

Explanatory Statement

1. Authority

Section 13 of the *Food Standards Australia New Zealand Act 1991* (the FSANZ Act) provides that the functions of Food Standards Australia New Zealand (the Authority) include the development of standards and variations of standards for inclusion in the *Australia New Zealand Food Standards Code* (the Code).

Division 1 of Part 3 of the FSANZ Act specifies that the Authority may accept applications for the development or variation of food regulatory measures, including standards. This Division also stipulates the procedure for considering an application for the development or variation of food regulatory measures.

FSANZ accepted Application A1075 which seeks to permit quillaia extract as a food additive (emulsifier) in a range of beverages to emulsify oil soluble substances. The Authority considered the Application in accordance with Division 1 of Part 3 and has prepared draft variations to Standards 1.2.4 and 1.3.1.

Following consideration by the COAG Legislative and Governance Forum on Food Regulation¹, section 92 of the FSANZ Act stipulates that the Authority must publish a notice about the standard or draft variation of a standard.

Section 94 of the FSANZ Act specifies that a standard, or a variation of a standard, in relation to which a notice is published under section 92 is a legislative instrument, but is not subject to parliamentary disallowance or sunseting under the *Legislative Instruments Act 2003*.

2. Purpose

The Authority has approved permission to use quillaia extract as a food additive emulsifier to various beverages.

Quillaia extract functions as a food additive emulsifier to assist in incorporating oil-soluble substances such as colours and flavours into water based beverages where these substances are poorly soluble. Permissions are approved in various beverage categories in Schedule 1 of Standard 1.3.1. Consequential amendments are also approved in both Part 1 and 2 of Schedule 2 of Standard 1.2.4 to include the name and number of quillaia extract for labelling purposes.

3. Documents incorporated by reference

The variations to food regulatory measures do not incorporate any documents by reference.

4. Consultation

In accordance with the procedure in Division 1 of Part 3 of the FSANZ Act, the Authority's consideration of Application A1075 included one round of public consultation following an assessment and the preparation of a draft Standard and associated report. Submissions were called for on 26 July 2013 for a six-week consultation period.

¹ Previously known as the Australia and New Zealand Food Regulation Ministerial Council

A Regulation Impact Statement was not required because the variations to Standards 1.2.4 and 1.3.1 are likely to have a minor impact on business and individuals.

5. Statement of compatibility with human rights

This instrument is exempt from the requirements for a statement of compatibility with human rights as it is a non-disallowable instrument under section 94 of the FSANZ Act.

6. Variation

Item [1] amends Schedule 2 of Standard 1.2.4 to insert references to quillaia extract (type 1) and quillaia extract (type 2) in the numerical and alphabetical lists of food additives for labelling purposes.

Item [2] amends Schedule 1 of Standard 1.3.1 to insert permissions for quillaia extract to be added as a food additive to a range of beverage categories. The maximum permitted levels for the food additive have been expressed as the active ingredients, quillaia saponins, from the quillaia extract, either from type 1 or type 2.