



## Minister for Small Business

Dr Dennis Jensen MP  
Chair  
Standing Committee on Petitions  
PO Box 6021  
Parliament House  
CANBERRA ACT 2600

01 JUN 2015

Dear Dr Jensen /

Thank you for your letter of 23 February 2015 to the Treasurer, the Hon Joe Hockey MP, concerning a petition regarding halal certification and calling for amendments to the *Competition and Consumer Act 2010* (CCA). The matter has been referred to me as I have policy responsibility for the CCA. I sincerely apologise for the delay in responding to you.

I am aware that a number of Australians are concerned with the practice of halal certification in Australia and the Australian Government supports consumers having access to information about the food they purchase.

Industry-based food certification initiatives, such as halal certification, are aimed at highlighting the special features of a product and are not uncommon in the highly competitive Australian food industry as companies compete in markets here and overseas. The practice is voluntarily entered into by individual businesses and while a fee is provided to the halal certifier, the income produced by an Australian business from selling halal-certified products belongs to that business. Australian businesses can also export halal-certified products to international markets and thereby contribute to the Australian economy.

While it may not always be evident if a product has been prepared according to halal practices, generally there are strong incentives for businesses paying for halal certification to clearly label their products. The Australian Consumer Law, contained in Schedule 2 of the CCA, prohibits misleading or deceptive conduct and the making of false or misleading representations, including claims that food products meet certain consumer values such as 'halal'. If members of the public have concerns that specific products have been mislabelled with regard to halal certification, they can contact their state or territory fair trading agency or the Australian Competition and Consumer Commission at: 1300 302 502 or via its website at: [www.accc.gov.au/contact-us/](http://www.accc.gov.au/contact-us/).

Australian governments have previously considered the practice of food labelling to promoting the special features of a product. In 2011, Commonwealth, State and Territory ministers responsible for food regulation considered the issue in their response to the report of the independent review of food labelling law and policy, *Labelling Logic*.

Ministers determined that a market-driven, self-regulatory approach to consumer value concerns, such as halal, is likely to be more responsive to consumer needs than a regulatory approach. Further information on the food ministers' response to the review is available at: [www.foodlabellingreview.gov.au](http://www.foodlabellingreview.gov.au).

I note the petition calls for a number of changes to the CCA. Halal certification is a complex issue that relates to a number of portfolios and the changes sought are of a nature that could not be addressed through amendments to the CCA. For example, the states and territories are responsible for the regulation of food production and processes, food labelling requirements are set by the Australia New Zealand Food Standards Code administered by Food Standards Australia and New Zealand and the treatment of costs associated with food production are a matter for that particular business.

It should be noted that there are many products sold in Australia that are not halal certified. If someone is not supportive of halal-certified products for whatever reason, they may seek information directly from food companies to identify products that have been produced appropriately for their needs. That said, the Government is aware there is considerable misinformation circulating about halal certification and is concerned about its potential negative impact on Australian businesses, including that it can unfairly affect their reputation when they are legitimately marketing their products in a certain way.

As you are most likely aware, on 13 May 2015 the Senate referred an inquiry into third party certification of food to the Senate Economics References Committee, to report by 30 November 2015. Given the scope of the terms of reference, I would expect that a number of issues raised in the petition will be considered by the inquiry.

I note that when the Committee has considered this response it will be presented in the House and be posted on the Committee's website.

Thank you for bringing this petition to my attention. I trust this information will be of assistance to you.

Yours sincerely

~~BRUCE BILLSON~~