

# 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 A1126 which seeks permissions for pectins and carrageenan as processing aids to remove heat-unstable proteins from Australian produced wine. 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, 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 Authority has approved a draft variation to Standard 4.5.1 – Wine Production Requirements in the Code (an Australia only standard) to permit pectins and carrageenan as processing aids in the production of wine in Australia with the technological purpose of acting as fining agents that help remove heat unstable proteins from wine.

## 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 A1126 included one round of public consultation following an assessment and the preparation of a draft Standard and associated report. Submissions were called for on 20 February 2017 for a six-week consultation period.

A Regulation Impact Statement was not required because the proposed variations to Standard 4.5.1 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**

Item 1 amends Standard 4.5.1 by inserting references to carrageenan and pectins into the Table to clause 4.

The effect of this amendment will be to permit the use of carrageenan and pectins as processing aids in the production of wine, sparkling wine or fortified wine in Australia.

The use of these substances must be consistent with conditions of Good Manufacturing Practice (GMP) in accordance with subclause 5(8) of Standard 4.5.1.