

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 2 of Part 3 of the FSANZ Act specifies that the Authority may prepare a proposal for the development or variation of food regulatory measures, including standards. This Division also stipulates the procedure for considering a proposal for the development or variation of food regulatory measures.

FSANZ prepared Proposal P1025 to revise the Code. The Authority considered the Proposal in accordance with Division 2 of Part 3 and has approved a draft revised Code.

Following consideration by the 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 variations of Chapters 1 and 2 of the Code.

3. Documents incorporated by reference

The variations to food regulatory measures do not incorporate any documents by reference. The variations update some references to documents that are incorporated by reference.

4. Consultation

In accordance with the procedure in Subdivision F of Division 2 of Part 3 of the FSANZ Act, the Authority's consideration of Proposal P1025 included two rounds of public comment following an assessment and the preparation of a draft Standard and associated reports. Submissions were called for on 23 May 2013 for a 12-week period, and on 10 July 2014 for an eight-week period.

A Regulation Impact Statement was not required, because the proposed variations to the Code 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

Schedule 18 – Processing aids

Section S18—1 Name

Section S18—1 establishes that the instrument is the *Australia New Zealand Food Standards Code – Schedule 18 – Processing aids*.

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

Section S18—2 Generally permitted processing aids—substances for section 1.3.3—4

New section S18—2 lists for new paragraph 1.3.3—4(2)(b), the general permitted processing aids that are currently listed in the Table to clause 3 in Standard 1.3.3.

Section S18—3 Permitted processing aids for certain purposes

Section S18—3 lists for section 1.3.3—5, the processing aids that can be used for certain purposes. This new section repeats the information that is currently set out in the Tables to clauses 4 to 10 of Standard 1.3.3.

Section S18—4 Permitted enzymes

Section S18—4 lists for section 1.3.3—6, the enzymes and their sources that may be used as processing aids. This new section repeats the information that is currently set out in the Tables to clauses 15 to 17 of Standard 1.3.3.

Section S18—5 Permitted microbial nutrients and microbial nutrient adjuncts

Section S18—5 lists for section 1.3.3—7, the microbial nutrients and microbial nutrient adjuncts that may be used as processing aids. This new section repeats the information that is currently set out in the Table to clause 18 of Standard 1.3.3.

Section S18—6 Permitted processing aids for water

Section S18—6 lists for section 1.3.3—8, the substances that may be used as processing aids in packaged water or water used as an ingredient in other foods. This new section repeats the information that is currently set out in the Table to clause 11 of Standard 1.3.3.

Section S18—7 Permitted bleaching, washing and peeling agents—various foods

Section S18—7 lists for section 1.3.3—9, the bleaching, washing and peeling agents that may be used as processing aids. This new section repeats the information that is currently set out in the Table to clause 12 of Standard 1.3.3.

Section S18—8 Permitted extraction solvents—various foods

Section S18—8 lists for section 1.3.3—10, the extraction solvents that may be used as processing aids. This new section repeats the information that is currently set out in the Table to clause 13 of Standard 1.3.3.

Section S18—9 Permitted processing aids—various technological purposes

Section S18—9 lists for section 1.3.3—11, the processing aids with miscellaneous functions that are currently listed in the Table to clause 14 of Standard 1.3.3.

Section S18—10 Permission to use dimethyl dicarbonate as microbial control agent

New section S18—10 sets out for section 1.3.3—12, the permissions to use dimethyl carbonate as a processing aid that are currently listed in the Table to clause 19 of Standard 1.3.3.