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.

FSANZ accepted Application A1127, which seeks to permit the use of four processing aids, silver chloride, ammonium bisulphite, chitin-glucan and PVI/PVP as processing aids for wine. The Authority considered the Application in accordance with Division 1 of Part 3 and has approved 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 sunsetting under the Legislation Act 2003.

2. Purpose

The Authority has approved an amendment to the Code to permit the use of chitin-glucan, PVI/PVP co-polymers, ammonium bisulphite, and silver chloride as processing aids in the manufacture of wine, sparkling wine and fortified 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 A1127 included one round of public consultation preceded by an assessment and the preparation of a draft variation and associated assessment summary. Submissions were called for on 26 April 2017, for a six-week consultation period.

A Regulation Impact Statement was not required because the proposed variations to Standard 4.5.1 and Schedule 18 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 the following substances into the table to clause 4 in alphabetical order: ammonium bisulphite, chitin-glucan and polyvinylimidazole-polyvinylpyrrolidone co-polymers. The effect of this amendment will be to permit the use of these three substances as processing aids in the manufacture of wine, sparkling wine and fortified wine in Australia.

Item [2] amends Schedule 18 by inserting references to the following substances into the table to subsection S18—9(3) in alphabetical order: ammonium bisulphite, chitin-glucan, polyvinylimidazole-polyvinylpyrrolidone co-polymers and silver chloride.

The new entry for ammonium bisulphite provides that the substance may be used as a processing aid in the manufacture of wine, sparkling wine and fortified wine, for the technological purpose of acting as a microbial nutrient and microbial nutrient adjunct.

The new entries for chitin-glucan and for polyvinylimidazole-polyvinylpyrrolidone provide that each substance may be used as a processing aid in the manufacture of wine, sparkling wine and fortified wine for the technological purpose of acting as a decolourant, clarifying, filtration and absorbent agent.

The new entry for silver chloride provides that the substance may be used as a processing aid in the manufacture of wine, sparkling wine and fortified wine for the technological purpose of removing fermentation and storage-related odours.

Each new entry also states that the maximum permitted level for each substance is that which is consistent with GMP