

# 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.

Application A1117 seeks to extend the permission of the food additive, L-cysteine, to permit its use for limiting enzymatic browning of peeled and cut avocado and banana and so extend the shelf life. The Authority considered the Application in accordance with Division 1 of Part 3 and has prepared a draft variation.

Following consideration by the Australia and New Zealand Ministerial Forum on Food Regulation, 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 *Legislation Act 2003*.

## 2. Purpose

The purpose of this variation is to permit the use of L-cysteine monohydrochloride to treat peeled, cut, or both peeled and cut avocado and banana. The food additive is used to prevent enzymatic browning of the cut surfaces (which is unacceptable to consumers) and so extend the shelf life of the treated food products.

## 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 A1117 included one round of public consultation following an assessment and the preparation of a draft variation and associated report. Submissions were called for on 29 June 2016 for a six-week consultation period.

A Regulation Impact Statement was not required because the proposed variations to Schedule 15 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**

The variation amends the table to section S15—5 in Schedule 15 by adding new food sub subcategory 4.1.3.3. The new food sub subcategory provides permission for the use of L-cysteine monohydrochloride (INS 920) in avocados and bananas subject to a maximum permitted level of GMP (Good Manufacturing Practice).