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Standards

Country Report

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Approved by:

Randolph H. Zeitner

U.S. Embassy

Prepared by:

Lindy Crothers

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AUSTRALIA: FOOD IMPORT REGULATIONS AND STANDARDS

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DISCLAIMER: This report has been prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Canberra, Australia for U.S. exporters of domestic food and agricultural products. While every possible care has been taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

Please contact this office if you have any comments, corrections or suggestions about the material contained in this report. Our e-mail address is: AgCanberra@fas.usda.gov.

Office of the Agricultural Counselor
U.S. Embassy
Moonah Place
Yarralumla, ACT 2600
Australia
Phone: +(61-2) 6214-5854
Fax: +(61-2) 6273-1656

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INTRODUCTION

Although Australia is a major producer of raw materials and processed foods, it still imports a considerable volume of food and beverages. While locally based producers provide about 93 percent of domestic consumption, the rate of importation has continued to increase steadily over recent years. There are a number of reasons for this:

- the changing population mix in a multicultural society whereby people desire foods from home
- the variety of quality, low cost foods increasingly becoming available in world markets from developing countries
- the inability of domestic food producers to satisfy local demand
- Australian consumer tastes are changing - people are prepared to experiment with new foods and cuisines.

Many imported foods are not competing with domestic products either because Australia doesn't produce or process such foods or local production is insufficient to meet demand (e.g. peanuts, pineapple, champignon, tea, coffee, cocoa, spices and coconut).

The total value of processed food and beverage imports for the 12 months ending June 1999 amounted to A\$4.138 billion.

Market share for food and beverage imports is estimated to be nine per cent of the estimated Australian food and beverage market. The largest contributors to total processed food and beverage imports were fruit and vegetables (20.3 percent), tea, coffee, spices and other miscellaneous foods (10.6 percent), spirits (10 percent) and processed oil and fat (6.8 percent).

These product categories account for almost 90 per cent of all food imports into Australia. All foods sold in Australia must comply with a range of laws designed to protect public health and safety and to assist consumers. These laws apply equally to imported and locally produced foods. The following information deals with both public health and quarantine (i.e. animal and plant health) requirements for foods exported to Australia.

The requirements are quite different but the import clearance of foods is the responsibility of the Australian Quarantine and Inspection Service (AQIS) and is coordinated under the Import Clearance Program.

When any food is imported into Australia it must first comply with quarantine requirements and then with food safety requirements.

Information on various sectors of the Australian market are available from the [FAS Attache Reports](#) site on the internet. Conduct an AGR number search (option 3) for the following report numbers:

- Retail Sector Report - AS9055
- Food Processing Sector Report - AS0021
- Hotel, Restaurant & Institutional Sector Report - AS0012
- Organic Products Report - AS0019
- Kosher Foods Report - AS9044
- Exporter Guide - AS9056

SECTION I: FOOD LAWS

The Australia New Zealand food standards development system is a cooperative arrangement between Australia, New Zealand and the Australian States and Territories to develop and implement uniform food standards. The system for the development of joint Australia New Zealand food standards is established under a treaty between Australia and New Zealand signed in December 1995. Within Australia, the system is based upon a 1991 Commonwealth, State and Territory Agreement in relation to the adoption of uniform food standards.

The system is implemented by food legislation in each State and Territory of Australia and in New Zealand, and by the Australia New Zealand Food Authority Act 1991 (the ANZFA Act) of the Commonwealth of Australia. The ANZFA Act establishes the mechanisms for the development of joint food standards and creates the Australia New Zealand Food Authority as the agency responsible for the development and maintenance of a joint Australia New Zealand Food Standards Code.

Although food standards are developed by ANZFA, responsibility for enforcing and policing food standards rests with the States and Territories in Australia and the New Zealand government in New Zealand. Each government has one or more agencies responsible for food surveillance within their health administration charged with the task of ensuring the requirements of the Food Standards Code are met.

The Food Standards Code is a collection of individual food standards, collated into a number of Parts. Part A deals with standards which apply to all foods. Parts B-Q deal with standards affecting particular classes of foods. Part R deals with special purpose foods. Parts S and T deal respectively with miscellaneous and transitional foods.

Food standards are published in the Food Standards Code once they are approved. The Food Standards Code has the same standing as the U.S. Code of Federal Regulations.

ANZFA is currently reviewing the Food Standards Code to deliver food regulations which are performance based and thus less prescriptive than the existing food standards code. It focuses on food safety issues, prevention of fraud and deception and provision of consumer information. The proposed new draft code does not include minimum standards for most food products, however several products will continue to have minimum standards due to public concerns over their proposed removal. To offset the removal of minimum standards, the proposed new draft code includes new labeling requirements which will give the percentage of characterizing ingredients in food products. A requirement to provide nutritional information about the amounts of fat, protein, energy, carbohydrate and sodium is also included in the draft food standards code.

The first draft of the new joint food standards code was released late in 1999 for comment. A revised version of the draft code was presented to health ministers in July 2000 for consideration. The current timetable indicates that it will go to the Australia New Zealand Food Standards Council (ANZFSC) for consideration later this year (November) for final consideration and if approved will give Australia and New Zealand a joint food standards code for the first time. Once introduced, there will be a period of 18 months during which both codes will be in force in parallel (until approximately May 2002). During this period, a food will be able to be sold if it complies EITHER with the current standards OR with the new joint code (not a combination of both). After that time, only products meeting the requirements of the new joint code will be accepted.

The Code applies to all packaged food which is sold in Australia, which includes retail and wholesale food given away in competitions and food provided as part of a tour or entertainment.

Unpackaged food is not required to be labeled unless specifically stated in a standard, however, it must comply with the compositional requirements of the Code.

Standards or variations to standards developed by the Authority are recommended for adoption to a council of health ministers known as the Australia New Zealand Food Standards Council. This Council is the food standards decision-making body. Standards adopted by the Council are published in the Commonwealth of Australia Gazette and the New Zealand Gazette. The standards published in the gazettes are adopted by reference and without amendment into the food laws of the Australian States and Territories and of New Zealand.

Food standards have the force of law. It is criminal offence to supply food which does not comply with relevant food standards. They are enforced by State and Territory governments.

