

28 April 2008

Quarantine and Biosecurity Review Secretariat
Department of Agriculture, Fisheries and Forestry
GPO Box 858
Canberra BC ACT 2610

Email: quarantinebiosecurityreview@daff.gov.au

Dear Sir/Madam

Quarantine and Biosecurity Review : Issues Paper

About the CMA

The Confectionery Manufacturers of Australasia Limited (CMA) is the peak industry body representing the confectionery industry in Australia and New Zealand. The CMA's principal mission is to enhance the well-being and develop interests of the confectionery industry in Australasia. It promotes the interests of manufacturers as well as suppliers and distributors of confectionery. This response is submitted on behalf of our 200 members (refer Appendix 1).

General Comments on the Issue Paper

The CMA welcomes the opportunity to comment on the Quarantine and Biosecurity Review. We are very interested in ensuring there is an appropriate quarantine and biosecurity measure in place in Australia that provides an appropriate level of protection. Australia's clean, green reputation is one of its market advantages both domestically and internationally and for this reason needs protecting, as does the health of the community as without that Australia's trading position is compromised. Whilst this paper is broad in its reach, the CMA's comments are specifically focused in the area that particular is troublesome for the confectionery industry.

Specific Comments on the Issue Paper

An ongoing concern to the CMA is the border controls that screen confectionery goods, in particular, entering Australia. The very fact that non-compliant confectionery goods are found in the retail environment is evidence of a failing of border controls. A secondary failing are the post border measures, or lack of, of enforcement of the law. The CMA conducts a self-regulatory product compliance tracking programme and has evidence of imported non-compliant products in the marketplace, which invariably means that law abiding local operators have higher costs of compliance and are competitively disadvantaged.

The breaches of compliance principally are attributed to a failure to declare mandatory labelling information or the confectionery products contain unapproved foods/ingredients. For example: unapproved additives are used, allergen ingredients are not declared, the country of origin statement is omitted, the importers details are not declared, compounded chocolate is passed off as 'chocolate' as defined in the Food Standards Code or the weight statement is omitted or not displayed on the main display panel, to mention a few.

Uniform interpretation and enforcement is a common complaint of the CMA's. The failings mentioned above are indicative of the manner in which interpretation and enforcement are not uniformly undertaken.

A loophole exists under the Trans Tasman Mutual Recognition Agreement (TTMRA) where product comes to Australia from a third country via New Zealand. The problem is that the product complies in New Zealand, but doesn't with Australian provisions, for example the New Zealand Dietary Supplements Regulation. Dietary supplements from New Zealand are permitted to be exported to Australia under the TTMRA, but are not permitted to be made in Australia. Third countries are finding the loophole to export via New Zealand.



Should you have further queries in relation to these comments, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in blue ink that reads "Jennifer Thompson." The signature is written in a cursive style with a period at the end.

Jennifer Thompson
Technical & Regulatory Affairs Director

Appendix 1 – CMA Membership

Manufacturers

Australian

Allsep's Pty Ltd
Angelica Enterprises Pty Ltd
Arnott's Industrial
Aussie Sweets Pty Ltd
Australian Native Nuts & Chocolates Pty Ltd
Bellis Fruit Bars
Beta Foods Australia Pty Ltd
Buderim Ginger Limited
Cadbury Schweppes
Chocolate Fare Pty Ltd
Chocolate Gems
Chocolatier (Australia) Pty Limited
Colonial Confectionery
Corvina Quality Foods Pty Ltd
Crest Chocolates
Darrell Lea Chocolate Shops Pty Ltd
Denmead Holdings Pty Ltd
DMC Confectionery
Dollar Sweets Company Pty Ltd
Ernest Hillier Pty Ltd
Eszencia International Pty Ltd
Farm By Nature Pty Ltd
Ferrero Australasia Manufacturing Pty Ltd
Flying Swan Manufacturing
Fresh Food Industries Pty Ltd
Fyna Foods Australia Pty Ltd
GKC Foods Pty Ltd
Go Natural Australia
Golden Boronia (Australia) Pty Ltd
Gran's Fudge Pty Ltd
Haigh's Manufacturing Pty Ltd
Horizon Science Pty Ltd
Johnsons Confectionery Pty Ltd
Kellys Candy Co Pty Ltd
Kinnerton Confectionery Australia Pty Ltd
Lagoon Confectioners Pty Ltd
Lewins Pty Ltd
Lindt & Sprungli (Australia) Pty Ltd
Manna Confectionery Pty Ltd
Mars Snackfood Australia
Nestlé Confectionery & Snacks
Nina's Chocolates Pty Ltd
Nutters Australia Pty Ltd
Paton's Macadamias Plantations
Pink Lady Chocolates
Praline Chocolates
Quinzi's Confectionery
Ricci Remond Chocolate Co Pty Ltd
Robern Menz (Mfg) Pty Ltd
RTD Confectionery Pty Ltd
Smyth's Confectionery
Snow Confectionery Pty Ltd
Suga & Koko Black
Superpop Pty Ltd
Sweet William Pty Ltd
The Nut Shop Pty Ltd

