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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

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Australian Food Sovereignty, Regional Processing and Fair Market Access Bill 2026

No. , 2026

(Agriculture, Fisheries and Forestry)

A Bill for an Act to protect Australia's sovereign food production and processing capacity, preserve fair access to essential agricultural infrastructure, protect farmers and independent processors from abuses of market power, strengthen regional food security, and for related purposes

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A Bill for an Act to protect Australia's sovereign food production and processing capacity, preserve fair access to essential agricultural infrastructure, protect farmers and independent processors from abuses of market power, strengthen regional food security, and for related purposes

Preamble

The Parliament of Australia recognises that:

(a) International Covenant on Economic, Social and Cultural Rights, opened for signature 16 December 1966, [1976] ATS 5 (entered into force for Australia 10 March 1976), articles 6, 7 and 11, concern the right to work, just conditions of earning a living, and the right to an adequate standard of living including adequate food;

(b) International Covenant on Civil and Political Rights, opened for signature 16 December 1966, [1980] ATS 23 (entered into force for Australia 13 November 1980), articles 17, 22 and 26, concern freedom from arbitrary interference, freedom of association and equality before the law;

(c) concentration of food-processing infrastructure, withdrawal of service-kill access, unpublished pricing and regional plant closures can limit the realisation of those rights for farmers and independent agricultural producers;

(d) a processing facility that remains physically open but becomes unavailable to independent producers may cease to perform an effective food-security function; and

(e) public money and concessional resources applied under this Act are to follow Australian persons.

The Parliament of Australia enacts:

Part 1—Preliminary

1 Short title

This Act is the Australian Food Sovereignty, Regional Processing and Fair Market Access Act 2026.

2 Commencement

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information

Column 1	Column 2	Column 3
Provisions	*Commencement*	*Date/Details*
1. Sections 1 to 4 and 59	The day this Act receives the Royal Assent.	
2. Sections 5 to 58 and 60 and Schedule 1	The 90th day after this Act receives the Royal Assent.	

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

(2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in this column may be edited, in any published version of this Act.

3 Objects of this Act

The objects of this Act are the following:

(a) to protect Australia's capacity to produce, process and distribute essential food and agricultural products within Australia;

(aa) to give effect, so far as the Parliament considers appropriate, to articles 6, 7 and 11 of the International Covenant on Economic, Social and Cultural Rights and articles 17, 22 and 26 of the International Covenant on Civil and Political Rights as those articles apply to farmers and independent agricultural producers;

(b) to prevent excessive concentration of ownership or control over strategically important food-processing infrastructure;

(c) to preserve practical processing access for small and medium-sized farmers, growers, livestock producers and independent food businesses;

(d) to protect service-kill, private-kill, toll-processing and equivalent independent processing arrangements;

(e) to prevent dominant corporations from using control of processing, purchasing, distribution or retail infrastructure to substantially weaken independent competitors;

(f) to strengthen competition and bargaining power throughout agricultural supply chains;

(g) to improve transparency in livestock, agricultural and food-processing pricing;

(h) to prevent unfair, arbitrary or retaliatory conduct against farmers and independent suppliers;

(i) to protect regional employment and strategically important food-processing capacity;

(j) to reduce Australia's vulnerability to international supply disruptions;

(k) to promote Australian ownership, regional diversification and decentralisation of essential food infrastructure;

(l) to ensure Commonwealth financial assistance is not provided to foreign persons in respect of food-processing or essential agricultural manufacturing, and that any assistance provided to Australian persons produces measurable public benefit;

(m) to prevent regulatory structures from disproportionately destroying small and regional processors while maintaining food safety, worker safety, environmental and animal-welfare standards;

(n) to ensure Australian energy resources support strategically important Australian food and agricultural manufacturing;

(o) to recognise that the loss of access to processing infrastructure can threaten food security even where the relevant facility remains operational; and

(p) to ensure that food security, sovereign capability, regional resilience and independent market access are treated as matters of national economic security.

4 Constitutional application

This Act applies to the fullest extent of the legislative powers of the Commonwealth, including in relation to:

(a) constitutional corporations;

(b) interstate and overseas trade and commerce;

(c) foreign corporations;

(d) Commonwealth financial assistance;

(e) Territories;

(f) taxation;

(g) telecommunications and data reporting;

(h) external affairs where relevant; and

(i) matters incidental to the exercise of Commonwealth legislative power.