The most recent version of the Food Standards Code can be downloaded at the following site:

<http://www.anzfa.gov.au/foodstandardscode/>

Australia New Zealand Food Authority (ANZFA)

The Australia New Zealand Food Authority is a statutory authority operating under the Australia New Zealand Food Authority Act 1991. ANZFA works with a Council of Health Ministers - the Australia New Zealand Food Standards Council (ANZFSC) - to develop and maintain laws and systems which regulate food in Australia and New Zealand.

ANZFA, in cooperation with the Australian Commonwealth, State and Territory governments and the New Zealand Government, is responsible for developing, varying and reviewing standards for all food available in Australia and New Zealand. When it develops food standards or amendments to food standards, the Authority makes decisions by considering them against the objectives set out in the Act. These are, in order of priority:

- protecting public health and safety;
- providing adequate information to enable consumers to make informed choices and to prevent fraud and deception;
- promoting fair trading in food;
- promoting trade and commerce; and,
- promoting consistency between domestic and international standards where these are at variance.

Food standards can be varied through a process which starts either by receipt of an application or by preparation of a proposal. Manufacturers wanting to introduce a new foods, make a food using a new process or use a new additive, should first check to see whether the Code already has suitable standards. Where it doesn't, they can ask the Authority to develop a new standard or vary an existing one. ANZFA now prepares a Work Plan for developing food standards. The work, which operates on a financial year (July-June) basis, falls into three groups:

- | | |
|---------|---|
| Group 1 | Priority matters having health/safety considerations and/or consumer interest; |
| Group 2 | Other matters, to be processed over a rolling three-year period, where no fee is paid; |
| Group 3 | Applications for which a fee has been paid and which will be managed separately. This group covers cases where an application covers an exclusive capturable commercial benefit to the applicant, or where the applicant chooses to have the application dealt with separately and quicker. |

All applications and proposals will be categorized according to complexity to assist in scheduling and setting fees:

Category	Average time to complete (hours)	Charge (A\$)
1. Very Simple	25	A\$2,800
2. Simple	125	A\$14,000
3. Average	300	A\$33,600
4. Complex	500	A\$56,000
5. Highly Complex	750	A\$84,000

Charges will be imposed only where applications are progressed as a Group 3 application. Goods and Services Tax (10%) will be charged except on applications received from overseas.

If you wish to apply for the development of a new standard or variation of an existing standard, an application form can be obtained by writing to:

Standards Liaison Officer
Australia New Zealand Food Authority
P.O. Box 7186
Canberra Mail Centre ACT 2610
Australia
Tel: +61-2-6271 2222
Fax: +61-2-6271 2278
E-mail: info@anzfa.gov.au
Web Site: <http://www.anzfa.gov.au>

In Australia, ANZFA also:

- Coordinates surveillance of food available in Australia;
- Coordinates food product recalls in cooperation with the States and Territories;
- Conducts research on matters that may be included in a food standard;
- Undertakes food safety education initiatives in cooperation with the States and Territories;
- Develops Codes of Practice for industry on any matter that may be included in a food standard;
- Develops risk assessment policies for foods imported into Australia.

ANZFA can be contacted at the following address:

Australia New Zealand Food Authority
P.O. Box 7186
Canberra Mail Centre, ACT 2610
Australia
Tel: +61-2-6271-2222
Fax: +61-2-6271-2278
E-mail: info@anzfa.gov.au
Web Site: <http://www.anzfa.gov.au>

Accessing the Australian Market

All foods sold in Australia must comply with a range of laws designed to protect public health and safety and to assist consumers. These laws apply equally to imported and locally produced foods. The following information deals with both public health and quarantine (i.e. animal & plant health) requirements for foods exported to Australia. The requirements are quite different but the Import Clearance of foods is the responsibility of Australian Quarantine and Inspection Service (AQIS) and is coordinated under the Import Clearance Program.

Imported Food Program

The Imported Food Program is an AQIS program to ensure that all food imported into Australia is inspected against Australia New Zealand Food Standards Code thus meeting the same hygiene, health and labeling requirements as Australian produced goods. Since the proclamation of the Imported Food Control Act 1992 in June 1993, all food imported into Australia is liable to be subjected to inspection or inspection and analysis under the Imported Food Program (IFP).

Although AQIS has operational responsibility for this program, the [Australia New Zealand Food Authority \(ANZFA\)](#) is responsible for developing food risk assessment policy. The standards which are applied to imported food are principally those found in the Australia New Zealand Food Standards Code.

Under the Imported Food Program (IFP), foods are classified according to the potential risk to human health based on the nature of the food and historical inspection data. The three inspection categories are:

Risk category foods

Foods which have been risk categorized by the ANZFA are those foods which are deemed to represent the highest potential risk to human health. All consignments of risk categorized food lodged with Customs are referred to the IFP, with the intensity of inspection dependent on the compliance history of overseas producers (manufacturers) of the food. Producers whose food products consistently comply with Australian requirements will be inspected at a less intensive rate than those with a poor compliance rate. All producers will have their foods inspected at the initial rate of 100 percent of consignments. Usually after five consecutive consignments have passed inspection, the foods are inspected at a less intense rate of one in four consignments on a random basis. Twenty passes must be achieved before the rate reduces to one in 20 on a random basis, providing imports continue at a steady rate.

While specific commodities may be specified below, AQIS may inspect and analyze other foods which it has reason to believe may not comply with the requirements of the Food Standards Code.

