



The Peak Body for the Australian Organic Sector

From the desk of:

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OFA Speech

At the occasion of the NSW launch of the Australian Standard for Organic and Biodynamic Products

By: Catriona Macmillan, OFA Director

Distinguished guests, members of the Organic Ministerial Advisory Committee, ladies and gentlemen, I appreciate that you have made an effort come here for the launch of the Australian Standard for Organic and Biodynamic Products

The Chair, Organic Federation of Australia, Andre Leu gives his apologies for not being able to attend in this launch. He is Vice President of IFOAM, the world peak body for the organic sector and has to attend a World Board meeting in Germany.

Andre is disappointed that he could not be here as he has put more than 5 years of effort into this project and has been one of the main drivers.

The OFA has spent over 5 years championing the Australian Standard and it has been one of our major activities. We are very pleased that it finally published as this is a significant event for the organic sector.

Why is this Australian Standard so important for the organic sector?

The Australian Standard for Organic and Biodynamic Products can assist Australia's regulatory authorities, such as the ACCC, in using existing regulatory laws, such as the Trade Practices Act, to ensure the integrity of products that are sold as organic or biodynamic in Australia.

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This will be a **co- regulatory system**, rather than a mandated or self regulatory system. Co regulatory systems are where the sector and the government work together.

Australia does not have a mandated regulatory system for organic products. Despite repeated requests from the industry, successive Australian governments have refused to do this due a reluctance to have mandatory systems unless there is a proven failure of the existing regulatory systems.

In an effort to ensure that the existing regulatory system can effectively ensure the integrity of products labelled as organic, the OFA on the advice of government Ministers, several government departments and regulatory authorities such as the ACCC and with significant industry consultation put in an application to Standards Australia to develop a new standard.

The issue of numerous standards was made clear by an Australian Federal Court decision concerning false representation of organic eggs, in August 2007, where the Hon. Justice Gray acknowledged the absence of any recognised legal definition of the term 'organic' and the difficulty this presented in creating an enforceable injunction in broader terms to prevent misrepresentation of eggs as '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'.

The ACCC considers that Justice Gray's ruling has highlighted the need for a uniform, accepted standard that deals with organic and biodynamic produce.

An important part of the process of developing the *Australian Standard* was the transparent input from relevant stakeholder groups including industry, consumers, retailers and regulators. The ACCC is of the view that the *Australian Standard* will be of

assistance to courts when they next attempt to determine the meaning of organic.

Over time this standard will become the definition of 'organic' in case law and will be used to ensure the integrity of products labelled as organic in Australia.

Thank you