Part 2—Interpretation

5 Definitions

In this Act:

Australian person means a person who is not a foreign person.

ACCC means the Australian Competition and Consumer Commission.

agricultural producer includes a farmer, livestock producer, poultry grower, pig producer, horticultural producer, dairy producer or other person engaged in primary food production.

civil penalty provision has the same meaning as in the Regulatory Powers (Standard Provisions) Act 2014.

Commissioner means the National Food Security Commissioner established by section 10.

dominant processor means a processor designated under section 18 as having substantial market power within a national, State, regional, species-specific or product-specific processing market.

essential agricultural manufacturing includes the manufacture of fertiliser, agricultural chemicals, food-processing inputs, animal feed and other products prescribed by the regulations as strategically important to Australian food production.

food-security infrastructure includes the following:

(a) abattoirs;

(b) slaughterhouses;

(c) poultry-processing facilities;

(d) pork-processing facilities;

(e) livestock-processing facilities;

(f) dairy-processing plants;

(g) service-kill facilities;

(h) cold storage;

(i) food distribution centres;

(j) fertiliser manufacturing facilities;

(k) strategically important feed manufacturing;

(l) regional freight and refrigerated logistics infrastructure;

(m) rendering and by-product processing facilities where their loss would materially affect food processing; and

(n) other infrastructure prescribed by the regulations.

independent producer means an agricultural producer that is not owned or controlled by a dominant processor, major food retailer or vertically integrated food corporation.

major buyer means a dominant processor, major food retailer, wholesaler or other purchaser prescribed by the regulations.

major food retailer means a retailer or wholesaler prescribed by the regulations as having substantial national or regional market power in food and grocery retailing.

prescribed processor means a processor prescribed by the regulations for the purposes of this Act.

processing access means access to an abattoir or other food-processing facility by an independent producer or food business.

reasonable processing distance means a distance prescribed by the regulations having regard to animal welfare, transport cost, species, road and sea transport, regional geography, climatic conditions, consignment size, processing frequency and the economic viability of independent production.

service kill includes any arrangement under which a farmer or other producer retains ownership of livestock or the resulting product and pays another person to slaughter, process, butcher, package or otherwise prepare that product, and includes private-kill and toll-processing.

strategic processing facility means a facility designated under section 12.

foreign person has the same meaning as in the Foreign Acquisitions and Takeovers Act 1975.

this Act includes the regulations.

withdrawal of service includes the following:

(a) permanent cessation;
(b) indefinite suspension;
(c) substantial restriction;
(d) refusal to accept independent producers;
(e) reduction of available processing slots to a level that materially impairs access; or
(f) alteration of commercial terms where the practical effect is to make access commercially impossible.

Part 3—National Food Processing Security Register

6 Establishment of Register

(1) The Minister must establish and maintain a publicly accessible National Food Processing Security Register.

(2) The Register may be maintained in electronic form.

7 Information to be recorded

(1) The Register must, subject to subsection (2), identify the following in relation to food-processing facilities operating in Australia:

(a) the facility;
(b) facility ownership and ultimate beneficial ownership;
(c) processing species and product categories;
(d) estimated annual processing capacity;
(e) approximate utilisation;
(f) service-kill and private-kill availability;
(g) whether independent producers are accepted;
(h) regional catchment areas;
(i) changes in ownership;
(j) material reductions in processing capacity;
(k) announced closures or mothballing;

(l) withdrawal or restriction of service kills;

(m) receipt of Commonwealth financial assistance;

(n) foreign ownership or control;

(o) strategic-facility designation; and

(p) identified food-security risks.

(2) Information that is a trade secret, or that would unreasonably disclose commercially sensitive pricing of a particular contract, need not be published on the Register.

(3) Subsection (2) does not authorise the withholding of the fact of ownership, ultimate beneficial ownership, species processed, whether independent producers are accepted, whether service-kill is offered, foreign control, receipt of Commonwealth money, or an announced closure or mothballing.

