

LEGISLATIVE COUNCIL

SAFE FOOD VICTORIA BILL 2026

(Amendments and New Clauses to be proposed in Committee by MELINA BATH)

1. Clause 1, page 2, after line 9 insert—
 - "(ca) to amend the **Food Act 1984** in relation to the use of certain terms in the advertising, packaging and labelling of certain foods; and".
2. Clause 4, line 28, before "The" insert "(1)".
3. Clause 4, page 4, after line 11 insert—
 - "(2) Without limiting subsection (1), it is the intention of the Parliament that Victoria's food industry is to be regulated under this Act in a way that—
 - (a) ensures a level of food safety that is not less than the level of food safety that was provided for by the laws under which that industry was regulated before the commencement of this Act; and
 - (b) supports that industry to no lesser degree than it was supported, before the commencement of this Act, under the laws referred to in paragraph (a)."
4. Clause 14, after line 11 insert—
 - "(1A) In appointing persons as members of the Board under subsection (1), the Minister must ensure that for each of the following industries the Board includes one person who has substantial experience in that industry and who is appointed in respect of that industry—
 - (a) the dairy industry;
 - (b) the meat and livestock industry;
 - (c) the seafood industry;
 - (d) the horticulture industry;
 - (e) the egg industry.
 - (1B) A person may not be appointed in respect of more than one industry specified in subsection (1A).
 - (1C) In appointing persons as members of the Board under subsection (1), the Minister must ensure that the Board includes one person who—
 - (a) resides in rural or regional Victoria; and
 - (b) has experience in food production in rural or regional Victoria."

5. Clause 14, after line 28 insert—
 - "(4) A member of the Board appointed in accordance with subsection (1C) does not cease to hold office as a member by reason only of the fact that the member no longer resides in rural or regional Victoria.
 - (5) In this section—

rural or regional Victoria has the same meaning as it has in section 3(1) of the **Regional Development Victoria Act 2002**."
6. Clause 25, page 15, line 10, before "appoint any person" insert "subject to subsection (2B),".
7. Clause 25, page 15, after line 14 insert—
 - "(2A) In establishing consultative committees under subsection (2), the Board must establish—
 - (a) a consultative committee in respect of the dairy industry; and
 - (b) a consultative committee in respect of the meat and livestock industry; and
 - (c) a consultative committee in respect of the seafood industry; and
 - (d) a consultative committee in respect of the horticulture industry; and
 - (e) a consultative committee in respect of the egg industry.
 - (2B) In appointing persons as members of a consultative committee established in accordance with subsection (2A), the Board must ensure that at least a majority of the members of that committee have substantial experience in the industry in respect of which the consultative committee is established."
8. Clause 25, page 15, after line 16 insert—
 - "(3A) In referring a matter to a consultative committee under subsection (3), the Board must—
 - (a) if the matter relates to the dairy industry, refer the matter to the consultative committee established in accordance with subsection (2A)(a); and
 - (b) if the matter relates to the meat and livestock industry, refer the matter to the consultative committee established in accordance with subsection (2A)(b); and
 - (c) if the matter relates to the seafood industry, refer the matter to the consultative committee established in accordance with subsection (2A)(c); and
 - (d) if the matter relates to the horticulture industry, refer the matter to the consultative committee established in accordance with subsection (2A)(d); and

- (e) if the matter relates to the egg industry, refer the matter to the consultative committee established in accordance with subsection (2A)(e)."
9. Clause 35, after line 17 insert—
- "(ca) the number of inspections undertaken—
- (i) during that financial year; and
 - (ii) under food legislation; and
 - (iii) by an authorised officer who is—
 - (A) authorised under section 20(1D) of the **Food Act 1984**; or
 - (B) appointed under section 43 of the **Dairy and Food Innovation Act 2000**; or
 - (C) a person who, under the **Meat Industry Act 1993**, is appointed as, or has the powers of an inspector; or
 - (D) a person who, under the **Meat Industry Act 1993**, is authorised to be an inspector by an inspection service approved under section 7 of that Act;
- (cb) the number of occasions during that financial year on which an authorised officer referred to in paragraph (ca)(iii) has given a direction under food legislation to—
- (i) ensure compliance with food legislation; or
 - (ii) address a potential danger to public health;
- (cc) the food safety incidents that occurred during that financial year;
- (cd) the fees collected by Safe Food Victoria during that financial year;
- (ce) trends occurring during that financial year in relation to illnesses, conditions and diseases that are or may be related to food;".
10. Clause 36, line 3, before "Safe" insert "(1)".
11. Clause 36, after line 4 insert—
- "(2) The General Fund is to be divided into—
- (a) the Dairy and Food Innovation account; and
 - (b) the Food Act account; and
 - (c) the Meat Industry account; and
 - (d) the Seafood Safety account; and
 - (e) the general account."

