## 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 A1089 which seeks approval for herbicide-tolerant canola line DP-073496-4 which is genetically modified for tolerance to glyphosate. The Authority considered the Application in accordance with Division 1 of Part 3 and has approved a draft Standard.

Following consideration by the COAG Legislative and Governance Forum on Food Regulation[[1]](#footnote-1), 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 sunsetting under the *Legislative Instruments Act 2003*.

**2. Purpose**

The Authority has approved herbicide-tolerant canola line DP-073496-4 to be listed in the Schedule to Standard 1.5.2 Food produced using Gene Technology. This variation permits the sale or use of food derived from canola line DP-073496-4 in Australia and New Zealand.

**3. Documents incorporated by reference**

This variation does 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 A1089 included one round of public consultation following an assessment and the preparation of a draft variation to the Standard and associated report. Submissions were invited on 13 December 2013 for a seven-week consultation period.

A Regulation Impact Statement was not required because the proposed variation to Standard 1.5.2 is 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**

This item adds food derived from herbicide-tolerant canola line DP-073496-4 to the Schedule to Standard 1.5.2.

1. Previously known as the Australia and New Zealand Food Regulation Ministerial Council [↑](#footnote-ref-1)