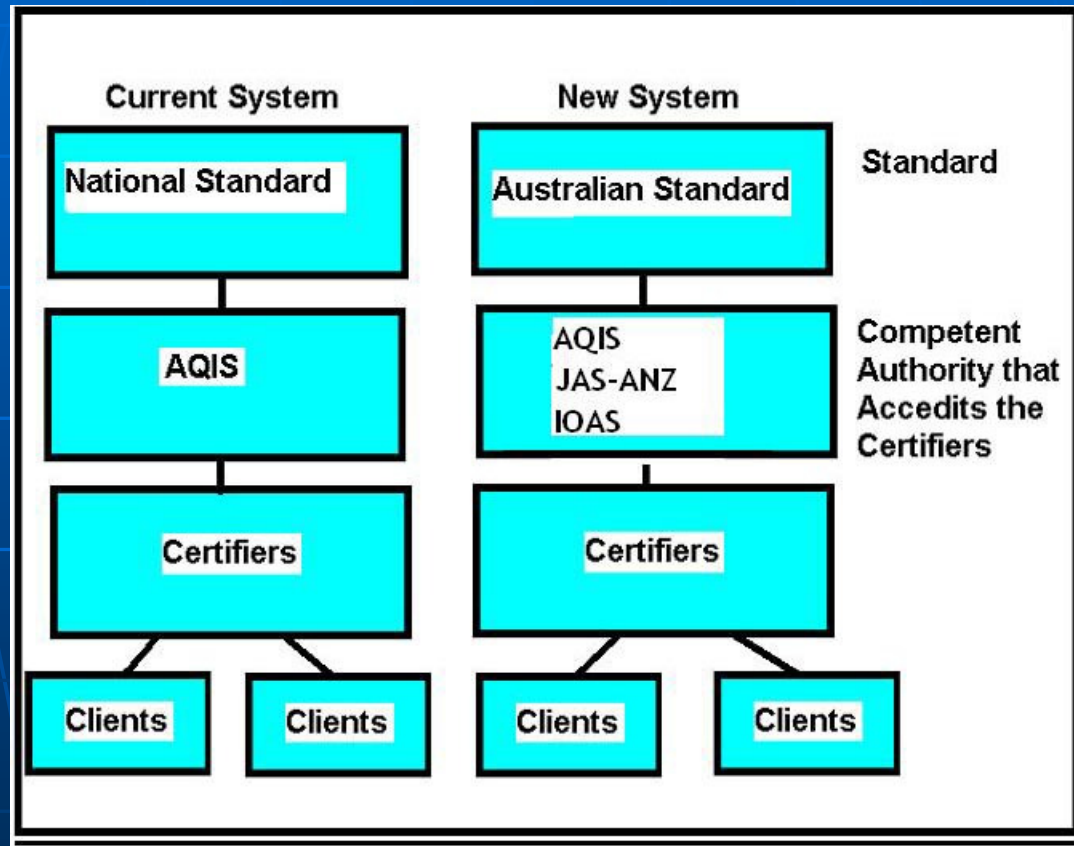
## Protecting Certified Organic

- Certifying bodies (CBs) to be accredited by Accreditation Bodies (ABs) to ISO 65
- 3 organisations: AQIS, JAS-ANZ and IOAS are being considered.





# Certification System Australian Standard





# Certification System Australian Standard

## Protecting Certified Organic - Long Term

- Primary Industries Ministerial Council - all the Federal, State and Territory Ministers
- *“Council agreed to consider the need for a regulatory framework once the Australian Standard is developed and agreed to consult the organic sector as part of this process.”*





# Regulatory Options

## ***TRADE PRACTICES ACT 1974 - SECT 65E***

- *Power of Minister to declare product safety or information standards*
- *(1) The Minister may, by notice in writing published in the Gazette, declare that, in respect of goods of a kind specified in the notice, a particular standard, or a particular part of a standard, prepared or approved by Standards Australia International Limited or by a prescribed association or body, or such a standard or part of a standard with additions or variations specified in the notice, is a consumer product safety standard for the purposes of section 65C or a consumer product information standard for the purposes of section 65D.*





# Regulatory Options

## Food Standards Australia and New Zealand

- Under a MOU between SA and FSANZ, an Australian Standard can be called up into a FSANZ Food Standards Code.
- Organic produce is already included in the Food Standards Code due to exemption for folate fortification in organic flour.
- The Australian Standard for Organic and Biodynamic Products needs to be the Food Standards Code definition of 'organic'





# Conclusion

## **Australian Standard is the Best Option**

- Sector control over Standard
- We can change as necessary
- Participatory - producers, traders, consumers and certifiers
- Open, transparent, democratic and fair
- Government Support
- Regulatory support from appropriate authorities
- OFA Position paper [www.ofa.org.au](http://www.ofa.org.au)





# Thank You