8 Mandatory reporting

(1) A prescribed processor must notify the Commissioner within 14 days of any of the following:

(a) a decision to permanently close a processing facility;

(b) a decision to mothball a facility;

(c) a material reduction in capacity;

(d) the withdrawal or material restriction of service-kill access;

(e) a proposed sale or change of control;

(f) the termination of a contract representing 15 per cent or more of annual facility throughput;

(g) circumstances reasonably expected to threaten the continued operation of the facility; or

(h) another prescribed food-security event.

(2) Subsection (1) is a civil penalty provision.

9 Annual national capacity assessment

(1) The Commissioner must publish an annual assessment identifying:

(a) areas with inadequate processing competition;

(b) regions dependent upon a single major facility;

(c) regions lacking practical service-kill capacity;

(d) excessive transport distances;

(e) concentration of processing ownership;

(f) foreign control of strategic processing assets;

(g) material food-security vulnerabilities;

(h) fertiliser and essential agricultural manufacturing vulnerabilities; and

(i) infrastructure requiring urgent investment.

(2) The assessment must identify problems and proposed action and must not consist solely of recommendations for further review.

Part 4—Strategic processing facilities

10 National Food Security Commissioner

(1) The office of National Food Security Commissioner is established.

(2) The Commissioner is responsible for administering Parts 3, 4, 8 and 9 and such other provisions as are conferred on the Commissioner by this Act.

(3) The Commissioner must cooperate with the ACCC, the Treasurer, the Minister and other Commonwealth and State authorities.

(4) The Commissioner is to be appointed by the Governor-General on the recommendation of the Minister for a term of not more than 5 years and may be reappointed.

11 Independence

In performing statutory risk-assessment and enforcement functions under this Act, the Commissioner is not subject to direction concerning the outcome of an individual assessment.

12 Designation of strategic processing facility

(1) The Commissioner may designate a facility as a strategic processing facility if satisfied that its closure, material reduction in capacity or withdrawal of independent access would materially affect any of the following:

(a) food security;
(b) competition;
(c) regional processing availability;
(d) service-kill availability;
(e) animal transport distances;
(f) regional employment;
(g) the viability of small or medium-sized producers;
(h) emergency food-production capacity; or
(i) national sovereign capability.

(2) A designation is a legislative instrument.

Note: Section 42 (disallowance) of the Legislation Act 2003 applies to a designation.

13 Mandatory notice of closure or material reduction

(1) The operator of a strategic processing facility must give the Commissioner at least 6 months written notice before any of the following:

(a) permanent closure;
(b) mothballing;
(c) reducing processing capacity by 25 per cent or more; or
(d) materially withdrawing independent processing access.

(2) The Commissioner may approve a shorter period if satisfied that circumstances genuinely outside the operator's control make compliance with subsection (1) impossible.

(3) Subsection (1) is a civil penalty provision.

14 Food security impact assessment

(1) Before a strategic processing facility may close or materially reduce services, the Commissioner must assess:

(a) alternative processing capacity;
(b) distance to alternative facilities;

(c) availability to independent producers;
(d) transport costs;
(e) animal-welfare consequences;
(f) market concentration;
(g) regional employment;
(h) likely impact upon direct-to-consumer producers;
(i) the viability of local agricultural businesses; and
(j) whether temporary intervention is required.

(2) The Commissioner must publish a summary of the assessment, omitting information the publication of which would be contrary to subsection 7(2).

Part 5—Protection of service-kill and independent processing access

15 Service-kill access as essential market infrastructure

(1) Parliament recognises that service-kill and independent processing access are essential components of competitive agricultural markets.

(2) The withdrawal of service-kill capacity may constitute a food-security event whether or not the processing facility itself closes.

16 Non-discriminatory access

(1) A dominant processor or the operator of a strategic processing facility that offers service-kill or contract-processing services must not:

(a) discriminate against an independent producer because the producer competes with a related corporate brand;
(b) give unreasonable preference to livestock owned by an associated entity;
(c) deliberately allocate capacity in a manner designed to eliminate an independent competitor;
(d) charge discriminatory processing fees without legitimate cost justification;
(e) impose commercially unreasonable minimum-volume requirements;
(f) impose unnecessary exclusivity requirements;
(g) delay independent producers for the purpose of forcing livestock sales to the processor; or
(h) use control of processing infrastructure to compel a producer to surrender ownership of livestock or downstream product.

(2) Subsection (1) is a civil penalty provision.

