## 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.

The Authority prepared Proposal P1043 to make a range of minor amendments to the Code including the correction of typographical errors, inconsistencies, formatting issues, and updating of references. The Authority considered the Proposal in accordance with Division 2 of Part 3 and has approved a draft Standard.

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 sunsetting under the *Legislation Act 2003*.

**2. Purpose**

The Authority has approved the variation because minor typographical and grammatical errors and cross-reference issues are identified in the Code from time-to-time. References in the Code also become superseded as the documents they refer to are updated. This Proposal was prepared to resolve such issues.

**3. Documents incorporated by reference**

The variations do not incorporate any new documents by reference, although following existing references are updated by some variations (see para 6.2):

* Generally Recognised as Safe (GRAS) flavouring substances published by the Flavour and Extract Manufacturers’ Association of the United States
* European Parliament regulation on the provision of food information to consumers
* JECFA Monograph series
* United States Pharmacopeial Convention Food chemicals Codex
* International Oenological Codex

**4. Consultation**

In accordance with the procedure in Division 2 of Part 3 of the FSANZ Act, the Authority’s consideration of Proposal P1043 included one round of public consultation following an assessment and the preparation of a draft Standard and associated report. Submissions were called for on 11 November 2016 for a five-week consultation period.

A Regulation Impact Statement was not required because the variation 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**

***6.1 Correcting minor errors and omissions, and improving clarity***

Items [4], [7], [8], [12], [16], [20], [25] to [26], [28] to [33], [37] to [43], [45] to [52] and [57] to [61] include amendments to correct minor errors and omissions to text and punctuation, as well improving clarity of some text.

***6.2 Updating references***

Items [1], [5], [6], [9] to [11], [13] to [15], [17] to [24], [34], [44] and [53] to [56] update cross-references within the Code.

***6.3 Updating material from international sources***

Items [3], [27], [35] and [36] reflect changes to sources incorporated by reference.

***6.4 Omitting material that is no longer required***

Items [2] and [32] omit provisions that have ceased to have effect.

***6.5 Variations to Notes***

Item [7] updates a reference, to a definition. The definition in Standard 1.1.2 was varied in early 2016.

Notes are not, by virtue of the definition of ‘standard’ in the FSANZ Act, part of a draft standard and are therefore not subject to the standards development process under Part 3 of the FSANZ Act. The Note variation is provided for completeness.