Risk categorized foods are:

- Canned tomatoes and tomato products in lead soldered cans
- Cheese (selected) - Fresh cheese (including whey cheese), not fermented, Surface-ripened soft cheese, including Camembert and brie, Curd, Havarti, Roquefort, Stilton, Soft smoked cheese.
- Cinnamon (dried crushed or ground)
- Chicken meat, cooked and chilled/frozen and chicken meat products
- Cinnamon
- Coconut (desiccated)

- Crustaceans cooked and chilled (including cooked & peeled prawns)
- Crustaceans cooked and frozen (including cooked & peeled prawns)
- Fish (species *Rexea solandri*, shark, tuna, dogfish, smoked or smoke flavored fish)
- Marinara Mix (chilled or frozen)
- Molluscs ready for consumption, oysters, mussels, clams, cockles, scallops, etc.
- Mushrooms canned
- Mussels
- Paprika (dried, crushed or ground)
- Peanuts (raw, blanched or roasted, whether in shell or not and whether ground or not) and peanut-based products.
- Pepper
- Pig meat cooked and chilled or frozen including cured pig meat

Active surveillance category foods

Certain foods are classified for active surveillance by ANZFA in order to gather more information about them. Foods in this category have, through their previous inspection history, indicated that more intensive inspection is required to determine if the food should be categorized as Risk or return to the Random surveillance level. Foods in this category are selected for inspection at a rate of 10 percent of the kind of food per country of origin.

Random surveillance category

All other foods not in the risk or active surveillance categories are random surveillance category foods. Foods in this category are referred to AQIS by Customs at the rate of 5 percent of shipments for inspection.

Holding Orders

Holding orders are applied to foods inspected under the active and random surveillance categories. Where a shipment of food in these categories has failed an Australian food standard on inspection or analysis, a Holding Order is applied to that kind of food from the manufacturer and country identified. Future consignments from the offending supplier will be held for inspection or analysis. AQIS arranges with Customs to have the current referral rate (10 percent for Active or 5 percent for Random) of the food increased to 100 percent while the Holding Order is in force. Once detained, the goods must be held pending the results of the inspection or the return of satisfactory laboratory results. On passing inspection and/or analysis the food is released to the importer. Future shipments of foods on a Holding Order are inspected at the 100 percent rate until demonstrated compliance is achieved (usually after five consecutive shipments have passed inspection).

Trade Samples

The amounts of food that may be imported as trade samples for the purposes of scientific or commercial evaluation are:

- For foods in liquid form, up to 20 liters
- For foods not in liquid form, up to 20 kilograms
- For concentrated liquid foods (however packed), that are used in the preparation of other foods or are not usually consumed unless as part of a prepared food, not more than 2 liters
- For moisture reduced foods (however packed), other than liquid foods, that are used in the preparation of other foods or are not usually consumed unless as part of a prepared food, not more than 2 kilograms net weight
- For spices (however packed) that are used in the preparation of other foods or are not usually consumed unless as part of a prepared food, not more than 1 kilogram

Food imported as trade samples must not be consumed by any person.

All incoming shipments of food must be declared to the Australian Customs Service using the international harmonized tariff schedules. AQIS has a direct linkage to the Customs computer network and is able to place impediments on foods which require clearance.

Importers of targeted foods are obliged to go to AQIS to secure the release of the goods. With risk category foods, the criterion for the release of goods is based on the compliance history of the producer whether or not the food needs to be inspected.

AQIS maintains its own computer network linking inspectors in all States. The system holds records of the inspection status of all overseas suppliers of risk foods and through the network, inspection staff can be notified as to whether or not an inspection for a particular shipment is required.

While the focus of the Imported Food Program is on food safety, imported foods must comply with all requirements of the Australia New Zealand Food Standards Code. It is the legal responsibility of the importer to ensure they do so. U.S. exporters should not assume that because their products are accepted in other markets (e.g. European Union, Japan) that they will be automatically accepted in Australia. Often the Australian standards differ in such areas as the description of the product; its composition; the use of preservatives, if any preservatives are permitted (and what residual levels may remain); what colorings are permitted and at what levels.

AQIS inspectors check the food against the requirements of the Food Standards Code (FSC). Inspectors examine all referred foods for labeling compliance and a visual inspection of the food. The visual inspection involves, where necessary, opening the packages and examining the food for contamination and the package for defects that may impact on food safety.

Inspectors will ensure that the label:

- is in English
- has an accurate trade description
- has manufacturer/importer details
- has the Country of Origin declared
- has batch/lot codes
- has use by dates (in the correct format)
- has net weight - contents
- has statement of ingredients (where appropriate)

Australia does not require nutritional labeling except where a nutritional claim is made on the main label. In such cases, a nutritional panel in the form prescribed in the Food Standards Code must be included with a statement of the nutritive value per 100gm provided in descending order for each of the ingredients. See Section VII of this document for an example of the Australian nutritional panel.

Australian food law does not permit the use of health or therapeutic claims on food labels.

Rather than reject foods for import entry, AQIS will allow corrective action to be taken for significant breaches and minor defects will generally be cleared on an undertaking from the importer that the problem will be fixed. However, repeated failures could result in a Holding Order being issued against the offending supplier.

At the time of the inspection, the AQIS officer may take samples for laboratory analysis to determine the food's microbiological status, levels of any pesticide residues, the correct use of additives and the food's composition. Generally, the officer will inform you what tests are considered necessary and why.

It is the importer's responsibility to ensure that the foods they import comply with the requirements of the FSC. The requirements of the FSC can be complex and if you are not sure if your foods will comply check with your importer and have them seek legal advice or ask a consultant food technologist.

Having a food assessed prior to importation reduces the risk of any unnecessary delays and any additional expense if food is found not to comply after arrival in Australia.

Where U.S. exporters are in any doubt about what quarantine prohibitions or restrictions may apply to foods that they are interested in exporting to Australia, they are encouraged to contact AQIS prior to shipment.

Imported Food Inspection Program
Australian Quarantine & Inspection Service
Fax: +61-2-6272-3682
E-mail: foodimp@aqis.gov.au

Quarantine

When any food is imported into Australia it must first comply with the quarantine requirements. At this stage, quarantine has priority over food safety programs.

Through quarantine measures, Australia aims to minimize the chances of exotic pests and diseases entering Australia by strictly controlling the entry of animals and goods, including biological and genetic material. Food is an area of particular concern. Fresh and partially processed foods brought into Australia are seen to have the potential to introduce exotic pests and diseases.

Control in Australia is achieved by the total prohibition of some foods, or foods from certain countries. Additionally, Australia has strictly controlled import conditions that require various treatments (e.g. fumigation), time/temperature controls, etc. which must be supported by import permits and attestations on export certificates from authorities in the country of origin.