The Wrigley Company Pty Ltd
Vitality Brands Worldwide Pty Ltd
Wawi Chocolate (Aust) Pty Ltd

New Zealand

Cadbury Confectionery Limited
Carousel Confectionery Ltd
Cookie Time Limited
Devonport Chocolates
Donovan's Chocolates
Innovex Group Ltd
J H Whittaker & Sons Ltd
Mars New Zealand Ltd
Mayceys Confectionery Ltd
Nestlé New Zealand Limited
NZ Food Group (1992) Ltd
RJ's Licorice Limited
The Wrigley Co (NZ) Ltd
Waikato Valley Chocolates Ltd
Waldrons Confectionery

Distributors

Australian

Accredited Distributors Pty Ltd
Allbrand Confectionery Distributors Pty Ltd
Aussie Fare Confectionery
Australian Confectionery Pty Ltd
Candy Brokers
Candy Creations Australia Pty Ltd
Confectionery Link Pty Ltd
Evans Confectionery Pty Ltd
Funtastic Confectionery
GAF Foods (Aust.) Pty Ltd
James Dickson & Co Pty Ltd
Lenahans Pty Ltd
Logo-Line Australia Pty Ltd
Lolliland Pty Ltd
National Confectionery Wholesalers Ltd
Stuart Alexander & Co Pty Ltd
SweetOz Distributions Pty Ltd
The Distributors
The Sugarless Company

New Zealand

Brandlines Limited
Confectionery House NZ Ltd
Crossmark New Zealand Limited
Gilmours

Suppliers

Australian

AarhusKarlshamn Australia Pty Ltd
ADM Australia Pty Ltd
AFIS Pty Ltd
Agency Contracting Services Pty Ltd

Allied Industries Pty Ltd
Aperio Group Pty Limited
APS Food & Nutrition
Asia Pacific Blending Corporation
Australian Institute of Management
Australian Mint Oils & Flavours Pty Ltd
Barry Callebaut Asia Pacific
Bronson & Jacobs Pty Ltd
Buhler AG
Bundaberg Sugar Ltd
Calico Cottage Fudge Systems Pty Ltd
Carroll Partners Pty Ltd
Cathay Pigments Australia Pty Ltd
Chr. Hansen Pty Ltd
Commonwealth Bank of Australia
Confectionery Consulting - Apercu Pty Ltd
Controlled Climate Logistics Pty Ltd
CRT Group
Danisco Australia
Detmold Flexible Packaging
DTS Food Laboratories
EFCA Pty Ltd
Elliott Automation
Essential Flavours & Ingredients Pty Ltd
Firmenich Ltd
Food Chem Trading Pty Ltd
FTA Food Solutions Pty Ltd
Gelita Australia Pty Ltd
Givaudan Australia Pty Limited
Huhtamaki Australia Pty Ltd
IMCD Australia Limited
Innovia Films Pty Ltd
Insurance Solutions Corporation Pty Ltd
International Spice Corporation Pty Ltd
Invita Australia Pty Ltd
Juremont Pty Ltd
Kerry Bio-Science
Kingfood Australia Pty Ltd
Kingsway Confectionery
Langdon Ingredients
Mandurah Australia Pty Ltd
Manildra Group
Mastertaste - A Kerry Group Company
Med-Chem Ingredients Pty Ltd
Murray Goulburn Co-operative Co Ltd
MWT Foods
National Australia Bank
NID Pty Ltd
Pacific Resources International Pty Ltd
Peanut Company of Australia Limited
Peerless Foods
Penford Australia Limited
Plantic Technologies Ltd
Ravenswood Australia
Richard Foot Pty Ltd
Sabpac Pty Ltd
Salkat Australia Pty Ltd
Scalzo Food Industries
Select Harvests
Selpak Automation Pty Ltd
Sensient Technologies Australia
SGS Australia Pty Ltd

Shorko Australia Pty Ltd
St. George Bank Limited
Sugar Australia Pty Limited
Symrise Pty Ltd
Tate & Lyle ANZ Pty Ltd
The Product Makers (Aust) Pty Ltd
TNA Australia Pty Ltd
Walls Machinery Pty Ltd
William Angliss Institute

New Zealand

APS Food & Nutrition (NZ)
Bronson & Jacobs NZ Division
Danisco NZ Limited
Fonterra Co-operative Group Limited
Gelita NZ Ltd
Ingredient Techniques New Zealand Limited
International Flavours & Fragrances NZ Ltd
Invita NZ Ltd
Kauri New Zealand Limited
New Zealand Sugar Company Limited
Penford New Zealand Ltd
Production Techniques Ltd
Sensient Technologies New Zealand
Taura Natural Ingredients Ltd
TNA New Zealand Ltd
Zymus International Ltd

International

Kennedy's Publications Ltd
MC / Manufacturing Confectioner
PMCA

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Manufacturers

Australian