

# 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.

The Authority accepted Application A1091 which sought to update the Table to clause 17 of Standard 1.3.3 – Processing Aids to reflect the current naming and classification of carboxyl proteinase enzymes. The Authority has considered the Application in accordance with Division 1 of Part 3 of the FSANZ Act and prepared a draft variation to Standard 1.3.3.

Following consideration by the Australia and New Zealand Ministerial Forum on Food Regulation<sup>1</sup>, section 92 of the FSANZ Act stipulates that the Authority must publish a notice about the draft 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 a draft variation to replace the carboxyl proteinase (EC 3.4.23.6) entry in the Table to clause 17 of Standard 1.3.3 with two new entries: Aspergillopepsin I (EC 3.4.23.18) and Aspergillopepsin II (EC 3.4.23.19). This variation updates the naming and classification for the enzymes previously permitted by carboxyl proteinase, so that they are consistent with the current recommendations of the International Union of Biochemistry and Molecular Biology.

The draft variation, along with an existing entry in the Table to clause 17 for mucorpepsin (EC 3.4.23.23), provides equivalent permissions for the use of enzyme processing aids as currently provided by carboxyl proteinase. The draft variation will place *Aspergillus niger* and *A. oryzae* into the microbiological sources column of Aspergillopepsin I, and *A. niger* into the microbiological sources column of Aspergillopepsin II, to ensure that the equivalent range of enzyme processing aids is permitted for use.

## 3. Documents incorporated by reference

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

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<sup>1</sup> convening as the Australia and New Zealand Food Regulation Ministerial Council

#### **4. Consultation**

In accordance with the procedure in Division 1 of Part 3 of the FSANZ Act, the Authority's consideration of Application A1091 included one round of public consultation following an assessment and the preparation of a draft variation and associated report. A call for submissions (including the draft variation) took place over a six-week consultation period (3 June – 15 July 2014).

A Regulation Impact Statement (RIS) was not prepared because the proposed variation to Standard 1.3.3 is likely to have a minor impact on business and individuals. FSANZ consulted with the Office of Best Practice Regulation to confirm that a RIS was not required.

#### **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**

The variation replaces the entry for carboxyl proteinase (EC 3.4.23.6) in the Table to clause 17 of Standard 1.3.3 with entries for Aspergillopepsin I (EC 3.4.23.18) and for Aspergillopepsin II (EC 3.4.23.19).