Australia requires attestations from authorities in the country of origin particularly with regard to:

- chicken meat
- pork
- beef
- egg and egg products
- tropical fruits and vegetables
- dairy products
- salmon (fresh), and
- oysters

All of these products are either not permitted, or are permitted under strict supervision. Generally, if a food is processed to an extent that would eliminate the hazard which is of quarantine concern to Australia, there is no restriction.

U.S. exporters need to determine exactly what restrictions exist on the foods they wish to export to Australia. In some cases a prohibition exists simply because no-one has requested an import risk analysis from which appropriate control measures can be determined.

The Australian government has a formal mechanism in place for evaluating the degree of risk associated with the importation of certain products or produce from foreign countries. The evaluation procedure involves other governments, industry groups, academia and consumers. The evaluation is often a protracted exercise and can take some years to complete, particularly for foods which are unprocessed or only partially processed as these represent the greatest danger of carrying pests and diseases into Australia

SECTION II: LABELING REQUIREMENTS

The Australia New Zealand Food Authority (ANZFA) has responsibility for the administration of the Food Standards Code, which is subject to frequent amendment. The labeling requirements stated below are subject to change and so the Food Standards Code should be consulted for definitive information on current food labeling requirements. For more information about the Food Standards Code, contact [ANZFA](#). As mentioned in Section I, the Food Standards Code is currently under review. Until the new Food Standards Code is adopted, the current standards will apply.

General Labeling Standard

Standard A1 of the Australian Food Standards Code (FSC) sets out general labeling requirements. Standard A2 sets out the requirements for date marking of packaged food. Other standards throughout the Code also have specific labeling requirements that are in addition to those required by Standard A1.

Some information must appear on all labels of packaged food. This is as follows:

The Name of the Food

All packaged food must have a food name or appropriate designation. ***Minimum print height 3 mm.***

The name of the food may sometimes be prescribed by the FSC if there is a standard for that food. The name of the food as stated in that standard is the prescribed name and it is the name which must appear on the label.

If a name is not prescribed or a standard does not exist for a food, the label must carry an appropriate designation. An appropriate designation is any name which clearly indicates the nature of the food and which will not confuse, mislead or deceive consumers. It is not to represent any single ingredient of a food nor is it to mislead or deceive regarding the origin, character or place of manufacture of a food.

Name and Address (refer to clause (2) of Standard A1)

The name and address of the importer associated with the sale or importation of the food in Australia must appear on the label for recall purposes. This means that food imported from countries other than New Zealand must display the name and address of the vendor or importer on the package.

For imported products intended for the food service sector (i.e. non-retail packs), the name and address of the importer must appear on the package offered for sale by the importer. This may be the outer which contains a number of inner packs. If the importer has knowledge of, or becomes aware that subsequent buyers are offering the inner packs at retail level, documentation must be available to trace the goods back to the importer.

A typical address will include a street number, street name, suburb, city or town, and the State, Territory or country. **Minimum print height 1.5 mm.**

Lot Identification (refer to clause (3) of Standard A1)

The FSC requires that packaged food show 'lot' identification. A 'lot' is a quantity of food prepared under the same general conditions, from a particular packing or preparation unit, during a particular period (normally less than 24 hours). 'Use-by' or packing dates may satisfy this requirement providing the date is expressed in a manner that identifies the day/month/year and performs the same function as a lot code..

The lot identification may be marks or codes devised by the manufacturer. There are no prescriptions for type size or color contrast.

Country of Origin (refer to clause (4) of Standard A1)

The label must include the country in which the food was made or produced. If the address of the overseas manufacturer includes the name of the country then no additional country of origin labeling is required.

Date Marking (refer to Standard A2)

All packaged foods manufactured or produced in or imported into Australia which have a durable life of less than two years must be marked with a date indicating the minimum durable life. This is the period during which it can reasonably be expected that the food, when appropriately stored, will retain its 'wholesomeness', nature and quality.

The requirements relating to date marking vary according to the minimum durable life of the food. Food legislation distinguishes between:

- very short life food which is food with a minimum durable life of less than 7 days;
- short life food which is food with a minimum durable life of 7 days or longer but less than 90 days; and
- longer life food which is food with a minimum durable life of 90 days or longer, but less than 2 years.

The date given must be used with one of the following phrases: 'Use-by' or 'Best before' or 'Packing date' or 'Packed on' or 'PKD'. Bread may use the statements "baked on" or "baked for". Where special storage conditions are required to ensure that the minimum durable life or use-by date of the food is accurately stated, those conditions of storage must be stated on the label.

Date marking should be in capital letters and figures *not less than 3 mm* high and should be clear and prominent. Where the date is displayed by embossing and is not in color contrast the print height is a *minimum 4.5 mm*.

Weights and Measures Requirements

Package weight is not governed by the FSC. Each State and Territory has its own legislation dealing with the declared weight labeling requirements of packaged food.

All packaged food must show the net weight of the food within the package. Shippers or outer cartons must show the net weight of individual packages as well as a count of packages within the shipper or outer carton.

Ingredient Labeling Requirements

The FSC requires the ingredients of most foods to be stated.

An ingredient list must name the ingredients of the food in descending order based on the in-going proportion by weight. If water is an ingredient it may either be declared in its appropriate place in the list or be declared last as 'water added'.

Generally, the ingredients must be identified either by their prescribed name or, if there is no prescribed name, by an appropriate designation.

In the case of some ingredients it is sufficient to state the name of the class to which they belong. A list of the classes of ingredients for which this option is available can be found in paragraph (5)(f) of Standard A1 of the FSC.

An international numbering system has been developed for food additives which must be declared by stating their class name followed by either the food additive number or the full name of the substance.

Where there is more than 25 mg/kg of sulphur dioxide in a food it must be declared in the ingredient label or separately on the label.

If the food contains an artificial sweetening substance this must be separately declared on the label, in addition to its inclusion in the ingredient list.

The presence of peanuts in food must always be declared.

