

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 variation of food regulatory measures.

The Authority prepared Proposal M1014 to consider varying certain maximum residue limits (MRLs) in the Code. The Authority considered the Proposal in accordance with Division 2 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 sunseting under the *Legislation Act 2003*.

2. Purpose

The table to section S20—3 lists the MRLs for residues of agvet chemicals, which may occur in foods. If an MRL is not listed for a particular agvet chemical/food combination, there must be no detectable residues of that chemical in that food. This general prohibition means that, in the absence of the relevant limit in the Code, food may not be sold where there are detectable residues.

The purpose of this variation is to permit the sale of foods containing legitimate residues. The variation is made in response to changes in use patterns of agvet chemicals available to chemical product users. These changes include both the development of new products and crop uses, and the withdrawal of older products following review. The variation will also harmonise limits with international or trading partner standards. This is necessary as farmers in different countries face different pest and disease pressures, agvet chemical use patterns and legitimate residues in food associated with these uses may vary accordingly.

A dietary exposure assessment was conducted to ensure that proposed limits do not present any public health or safety concerns.

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 2 of Part 3 of the FSANZ Act, the Authority's consideration of Proposal M1014 included one round of public consultation following an assessment and the preparation of a draft variation and associated report. Submissions were called for on 27 June 2017 for a four-week consultation period in Australia, and eight-week period internationally through the WTO Notification.

A Regulation Impact Statement was not required by the Office of Best Practice Regulation (see ID 12065) because the proposed variations to the table to section S20—3 in Schedule 20 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 [1.1] omits the chemicals 'Brodifacoum', 'Dicloran', 'Disulfoton', 'Fenthion' and 'Phenothrin' from the lists of permitted residues, and the commodities associated with each chemical. These chemicals are deleted as the result of chemical reviews undertaken by APVMA.

Item [1.2] amends the name and definitions for 'Thifensulfuron' (inclusion of a more precise chemical name).

Item [1.3] amends the name and definitions for 'Rimosulfuron' (correction of typographical error) and adds new foods (almonds and cherries) and associated MRLs for that chemical.

Item [1.4] inserts new entries for the following chemicals that are not currently listed as permitted (including the foods and associated MRLs for each chemical):

- Aminocyclopyrachlor;
- Benzovindiflupyr;
- Cyflumetofen;
- Etofenprox; and
- Fenpropimorph.

Item [1.5] omits specified foods and associated MRLs for various listed chemicals.

Item [1.6] inserts specified foods and associated MRLs for various listed chemicals.

Item [1.7] replaces the MRLs of specified foods for various listed chemicals.