17 Withdrawal of service-kill capacity

(1) The operator of a strategic processing facility must not withdraw an existing service-kill operation unless the operator has:

(a) given at least 6 months notice;
(b) notified the Commissioner;
(c) provided reasons;
(d) identified affected producers so far as reasonably practicable;
(e) participated in a food-security impact assessment under section 14; and
(f) complied with any temporary access order or continuity order in force under this Act.

(2) Subsection (1) is a civil penalty provision.

18 Designation of dominant processor

(1) The ACCC may designate a processor as a dominant processor having regard to the following:

(a) national processing share;

(b) State processing share;

(c) regional processing share;

(d) control of export-accredited facilities;

(e) control of service-kill capacity;

(f) ownership of livestock or feedlots;

(g) vertical integration;

(h) ability of producers to use alternative processors;

(i) transport distances;

(j) barriers to entry; and

(k) the cumulative effect of previous acquisitions.

(2) A designation under this section is a legislative instrument.

19 Fair access orders

(1) If the ACCC is satisfied that control of processing infrastructure is materially restricting competition, the ACCC may make a fair access order requiring one or more of the following:

(a) reasonable access for independent producers;

(b) transparent capacity allocation;

(c) publication of access terms;

(d) non-discriminatory pricing;

(e) minimum independent-service capacity;

(f) separation of commercially sensitive information;

(g) independent arbitration of access disputes; or

(h) other measures reasonably necessary to restore workable competition.

(2) A fair access order is a legislative instrument.

(3) A person must not engage in conduct that contravenes a fair access order.

(4) Subsection (3) is a civil penalty provision.

Part 6—Farmer and supplier market protections

20 Transparent processor pricing

(1) A prescribed processor purchasing livestock or agricultural products must publish or provide a clear price grid identifying:

(a) base prices;

(b) weight categories;

(c) grading standards;

(d) premiums;

(e) discounts;

(f) deductions;
(g) transport adjustments;
(h) rejection criteria;
(i) payment periods; and
(j) all material conditions affecting the final amount paid.

(2) Subsection (1) is a civil penalty provision.

21 No retrospective price changes

(1) A processor or major buyer must not retrospectively alter any of the following unless required by law or agreed in writing by the supplier after full disclosure:
(a) an agreed price;
(b) a grading methodology;
(c) deductions;
(d) specifications; or
(e) payment terms.

(2) Subsection (1) is a civil penalty provision.

22 Grading transparency

(1) If payment depends upon grading, classification, yield, weight or quality assessment, the producer is entitled to:
(a) obtain the relevant assessment;
(b) obtain supporting data;
(c) challenge manifest errors;
(d) request independent reassessment where reasonably practicable; and
(e) receive reasons for material deductions.

(2) A processor must not unreasonably refuse a request made under subsection (1).

(3) Subsection (2) is a civil penalty provision.

23 Protection against sudden volume reductions

(1) A major processor, wholesaler or retailer must not materially reduce an agreed purchasing volume without reasonable notice.

(2) In determining reasonable notice, regard must be had to:
(a) production cycles;
(b) livestock growth periods;
(c) breeding decisions;
(d) feed commitments;
(e) labour arrangements;
(f) facility utilisation;
(g) perishability;
(h) the supplier's dependence upon the contract; and
(i) the availability of alternative buyers.

(3) Subsection (1) is a civil penalty provision.

24 Compensation for unreasonable cancellation

(1) If a dominant purchaser terminates or substantially reduces a committed volume without reasonable commercial justification or sufficient notice, the affected supplier may recover reasonably foreseeable losses caused by the cancellation.

(2) This section does not limit any other right of the supplier.

25 Prohibition on commercial retaliation

(1) A processor, retailer, wholesaler or vertically integrated food corporation must not retaliate against a supplier because the supplier:

(a) complained to a regulator;
(b) gave evidence to Parliament;
(c) participated in collective bargaining;
(d) challenged a grading or pricing decision;
(e) reported anti-competitive conduct;
(f) participated in an investigation; or
(g) exercised a right under this Act.

(2) Retaliation includes:

(a) reducing purchase volumes;
(b) terminating supply arrangements;
(c) delaying processing access;
(d) discriminatory pricing;
(e) denying future contracts;
(f) manipulating specifications;
(g) threatening commercial consequences; or
(h) otherwise materially disadvantaging the supplier.