Exemptions (refer to clause (5) of Standard A1)

Some foods are exempt from ingredient labeling. Food in packages that have a total surface area of less than 100 cm² are exempt. Foods where the name of the food identifies all of the ingredients for example, mussels in cottonseed oil and single item foods including such things as desiccated coconut, frozen fish fillets and frozen prawn meat etc do not require a statement of ingredients. Packages of food not intended for consumer sale (e.g. caterer packs, packs for further processing etc) may be exempted from ingredient labeling if documentation showing the ingredients accompanies the products. Alcoholic beverages, flavorings and soft drinks in bottles with crown seals are exempt from ingredient labeling.

General Print Requirements

All required words, statements or expressions must be:

- written in English;
- clear, easily read and permanent;
- easily seen by a person reading the label;
- in standard type of at least 1.5mm (except where the FSC provide for an exemption) using characters of uniform size, style and color; and
- in a color which provides a distinct contrast to the background

Further information on ‘size of type’ and ‘standard type’ will be found in the Preliminary Provisions of the FSC.

Restrictions and Prohibitions

Certain information and claims are prohibited or may only be used in limited circumstances.

Trade Names

Trade names, fancy names and business names should not be false or misleading.

Nutrition Claims

Food labels may include statements that the food has general or specific nutritional properties. Where a nutrition claim is made the label must also contain a nutrition panel, otherwise nutrition panels are not required. For detailed guidance on this topic, refer to clause A1(13) of the FSC.

Other Claims (refer to clause (19) of Standard A1)

A number of other claims are subject to restrictions. Restricted or prohibited claims include the following:

- claims for therapeutic and prophylactic action are prohibited;
- words, statements, claims or designs which could be interpreted as advice of a medical nature are prohibited;
- the name of or reference to any disease or physiological condition is prohibited;
- claims that food is for specific dietary use are restricted and reference should be made to Standard R1 in the FSC;
- a statement or claim that a food is slimming food or has weight reducing properties is prohibited; and
- the use of any part of a certificate of analysis is prohibited.

Words and Expressions

The use of certain words and expressions are restricted. Words such as polyunsaturated, 'pure', 'natural', 'organic', 'low alcohol', 'non alcoholic', 'health' and 'vitamin enriched' etc are restricted and guidance should be sought from the relevant product standard.

Pictures and Designs

Generally, pictures and designs of food may be included in labels to illustrate recipes using the food or to suggest ways of serving it. Such illustrations must be accompanied by the words 'Recipe' or 'Serving suggestion' written in the standard type. The illustrations must not mislead or deceive consumers.

Pictures or designs may be prohibited on certain foods and manufacturers and importers should familiarize themselves with the restrictions in the FSC.

Specific Foods

Individual standards contain labeling requirements for specific foods. The specific Standard should always be consulted when developing labels for specific foods:

There shall be written in the label on or attached to a package containing formula dietary food -the words -'FORMULA DIETARY FOOD'

There shall be written in the label on or attached to a package containing carbohydrate modified food the words "CARBOHYDRATE MODIFIED (here insert the name of the food) with a table detailing the carbohydrate components of the food

The label of the packaging on alcoholic beverages must contain a declaration of the ethanol content at 20C and a statement as to the number of standard drinks contained in each package.

Some dairy products are required to have the statement "Keep Refrigerated", the compositional standards of the FSC should be consulted for detailed information.

Some ingredients are required to be labeled with warning statements. Food containing:

- artificial sweeteners are to be labeled "ARTIFICIALLY SWEETENED";
- aspartame is to be labeled "PHENYLKETONURICS: CONTAINS PHENYLALANINE";
- caffeine is to be labeled "CONTAINS CAFFEINE" (except coffee and tea); and
- low joule foods containing permitted , mannitol, sorbitol, polydextrose, xylitol or isomalt, other than as an humectant, to state in the label 'EXCESS CONSUMPTION MAY HAVE A LAXATIVE EFFECT'.

Labeling of Genetically Modified foods

Currently Standard A18 prescribes mandatory labeling for foods that contain new and altered genetic material and which are not substantially equivalent to their conventional counterparts in a characteristic or property of the food. Where the standard specifies that a food produced using gene technology must be labeled, that label must indicate the biological origin and nature of the characteristic or property modified. Negative claims (e.g., that foods are not, or do not contain, genetically modified material) are permitted, provided they do not contravene existing fair trading laws relating to consumer deception.

The standard does not regulate food additives and processing aids that are derived from genetically modified organisms (GMO). This is because other standards in the Food Standards Code regulate these substances.

ANZFA has developed guidelines for the risk-based, case-by-case assessment of foods to be included in the Standard. These guidelines are contained in the document [Guidelines for the Safety Assessment of foods to be included in Standard A18 - Food Produced Using Gene Technology](#)

On 28 July 2000, the Australia New Zealand Food Standards Council (ANZFSC) agreed to new labelling rules for genetically modified (GM) foods. ANZFSC comprises the Health Ministers from the Commonwealth, New Zealand and the States and Territories of Australia.

The new food standard will require the labelling of food and food ingredients where novel DNA and/or novel protein is present in the final food. It also requires labelling of food and ingredients where the food has altered characteristics.

Exempt from these requirements are:

- highly refined food, where the effect of the refining process is to remove novel genetic material and/or novel protein;
- processing aids and food additives, except where novel genetic material and/or novel protein is present in the final food;
- flavours which are present in a concentration less than or equal to 0.1 per cent in the final food; and
- food prepared at point of sale (eg restaurants, hotels, take-aways).

The new standard allows any one ingredient in a food to contain up to one per cent of genetically modified material where its presence in the ingredient is unintended.

A draft standard based on the ANZFSC decisions is being considered by all Ministers. Subject to their final endorsement, it is likely to be gazetted in September 2000. To give food manufacturers and importers time to ascertain the status of their products and revise their labels, the new standard will take effect twelve months from gazettal - that is, in September 2001 (if gazetted in September 2000).

SECTION III: PACKAGING AND CONTAINER REQUIREMENTS

There are no packaging or container size regulations for food products in Australia. Manufacturers may pack food in any size container. The only restrictions relate to the possible contamination of food from the packaging. If packaging could contaminate food in any way it may not be used.

