

# 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 A1092 which seeks to permit the irradiation of fruits and vegetables as a phytosanitary measure<sup>1</sup>. The Authority considered the Application in accordance with Division 1 of Part 3 and has approved a draft Standard.

Following consideration by the Australia and New Zealand Ministerial Forum on Food Regulation<sup>2</sup>, 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 the irradiation of apple, apricot, cherry, nectarine, peach, plum, honeydew, rockmelon, scaloppini, strawberry, table grape and zucchini (courgette) in Standard 1.5.3. This will permit irradiation only for the purposes of pest disinfestation for a phytosanitary objective within the permitted dose range of 150 Gy and a maximum of 1 kGy.

## 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 A1092 included one round of public consultation following an assessment and the preparation of a draft Standard and associated report. Submissions were called for on 28 August 2014 for a six-week consultation period.

A Regulation Impact Statement was not required because the proposed variations to Standard 1.5.3 are likely to have a minor impact on business and individuals and is a broadening of food regulations to permit other foods to be irradiated.

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<sup>1</sup> A phytosanitary measure is any legislation, regulation or official procedure having the purpose to prevent the introduction and/or spread of quarantine pests, or to limit the economic impact of regulated non-quarantine pests.

<sup>2</sup> convening as the Australia and New Zealand Food Regulation Ministerial Council

## **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 variations permit the irradiation of apple, apricot, cherry, nectarine, peach, plum, honeydew, rockmelon, scaloppini, strawberry, table grape, zucchini (courgette) by adding these commodities to the Table to clause 4 in Standard 1.5.3 with a minimum dose of 150 Gy and a maximum dose of 1 kGy.