12. Clause 37, lines 6 to 13, omit all words and expressions on these lines and insert—

"(1) There must be paid into the Dairy and Food Innovation account—

 - (a) all fees received by Safe Food Victoria, or on its behalf, under the **Dairy and Food Innovation Act 2000**; and

- (b) any money derived from any investment of the Dairy and Food Innovation account.
 - (2) There must be paid into the Food Act account—
 - (a) all fees received by Safe Food Victoria, or on its behalf, under the **Food Act 1984**; and
 - (b) any money derived from any investment of the Food Act account.
 - (3) There must be paid into the Meat Industry account—
 - (a) all fees received by Safe Food Victoria, or on its behalf, under the **Meat Industry Act 1993**; and
 - (b) any money derived from any investment of the Meat Industry account.
 - (4) There must be paid into the Seafood Safety account—
 - (a) all fees received by Safe Food Victoria, or on its behalf, under the **Seafood Safety Act 2003**; and
 - (b) any money derived from any investment of the Seafood Safety account.
 - (5) There must be paid into the general account—
 - (a) all other money received by Safe Food Victoria, or on its behalf, in respect of, or in connection with, the carrying out of its functions, duties or powers under this Act or any other Act; and
 - (b) any money derived from any investment of the general account."
13. Clause 38, lines 15 to 30, omit all words and expressions on these lines and insert—
- "(1) Safe Food Victoria may pay money out of the Dairy and Food Innovation account—
 - (a) to enable Safe Food Victoria to carry out its functions in administering the **Dairy and Food Innovation Act 2000**; or
 - (b) for the remuneration and allowances that are payable to the following persons, and for the expenses incurred by the following persons, in respect of those functions—
 - (i) members of the Board; and
 - (ii) the chief executive officer; and
 - (iii) Safe Food Victoria staff; or
 - (c) to pay the amounts (if any) payable to consultants, contractors and agents engaged by Safe Food Victoria in respect of those functions; or
 - (d) to discharge any liabilities that become liabilities of Safe Food Victoria under Part 6.
 - (2) Safe Food Victoria may pay money out of the Food Act account—

- (a) to enable Safe Food Victoria to carry out its functions in administering the **Food Act 1984**; or
 - (b) for the remuneration and allowances that are payable to the following persons, and for the expenses incurred by the following persons, in respect of those functions—
 - (i) members of the Board; and
 - (ii) the chief executive officer; and
 - (iii) Safe Food Victoria staff; or
 - (c) to pay the amounts (if any) payable to consultants, contractors and agents engaged by Safe Food Victoria in respect of those functions.
- (3) Safe Food Victoria may pay money out the Meat Industry account—
- (a) to enable Safe Food Victoria to carry out its functions in administering the **Meat Industry Act 1993**; or
 - (b) for the remuneration and allowances that are payable to the following persons, and for the expenses incurred by the following persons, in respect of those functions—
 - (i) members of the Board; and
 - (ii) the chief executive officer; and
 - (iii) Safe Food Victoria staff; or
 - (c) to pay the amounts (if any) payable to consultants, contractors and agents engaged by Safe Food Victoria in respect of those functions; or
 - (d) to discharge any liabilities that become liabilities of Safe Food Victoria under Part 6.
- (4) Safe Food Victoria may pay money out the Seafood Safety account—
- (a) to enable Safe Food Victoria to carry out its functions in administering the **Seafood Safety Act 2003**; and
 - (b) for the remuneration and allowances that are payable to the following persons, and for the expenses incurred by the following persons, in respect of those functions—
 - (i) members of the Board; and
 - (ii) the chief executive officer; and
 - (iii) Safe Food Victoria staff; or
 - (c) to pay the amounts (if any) payable to consultants, contractors and agents engaged by Safe Food Victoria in respect of those functions; or
 - (d) to discharge any liabilities that become liabilities of Safe Food Victoria under Part 6.
- (5) Safe Food Victoria may pay money out of the general account—

- (a) to pay any costs or expenses incurred by Safe Food Victoria in relation to its functions, duties or powers; or
- (b) for the remuneration, allowances and expenses of—
 - (i) members of the Board; and
 - (ii) the chief executive officer; and
 - (iii) Safe Food Victoria staff; or
- (c) to pay the amounts (if any) payable to consultants, contractors and agents engaged by Safe Food Victoria; or
- (d) for any other prescribed purpose."

NEW CLAUSE

14. Insert the following New Clause before clause 44—

"43A Review of Act

- (1) For each of the first 3 years in which this Act is in operation, the Minister must cause—
 - (a) an independent review to be conducted of the operation and effectiveness, during that year, of this Act and the amendments made by this Act; and
 - (b) a report of that review to be prepared.
- (2) A review—
 - (a) is to be commenced as soon as practicable after the conclusion of the year to which the review relates; and
 - (b) must examine—
 - (i) the effectiveness of the regulatory scheme provided for by this Act; and
 - (ii) the costs imposed on industry under that scheme; and
 - (iii) the impact of that scheme on food safety; and
 - (iv) the impact of that scheme relating to accreditations issued for the export of food produced in Victoria; and
 - (c) is to be completed no later than 3 months after it commences.
- (4) The report of a review is to be given to the Minister as soon as practicable after it is completed.
- (5) The Minister must cause a copy of the report of a review to be laid before each House of the Parliament no later than 14 sitting days after receiving it."