SECTION IV: FOOD ADDITIVE REGULATIONS

Save where expressly permitted by the Food Standards Code, the addition of a food additive including any coloring, flavoring, preservative, antioxidant, artificial sweetener, vitamin, mineral, modifying agent or other substance to food is prohibited. Any reference in the Code to the additional or use of 'other foods' in the composition of a food for which a standard is prescribed, should not be construed as permission for the use of a food additive. Specifications for food additives are listed in Standard A11 - Specifications for Identity and Purity of Food Additives, Food Processing Aids, Vitamins, Minerals and Other Added Nutrients.

Additives must always be declared either in the statement of ingredients as: 'flour, fruit, colors (104, caramel), preservatives (sulphur dioxide, 234), or must be labeled with the statement: 'COLOR (here insert the prescribed name, appropriate designation or code number of the color) ADDED'. The same statement applies to preservatives, flavorings and flavor enhancers.

Relevant Standards in the Food Standards Code are:

- A3 Food Additives
- A4 Preservatives
- A5 Colorings
- A6 Flavorings and Flavor Enhancers
- A7 Antioxidants
- A8 Artificial Sweetening Substances
- A9 Vitamins and Minerals
- A10 Modifying Agents

The Schedule for Standard A1 contains a listing of food additives and their code numbers.

The most recent version of the Food Standards Code can be downloaded at the following site:

<http://www.anzfa.gov.au/foodstandardscode/>

SECTION V: PESTICIDE AND OTHER CONTAMINANTS

Standard A14 lists the maximum allowable limits for agricultural and veterinary chemical residues present in food. Schedule 1 lists all of the agricultural and veterinary chemical limits in particular food. If a maximum residue limit for an agricultural or veterinary chemical in a food is not listed in Schedule 1 there must be no detectible residues of that agricultural or veterinary chemical in that food. Schedule 2 groups certain agricultural and veterinary chemicals according to their chemical groups. Commodity and commodity groups which are referred to in this Standard are listed in Schedule 3. Schedule 3 also specifies the part of the commodity to which the maximum residue limit refers.

Maximum residue limits are constantly being reviewed and updated. Often these limits will not be the same as Codex although in the revision of the FSC which is currently underway, Australia is seeking to align with Codex as far as possible.

SECTION VI: OTHER REGULATIONS AND REQUIREMENTS

Labeling rules apply also to advertising of the product. Anything required or prohibited on a label must either appear or not appear in any printed, oral or televised advertisement for that product.

It is an offence to label or to advertise food in a manner which is false or misleading in any particular, or deceptive. This is spelled out in the State and Territory Food Acts and Trade Practices Act of the Federal Government.

Approval of Genetically Modified Foods

The current standard (A18) requires that any genetically modified food must be assessed as safe by ANZFA before it is allowed on the market. If it is a viable crop, it must also first be approved by the Genetic Manipulation Advisory Committee in Australia.

Genetic Manipulation Advisory Committee (GMAC)
GPO Box 2183
Canberra, ACT 2601
Australia
Tel: (+61-2) 6270-4318
Fax: (+61-2) 6270-4310
Email: gmac.secretariat@health.gov.au
Web Site: <http://www.health.gov.au/tga/gene/gmac/gmac.htm>

Quality Assurance (QA) Systems

AQIS has the facility to enter into quality assurance (QA) agreements with overseas manufacturing establishments. Under a QA arrangement, the supplying company must have a documented operating Hazard Analysis and Critical Control Point (HACCP) based quality systems capable of delivering food that meets Australian standards. The system must be based on the ISO 9000 series of quality management standards.

For further details on QA systems for overseas manufacturers, see ["Quality Assurance \(QA\) Arrangements – Guidelines for the Imported Foods Program"](#).

Fees and Alternative Inspection Arrangements

Foods selected for AQIS clearance attract quite significant fees, currently A\$36 to secure release, and A\$68 per half hour to carry out an inspection and then the costs of analysis which can run into several hundred dollars. To avoid these costs, AQIS encourages exporters to enter into arrangements with the food inspection agency in their country to obtain certification to accompany each consignment attesting to compliance with Australian requirements.

These arrangements may also be in the form of a Quality Assurance program that ensures foods are prepared to equivalent standards (see above).

AQIS will assess applications and supporting information from relevant authorities in overseas countries before agreeing to a system of certification.

Foods accompanied by certificates from approved agencies are quickly cleared through the customs barrier, assuming quarantine requirements are met. This clearance is without further inspection or expense although random audit checks are conducted at AQIS's expense.

If something is later found to be wrong with a certified food, AQIS will resolve the problem directly with the certifying agency. No administrative action is taken against the importer or the supplier.

The approving foreign country authority is required to resolve the problem to AQIS's satisfaction.

The overseas agency (or agencies) that are approved by AQIS will be able to give exporters advice on Australia's food safety and food standards requirements.

SECTION VII: OTHER SPECIFIC STANDARDS

There are over 200 different standards for individual food products which have been divided into general groups or categories. The composition requirements of these standards usually are highly specific and only the ingredients listed as permitted in a particular food, whether those ingredients are natural or artificial, may be added to that food. Foods not elsewhere standardized, under Australian law, are foods which do not belong to any prescribed category. These foods may be manufactured without prior consultation with government agencies

Standards can be about composition of food; production of food including the amount of food additives that must or may be used in the preparation of the food; packaging, storage or handling of food; any information about food including labeling, promotion and advertising; interpretation of other standards; other public health matters relating to food as are prescribed.

Standardized Food

Provision of the Code defines the composition of a standardized food. The labeling and composition of that food is specifically regulated in a standard and can only contain the ingredients specifically permitted and must have any additional prescribed labeling.

Where there is no provision of the Code which specifically controls the composition of an unstandardized food, or a miscellaneous food, different compositional regulations apply depending on how the food is identified.

Miscellaneous food (Standard S1) standards are any food for which there is no specific standard in the rest of the Code which consists of two or more ingredients.

No additives other than colorings (Standard A5), flavorings (Standard A6) and modifying agents (Standard A10) which are listed in the Code are allowed.

Additives and water are not included as ingredients. All foods must comply with residue, contaminant and labeling standards.

Unstandardized Foods

Unstandardized foods are the 'left overs' - not standardized foods or miscellaneous foods. They contain no additives and are usually single ingredient foods or mixtures of one food and water.