(3) Subsection (1) is a civil penalty provision.

26 Collective bargaining rights

(1) Independent agricultural producers may collectively negotiate with processors, wholesalers and major retailers concerning pricing, processing fees, contract terms, delivery arrangements, service-kill access, freight, grading, minimum volumes and other supply conditions.

(2) Conduct authorised by subsection (1) does not contravene Part IV of the Competition and Consumer Act 2010 merely because the producers bargain collectively in accordance with this section.

Note: This section does not authorise boycotts or other conduct that is not bargaining.

Part 7—Food-security test for acquisitions

27 Additional food-security test

(1) An acquisition involving a strategic food-processing asset must not be approved solely because it satisfies general competition requirements.

(2) The acquisition must also satisfy the National Food Security and Independent Access Test constituted by this Part.

28 Matters to be considered

In applying section 27, the ACCC must consider:

(a) concentration of processing capacity;
(b) regional processing alternatives;
(c) service-kill access;
(d) likely impact upon independent producers;
(e) vertical integration;
(f) foreign ownership;
(g) previous acquisitions made by the acquiring group;
(h) ability and incentive to restrict competitors' access;
(i) concentration of export accreditation;
(j) regional employment;
(k) food-security consequences;
(l) emergency processing capacity;
(m) likely effects over not less than 10 years; and
(n) whether enforceable structural conditions are required.

29 No reliance upon voluntary commercial incentives

(1) An acquisition must not be approved on the basis that the acquiring corporation is merely expected to retain an existing service because continued access is presently commercially advantageous.

(2) If continued access is material to approval, that access must be secured through an enforceable condition.

30 Conditions of approval

Conditions of approval may include the following:

(a) continued service-kill access;
(b) minimum processing capacity;
(c) non-discriminatory access;
(d) prohibition of closure for a prescribed period;
(e) independent pricing arrangements;
(f) divestiture of specified assets;
(g) preservation of regional facilities;
(h) restrictions on vertical integration;
(i) ring-fencing of commercially sensitive information; and
(j) mandatory reporting.

31 Foreign acquisition of strategic food assets

(1) If a foreign person proposes to acquire a strategic processing facility, the Treasurer must expressly consider:

(a) national food security;
(b) sovereign processing capability;
(c) foreign concentration of Australian agricultural infrastructure;

(d) continuity of regional operation;

(e) Australian producer access;

(f) supply-chain resilience; and

(g) the capacity of Australia to maintain food production during international disruption.

(2) This section is in addition to, and does not limit, the Foreign Acquisitions and Takeovers Act 1975.

Part 8—Regional Processing and Sovereign Infrastructure Fund

32 Establishment of Fund

(1) The Regional Processing and Sovereign Food Infrastructure Fund is established.

(2) The Fund is a special account for the purposes of the Public Governance, Performance and Accountability Act 2013.

Note: Amounts may be credited to the Fund by appropriation or as otherwise authorised by law.

33 Eligible projects

(1) Amounts standing to the credit of the Fund may be applied to support the following, but only if subsection (2) is satisfied:

(a) regional abattoirs;

(b) cooperative abattoirs;

(c) producer-owned processing facilities;

(d) micro-abattoirs;

(e) mobile slaughter and processing facilities;

(f) poultry-processing facilities;

(g) regional cold storage;

(h) meat-cutting and packaging facilities;

(i) refrigerated freight;

(j) fertiliser manufacture;

(k) essential agricultural manufacturing;

(l) infrastructure necessary to restore service-kill capacity; and

(m) acquisition or rehabilitation of strategically important facilities at risk of permanent loss.

(2) An amount must not be applied under subsection (1) if the recipient, or a person who would own or control the funded asset, is a foreign person.

(3) Subsection (2) applies even if the project would otherwise be eligible and even if no Australian person has applied.

34 Preference for distributed ownership

An amount must not be applied from the Fund except to an Australian person. Within that limit, preference must be given where practicable to:

(a) farmer cooperatives;

(b) Australian-owned small and medium businesses;

(c) local or regional ownership;

(d) community enterprises;

(e) Indigenous agricultural enterprises;

(f) producer-owned infrastructure; and

(g) projects that introduce genuine competition into highly concentrated markets.