15. Clause 54, line 6, omit "General Fund." and insert "Dairy and Food Innovation account."

16. Clause 62, line 13, before "On" insert "(1)".

17. Clause 62, line 16, omit "General Fund." and insert "Meat Industry account."
18. Clause 62, after line 16 insert—
- "(2) The Safe Food Victoria CEO must determine without delay how much of the money transferred under subsection (1) was collected under, or was held for the purposes of, the **Seafood Safety Act 2003** before the commencement day.
- (3) The Safe Food Victoria CEO must transfer without delay the amount of money determined under subsection (2) from the Meat Industry account to the Seafood Safety account."
19. Clause 82, lines 28 to 30, omit all words and expressions on these lines and insert—
- "declared food** means—
- (a) any food or class of food that—
- (i) is permitted for sale under Part 1.5 of the Food Standards Code; and
- (ii) is not meat regulated under the **Meat Industry Act 1993**; and
- (iii) is not seafood regulated under the **Seafood Safety Act 2003**; and
- (iv) is prescribed by the regulations; or
- Note**
- Special provisions apply to the making of regulations for the purposes of this paragraph—see section 61(1A).
- (b) meat that is cell-cultured food (within the meaning of Standard 1.1.2 of the Food Standards Code);'
20. Clause 85, omit this clause.

NEW CLAUSES

21. Insert the following New Clauses to follow clause 110—

'110A Regulations

After section 61(1) of the **Dairy Act 2000** insert—

- "(1A) The Minister may recommend the making of regulations for prescribing food or a class of food for the purposes of paragraph (a)(iv) of the definition of **declared food** in section 3 only if the Minister is satisfied that the food or class of food—
- (a) has not traditionally been produced or processed for human consumption in Victoria; or
- (b) is to be produced or processed using new technologies."

110B New section 62 inserted

After section 61 of the **Dairy Act 2000** insert—

"62 Disallowance of certain regulations

- (1) Regulations for or with respect to prescribing food or a class of food for the purposes of paragraph (a)(iv) of the definition of *declared food* in section 3 are subject to disallowance by a House of Parliament.
- (2) If a regulation is disallowed by a House of Parliament under subsection (1), no regulation which is the same in substance as the disallowed regulation may be made within 6 months after the date of the disallowance, unless—
 - (a) if the regulation was disallowed by one House of Parliament, that House approves the making of a regulation the same in substance as the disallowed regulation; or
 - (b) if the regulation was disallowed by both Houses of Parliament, each House approves the making of a regulation the same in substance as the disallowed regulation.
- (3) Any regulation made in contravention of subsection (2) is void and of no effect."!

NEW CLAUSE

22. Insert the following new Subdivision after Subdivision 2 of Division 2 of Part 7—

'Subdivision 2A—Restrictions related to use of certain dairy and meat terminology

171A False descriptions of food

After section 17A(2) of the **Food Act 1984** insert—

- "(3) Without limiting subsection (1), food is falsely described for the purposes of sections 13(1), 13(2) and 13(3) if—
- (a) a protected dairy term is used in the advertising, packaging or labelling of the food and—
 - (i) the food is neither milk nor directly derived from milk; and
 - (ii) the advertisement, packaging or labelling does not—
 - (A) include the description "plant-based beverage" or "dairy alternative beverage" in at least the same font size as the font size of the protected dairy term; and
 - (B) comply with any other requirement prescribed by the regulations; or
 - (c) a protected meat term is used in the advertising, packaging or labelling of the food and—
 - (i) the food is not, and does not contain, meat from a consumable animal or cell-cultivated meat; and
 - (ii) the advertisement, packaging or labelling does not—

- (A) include the description "plant-based imitation product" in at least the same font size as the font size of the protected meat term; and
 - (B) comply with any other requirement prescribed by the regulations; or
- (d) a protected meat term is used in the advertising, packaging or labelling of the food and—
- (i) the food is or contains cell-cultivated meat; and
 - (ii) the advertisement, packaging or labelling does not—
 - (A) include the description "cell-cultivated meat" or "lab-grown meat" in at least the same font size as the font size of the protected meat term; and
 - (B) comply with any other requirement prescribed by the regulations.

(4) In this section—

cell-cultivated meat means meat that is cell-cultured food (within the meaning of Standard 1.1.2 of the Food Standards Code)

meat from a consumable animal—

- (a) has the same meaning that it has in section 3(1) of the **Meat Industry Act 1993**; and
- (b) does not include cell-cultivated meat.

milk has the same meaning as it has in section 3 of the **Dairy and Food Innovation Act 2000**;

protected dairy term means any of the following terms—

- (a) milk;
- (b) cream;
- (c) butter;
- (d) cheese;
- (e) yogurt;
- (f) any other term prescribed to be a protected dairy term for the purposes of this definition;

protected meat term means any of the following terms—

- (a) meat;
- (b) beef;
- (c) lamb;
- (d) pork;
- (c) chicken;
- (f) bacon;

- (g) steak;
- (h) sausage;
- (i) any other term prescribed to be a protected meat term for the purposes of this definition."!