Nutrition Information

A nutritional information panel is required if a nutrition claim is made on the label or if a standard of the Code requires it. A 'nutrition claim' is a representation that states, suggests or implies that a food has a nutritional property whether general or specific or whether expressed affirmatively or negatively.

The Nutrition Information specifically includes a reference to: energy, salt, sodium, potassium, amino acids, carbohydrate, fat, fatty acids, fibre, protein, starch or sugars, any other nutrient.

NUTRITION INFORMATION

Servings per package - (here insert number of servings)		
Serving size ... g (or mL)		
	Per Serving (... g (or mL))	Per 100 g (or 100 mL)
Energy	kJ (Cal)	kJ (Cal)
Protein	g	g
Fat	g	g
Carbohydrate - total	g	g
- sugars	g	g
(here insert any other nutrient to be declared)	g, mg, µg	g, mg, µg
Sodium	mg (mmol)	mg (mmol)
Potassium	mg (mmol)	mg (mmol)

Permitted Health Claims

Currently the Food Standards Code prohibits the general use of health claims on food labels. The existing prohibition is monitored and enforced by the New Zealand and Australian State and Territory health agencies.

The Australia New Zealand Food Authority (ANZFA), the Australian Food Council (AFC), the Commonwealth Department of Health and Family Services, and other Australian and New Zealand food companies and organizations and health and welfare bodies are conducting a pilot to trial a management framework for health claims using one health claim. ANZFA proposed that a health claims pilot project be undertaken to test the use of a health claim and a management framework for health claims generally for the first time in Australia and New Zealand.

Health Ministers gave the go-ahead to the folate/NTD health claims pilot in July 1998. ANZFA amended the Food Standards Code to allow for the first time the use of folate/NTD health claims on foods. The pilot commenced November 1998, for a period of 18 months and in July 2000 the ANZFSC agreed to extend the pilot by 18 months pending the final decision on health claims.

SECTION VIII: COPYRIGHT/TRADEMARK LAWS

Patents, trademarks and copyright are protected by Australian law. Australia is a member of the World Intellectual Property Organization, the Paris Convention for the Protection of Industrial Property, the Berne Convention for the Protection of Literary and Artistic Works, the Universal Copyright Convention, the Patent Cooperation Treaty, the Trans-Tasman Mutual Recognition Agreement for the Patent Attorney Profession, the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure, the Strasbourg Agreement Concerning the International Patent Classification, Nice Agreement for the International Classification of Goods and Services for the Purposes of the Registration of Marks, and the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights.

IP Australia is the Federal Government agency responsible for registrations of patents, trademarks and designs. IP Australia incorporates the Patent, Trade Mark and Designs Offices which administer the Patents Act 1990, the Trade Marks Act 1995, the Designs Act 1906 and associated regulations as well as the Olympic Insignia Protection Act 1987 and the Scout Association Act 1924. More information and [links to the legislation](#). Contact details for IP Australia are:

IP Australia
P.O. Box 200
Woden, ACT 2606
Australia
Tel: (+61-2) 6283-2211
Fax: (+61-2) 6282-5810
Web Site: <http://www.ipaustralia.gov.au>

Patents: Patents are available for inventions in all fields of technology and are the principle system for protecting ownership of any device, substance, method of process which is new or inventive. They are protected under the Patents Act, 1990, which offers coverage for 20 years, subject to renewal. Biotechnological methods of breeding and biotechnologically produced plants and animal products are protectable under the Patents Act (s.18).

Trade Marks: Trade marks may be protected for ten years and renewed indefinitely upon request by registration under the Trade Marks Act, 1995. It is wise for any U.S. exporter intending to market a product in Australia to check with the trade marks office at IP Australia to ensure that its mark or name is not already in use.

Designs: A new or original design may be registered for up to sixteen years. Registration gives the owner the exclusive rights to make, use and sell articles incorporating the registered design.

Copyright: Copyrights are protected under the [Copyright Act, 1968](#). The Attorney-General's Department administers the legislation for automatic rights to copyright and circuit layout rights.

Attorney-General's Department

Robert Garran Offices

National Circuit

BARTON ACT 2600

Tel: (+61-2) 6250-6666

Fax: (+61-2) 6250-5900

Web Site: <http://www.law.gov.au>

SECTION IX: IMPORT PROCEDURE

There is no pre-market approval of either the composition or labeling of any food in Australia. Imported food must comply with all aspects of the Food Standards Code at the point of entry into Australia and New Zealand. The Quarantine and Inspection services perform random inspections on any food imported. High risk foods can be targeted for inspection at a higher frequency.

All goods imported into Australia must be cleared by Customs, whether they be imported by air, sea or post. While imports of low value will generally be released by Customs for delivery direct to consignees, importers are responsible for obtaining a formal Customs clearance for consignments of goods above set value limits (currently A\$250 for goods imported by sea or air cargo and A\$1,000 for goods imported through the postal system).

Cost recovery charges apply for the processing of entries. The cost will depend on whether the entry is an electronic entry or a documentary (manual) entry.

The minimum documentation required to be submitted with customs import entries or Informal Clearance Documents includes an air way bill or bill of lading, invoices, and any other papers (including packing lists, insurance documents, import permits, etc.) relating to the shipment.

Importers are required to ensure that goods entering the commerce of Australia are correctly marked. Customs administers truth in labeling provisions which makes it an offence to knowingly apply, or for imported goods to carry, false trade descriptions.

Customs import entry procedures are based on self assessment by importers who should be aware of all their obligations: penalties may be imposed for the submission of incorrect or misleading information or for the omission of information to mislead. Therefore, while it is not a requirement, it is recommended that importers use the services of a customs broker to complete customs import entries and related clearance formalities. Brokers specialize in the clearance of imported goods and are licensed by the Australian Customs Service.

More information on importing goods into Australia is available from the Australian Customs Service on their Internet Site - <http://www.customs.gov.au/bizlink/imports/index.htm>

The use of local agent representation is recommended.