35 No Commonwealth assistance to foreign persons

(1) The Commonwealth must not provide financial assistance (including a grant, concessional loan, guarantee, tax concession directed at a particular entity, or an amount from the Fund) to a foreign person for the acquisition, expansion, operation or rehabilitation of food-security infrastructure or essential agricultural manufacturing.

(2) Subsection (1) applies to financial assistance provided by a Commonwealth entity within the meaning of the Public Governance, Performance and Accountability Act 2013.

(3) Subsection (1) does not prevent compensation payable under section 38.

(4) If Commonwealth financial assistance is provided to an Australian person who is a major processor and the assistance exceeds the amount prescribed by the regulations, the assistance must be subject to enforceable conditions concerning:

(a) continued operation;

(b) minimum employment;

(c) minimum processing capacity;

(d) independent producer access;

(e) service-kill availability where applicable;

(5) The conditions required by subsection (4) must also include repayment where conditions are breached, a prohibition upon removal of funded equipment from Australia without approval, and disclosure of material changes affecting the funded operation.

(6) A condition under subsection (4) or (5) is enforceable as a term of the assistance arrangement and as a civil penalty provision if the arrangement so provides.

Part 9—Emergency food-security intervention

36 Food-security emergency declaration

(1) The Minister may declare a regional or national food-processing emergency if satisfied that the loss or withdrawal of a facility creates a substantial risk to any of the following:

(a) food supply;

(b) livestock welfare;

(c) agricultural production;

(d) independent producer viability;

(e) national processing capability; or

(f) regional economic security.

(2) A declaration is a legislative instrument.

(3) A declaration remains in force for the period specified in the declaration, which must not exceed 12 months, and may be renewed once only for a further period not exceeding 12 months.

37 Temporary continuity orders

(1) If a declaration is in force under section 36, the Commissioner may, if reasonably practicable, require a strategic processing facility to continue specified operations for a period not exceeding 12 months.

(2) An order may require one or more of the following:

(a) continued processing;

(b) continued service-kill access;

(c) preservation of essential equipment;

(d) reasonable maintenance;

(e) participation in transition arrangements;

(f) access by an alternative operator; or

(g) cooperation with a sale, lease, cooperative transfer or government-supported restructuring.

(3) A person must not engage in conduct that contravenes an order under this section.

(4) Subsection (3) is a civil penalty provision.

38 Compensation

If the operation of this Part results in an acquisition of property within the meaning of paragraph 51(xxxi) of the Constitution from a person otherwise than on just terms, the Commonwealth is liable to pay a reasonable amount of compensation to the person.

39 Temporary public or cooperative operation

If a strategic processing facility would otherwise permanently close, the Commonwealth may facilitate any of the following:

(a) temporary public operation;

(b) purchase by a producer cooperative;

(c) lease to another operator;

(d) community ownership;

(e) employee ownership;

(f) Australian private acquisition; or

(g) another arrangement preserving essential processing capacity.

Part 10—Regulatory proportionality

40 Small and regional processor impact test

(1) A Commonwealth department or regulator proposing a new regulatory requirement that would materially affect food processors must assess:

(a) fixed compliance costs;

(b) cost per unit of production;

(c) capital expenditure requirements;

(d) administrative burden;

(e) effect on regional processors;

(f) effect on service-kill capacity;

(g) impact upon competition; and

(h) whether the requirement could unintentionally advantage dominant corporations.

(2) The assessment must be published before the requirement is made, unless publication would prejudice an investigation or a matter of national security.

41 Equivalent standards, proportionate compliance

(1) Nothing in this Part permits reduction of substantive standards relating to:

(a) food safety;

(b) worker safety;

(c) environmental protection; or

(d) animal welfare.

(2) Regulators must, where practicable, permit proportionate methods of demonstrating compliance, which may include:

(a) simplified reporting;

(b) combined audits;

(c) longer accreditation periods for consistently compliant operators;

(d) shared compliance services;

(e) government-supported technical assistance;

(f) scaled documentation requirements; and

(g) alternative compliance pathways achieving an equivalent substantive standard.

42 Competition impact of regulation

A regulator must not impose a regulatory mechanism that materially entrenches dominant processors if an equally effective and less anti-competitive mechanism is reasonably available.

