

# 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 P1045 to make a range of minor amendments to the Code including the correction of typographical errors, 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 sunseting 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 References in the Code also become superseded as the documents they refer to are updated.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 the following existing references are updated (see para 6.2 below):

- Guidelines for Drinking Water Quality, World Health Organisation
- Combined Compendium of Food Additive Specifications, FAO JECFA Monographs.

## 4. Consultation

In accordance with the procedure in Division 2 of Part 3 of the FSANZ Act, the Authority's consideration of Proposal P1045 included one round of public consultation following an assessment and the preparation of a draft Standard and associated report. Submissions were called for on 26 April 2017 for a four-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***

Items [1] to [12] and [16] to [19] include amendments to correct minor errors and omissions to text and punctuation, including correction of cross-referencing.

### ***6.2 Updating material from international sources***

Items [13] to [15] reflect changes to documents incorporated by reference.

### ***6.3 Omitting material that is no longer required***

Item [20] omits an erroneous reference to 'phytylmenoquinone'.