APPENDIX I: GOVERNMENT REGULATORY AGENCY CONTACTS

Local government authorities who have responsibility for administering and evaluating imported products:

Imported Food Inspection Program
Australian Quarantine & Inspection Service
GPO Box 858
Canberra, ACT 2601
Australia
Tel: (+61-2) 6272-5419
Fax: (+61-2) 6272-3682
E-mail: foodimp@aqis.gov.au

Australia New Zealand Food Authority
P.O. Box 7186
Canberra Mail Centre, ACT 2610
Australia
Tel: +61-2-6271 2222
Fax: +61-2-6271 2278
E-mail: info@anzfa.gov.au
Web Site: <http://www.anzfa.gov.au>

Australian Customs Service
5-11 Constitution Avenue
Canberra, ACT 2601
Australia
Tel: (+61-2) 6275-6666
Fax: (+61-2) 6275-6999
Web Site: <http://www.customs.gov.au/>

Genetic Manipulation Advisory Committee (GMAC)
GPO Box 2183
Canberra, ACT 2601
Australia
Tel: (+61-2) 6270-4318
Fax: (+61-2) 6270-4310
Email: gmac.secretariat@health.gov.au
Web Site: <http://www.health.gov.au/tga/gene/gmac/gmac.htm>

IP Australia
P.O. Box 200
Woden, ACT 2606
Australia
Tel: (+61-2) 6283-2211
Fax: (+61-2) 6282-5810
Web Site: <http://www.ipaustralia.gov.au>

Australian Department of Health & Aged Care
GPO Box 9848
Canberra City, ACT 2601
Australia
Tel: (+61-2) 6289-1555
Fax: (+61-2) 6281-6946
Web Site: <http://www.health.gov.au>

State Departments of Health

ACT Department of Health & Community Care
GPO Box 825
Canberra, ACT 2601
Australia
Tel: (+61-2) 6205-5111
Fax: (+61-2) 6205-1644
Web Site: <http://www.act.gov.au/>

NSW Department of Health
Locked Mail Bag 961
North Sydney, NSW 2059
Australia
Tel: (+61-2) 9391-9000
Fax: (+61-2) 9391-9101
Web Site: <http://www.health.nsw.gov.au/>

Victorian Department of Human Services
555 Collins Street
Melbourne, VIC 3001
Australia
Tel: (+61-3) 9616-7777
Fax: (+61-3) 9637-4477
Web Site: <http://www.dhs.vic.gov.au/>

Queensland Department of Health
GPO Box 48
Brisbane, QLD 4001
Australia
Tel: (+61-7) 3234-0111
Fax: (+61-7) 3234-1480
Web Site: <http://www.health.qld.gov.au/>

South Australian Department of Human Services
11 Hindmarsh Square
Adelaide, SA 5000
Australia
Tel: (+61-8) 8226-8800
Fax: (+61-8) 8226-0725
Web Site: <http://www.dhs.sa.gov.au/>

Health Department of Western Australia
P.O. Box 8172
Perth Business Centre WA 6849
Australia
Tel: (+61-8) 9222-4222
Fax: (+61-8) 9222-4046
Web Site: <http://www.health.wa.gov.au>

Tasmanian Department of Health & Human Services
34 Davey Street
Hobart, TAS 7000
Australia
Tel: (+61-3) 6233-3185
Fax: (+61-3) 6233-6620
Web Site: <http://www.dchs.tas.gov.au/home.html>

Northern Territory Health Services
Health House
87 Mitchell Street
Darwin, NT 0800
Tel: (+61-8) 8999-2400
Fax: (+61-8) 8999-2700
Web Site: <http://www.nt.gov.au/nths/>

SBS & TBT Contacts

Each member government is responsible for the notification procedures associated with agreement under the World Trade Organization (WTO). Examples here relate to the Sanitary, Phytosanitary (SPS) and Technical Barriers to Trade (TBT) Agreements. WTO obligations include notifying any trade significant proposals which are not substantially the same as international standards to the WTO; providing copies of the proposed regulation upon request; allowing time for comments; and also to provide upon request copies of other relevant documents on existing regulations related to food and agriculture. Information on the country's regulations, standards and certification procedures can also be obtained through the Enquiry Point(s) listed below:

SPS Contact Point

Food Standards Policy Section

Australian Quarantine & Inspection Service

GPO Box 858

Canberra, ACT 2601

Australia

Tel: (+61-2) 6272-4542

Fax: (+61-2) 6272-3103

E-mail: sps.contact@aqis.gov.au

TBT Enquiry Point

Trade Policy Issues & Industrials Branch

Trade Negotiations Division

Department of Foreign Affairs & Trade

Canberra, ACT 2600

Australia

Tel: (+61-2) 62

Fax: (+61-2) 62

E-mail: tbt.enquiry@dfat.gov.au

APPENDIX II: OTHER IMPORTANT SPECIALIST CONTACTS

Office of the Agricultural Counselor

U.S. Embassy

Moonah Place

Yarralumla, ACT 2600

Australia

Tel: (+61-2) 6214-5854

Fax: (+61-2) 6273-1656

E-Mail: AgCanberra@fas.usda.gov

American Chamber of Commerce in Australia (NSW & Head Office)

Suite 4, Gloucester Walk,

88 Cumberland Street

Sydney, NSW 2000

Australia

Tel: (+61-2) 9241-1907

Fax: (+61-2) 9251-5220

E-mail: nsw@amcham.com.au

Web Site: <http://www.amcham.com.au>

State Offices**Victoria**

Level 21, 500 Collins Street

Melbourne, VIC 3000

Australia

Tel: (+61-3) 9614-7744

Fax: (+61-3) 9614-8181

E-mail: vic@amcham.com.au

Queensland

Please contact the NSW/Head Office for any Queensland inquiries.

E-mail: qld@amcham.com.au

Western Australia

Level 6, 231 Adelaide Terrace

Perth, WA 6000

Australia

Tel: (+61-8) 9325-9540

Fax: (+61-8) 9221-3725

E-mail: wa@amcham.com.au

South Australia

Level 1, 300 Flinders Street

Adelaide, SA 5000

Australia

Tel: (+61-8) 8224-0761

Fax: (+61-8) 8224-0628

E-mail: sa@amcham.com.au