Part 11—Domestic energy and agricultural manufacturing security

43 Priority for essential domestic manufacturing

The Commonwealth must ensure that domestic gas-security arrangements take account of the requirements of essential Australian food and agricultural manufacturing.

44 Essential manufacturing designation

(1) The Minister may designate any of the following as an essential domestic manufacturing facility:

(a) a fertiliser plant;

(b) a food-processing facility;

(c) an agricultural-input manufacturer; or

(d) another prescribed facility.

(2) A designation is a legislative instrument.

45 Domestic gas access

In developing or administering a Commonwealth domestic gas reservation or security mechanism, priority must be given to ensuring that essential domestic manufacturing facilities operated by Australian persons have reasonable access to competitively priced Australian gas before avoidable supply is

exported. A facility operated by a foreign person must not be given priority over a facility operated by an Australian person.

46 National fertiliser security

(1) The Minister must maintain an assessment of Australia's domestic capacity to manufacture strategically important fertilisers and agricultural inputs.

(2) If Australia becomes critically dependent upon imports of an essential agricultural input, the Minister must prepare and implement a sovereign-capability restoration plan.

Part 12—Structural market power

47 Food-supply chain market power investigation

The ACCC may investigate whether vertical integration or accumulated ownership within a food-supply chain enables a corporation to materially control any of the following:

(a) livestock or agricultural production;
(b) feedlots;
(c) processing;
(d) wholesale distribution;
(e) logistics;
(f) retail access; or
(g) competing producers' access to essential infrastructure.

48 Structural remedies

(1) If a court is satisfied that structural concentration has produced a substantial and enduring restriction upon competition or independent access, the court may, on application by the ACCC, make orders including:

(a) divestiture;
(b) separation of business units;
(c) access obligations;
(d) prohibition of specified exclusive arrangements;
(e) restrictions upon future acquisitions; or
(f) other structural relief necessary to restore effective competition.

(2) This section does not limit the powers of a court under the Competition and Consumer Act 2010.

49 Serial acquisitions

In considering market concentration under this Act or under the Competition and Consumer Act 2010 in relation to a food-processing market, a regulator or court must consider the cumulative effect of acquisitions undertaken during the preceding 10 years and must not assess each acquisition as though previous acquisitions had not occurred.

Part 13—Enforcement

50 Civil penalties

(1) The pecuniary penalty payable by a body corporate that contravenes a civil penalty provision of this Act must not exceed the greater of the following:

(a) $50 million;

(b) 3 times the value of the benefit obtained from the contravention, if that benefit can be determined; or

(c) 30 per cent of the body corporate's adjusted turnover during the breach turnover period for the contravention.

(2) The Regulatory Powers (Standard Provisions) Act 2014 applies in relation to the civil penalty provisions of this Act.

Note: Adjusted turnover and breach turnover period have meanings consistent with the Competition and Consumer Act 2010.

51 Individual liability

An officer of a body corporate who is knowingly involved in a serious or repeated contravention of a civil penalty provision of this Act may be subject to:

(a) a civil penalty;

(b) disqualification from managing corporations; and

(c) other orders available under a law of the Commonwealth.

52 Injunctions

The Federal Court of Australia may grant an injunction preventing any of the following, pending determination of proceedings under this Act:

(a) closure of a strategic processing facility;

(b) withdrawal of processing access;

(c) implementation of an acquisition;

(d) retaliatory action;

(e) destruction or disposal of essential processing equipment; or

(f) other conduct reasonably likely to defeat the operation of this Act.

53 Compensation orders

The Federal Court of Australia may order a person who contravenes this Act to compensate any of the following for loss or damage caused by the contravention:

(a) farmers;

(b) processors;

(c) wholesalers;

(d) independent food businesses; or

(e) other persons.

54 Whistleblower and complainant protection

(1) A person must not cause commercial, employment or contractual detriment to another person because that other person provided information concerning a possible contravention of this Act.

(2) Subsection (1) is a civil penalty provision.

Part 14—Accountability and parliamentary oversight

55 Ministerial statement on food sovereignty

(1) The Minister must table in each House of the Parliament, for each financial year, an Australian Food Sovereignty Statement addressing:

(a) national processing capacity;

(b) regional processing gaps;

(c) changes in ownership;

(d) service-kill availability;

(e) food-processing concentration;

(f) fertiliser security;

(g) foreign ownership of strategic assets;

(h) major closures;

(i) major new capacity;

(j) government interventions;

(k) regional resilience; and

(l) progress in reducing strategic import dependence.

(2) The statement must be tabled on or before 31 October following the end of the financial year.

56 Closure accountability statement

If a strategic processing facility that received Commonwealth financial assistance closes within 10 years of receiving that assistance, the responsible Minister must table in each House of the Parliament a statement identifying:

(a) the amount of public money provided;

(b) the conditions attached;

(c) whether the conditions were complied with;

(d) money recovered;

(e) the reason for closure;

(f) the impact upon regional capacity; and

(g) action taken to replace lost capacity.

57 Five-year statutory review

(1) The Minister must cause a review of the operation of this Act to begin within 5 years after the commencement of this section.

(2) The review must examine measurable outcomes, including:

(a) the number and geographic distribution of processing facilities;

(b) independent service-kill capacity;

(c) processing concentration;
(d) farmer access to competing processors;
(e) transport distances;
(f) regional processing employment;
(g) Australian ownership;
(h) supplier complaints and retaliation;
(i) domestic fertiliser capability; and
(j) whether structural market concentration has increased or decreased.

(3) The Minister must table a copy of the report of the review in each House of the Parliament within 15 sitting days of receiving the report.

(4) The review does not prevent immediate enforcement, intervention or investment under this Act.

Part 15—General provisions

58 Interaction with other laws

(1) This Act operates in addition to:
(a) the Competition and Consumer Act 2010;
(b) the Foreign Acquisitions and Takeovers Act 1975;
(c) applicable industry codes;
(d) State and Territory food-safety legislation;
(e) environmental legislation;
(f) workplace legislation; and
(g) animal-welfare legislation.

(2) If another law of the Commonwealth provides stronger protection against anti-competitive conduct, retaliation, unfair dealing or loss of strategic infrastructure, the stronger protection applies to the extent legally permissible.

59 Regulations

The Governor-General may make regulations prescribing matters:
(a) required or permitted by this Act to be prescribed by the regulations; or
(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

60 Application of Schedule 1

A person exercising a power or performing a function under this Act must have regard to the principles set out in Schedule 1.

Schedule 1—National Food Security and Independent Access Principles

Note: See section 60.

Principle 1 Food processing is strategic infrastructure

Australia's capacity to process its own agricultural production is a component of national economic security.

Principle 2 Access matters as much as ownership

A processing facility that remains physically open but becomes unavailable to independent producers may cease to perform an effective competitive or food-security function.

Principle 3 Competition must be practical

The existence of another processor does not establish genuine competition if that processor:

(a) is hundreds of kilometres away;
(b) has no available capacity;
(c) refuses independent livestock;
(d) is owned by the same corporate group;
(e) does not provide the required service; or
(f) is otherwise commercially inaccessible.

Principle 4 Infrastructure concentration creates systemic risk

The consequences of a processing closure must be assessed across farms, transport, animal welfare, workers, regional towns, independent brands, downstream businesses, consumers and national food security.

Principle 5 Public money must purchase public benefit

Government assistance to strategically important corporations must carry enforceable obligations wherever continued operation, employment or market access forms part of the justification for that assistance.

Principle 6 Regulation must not manufacture monopoly

Necessary standards must be maintained, but their administration must not unnecessarily impose fixed costs that eliminate smaller competitors while leaving multinational operators comparatively unaffected.

Principle 7 Australian resources must support Australian capability

Australia's natural resources and sovereign economic policy must be administered with regard to the continuing ability of Australian farmers and manufacturers to produce essential food and agricultural inputs domestically.

Principle 8 Prevention is preferable to reconstruction

Principle 9 — Farmer rights are not a side note. Decisions under this Act are made having regard to articles 6, 7 and 11 of the International Covenant on Economic, Social and Cultural Rights and articles 17, 22 and 26 of the International Covenant on Civil and Political Rights as they apply to farmers and independent agricultural producers.

Government intervention should occur before essential capacity disappears. Once specialist equipment is removed, skilled workers disperse, supply contracts disappear and a facility is demolished, restoring that capacity can be substantially more difficult and expensive than preserving viable infrastructure before closure.