

# 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 P1048 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 variation with amendments.

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 formatting and cross referencing 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 References in the Code also become superseded as the documents they refer to are updated.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 approved draft variation does not incorporate any documents by reference not already incorporated into the current Code. It updates the following existing references in the Code (see sections 6.3 and 6.4 below):

- Generally Recognised as Safe (GRAS) lists of flavouring substances published by the Flavour and Extract Manufacturers' Association of the United States;
- International Organization for Standardization (ISO) Standard 16140-2;
- Australian Standard 4696:2002 -- Hygienic Production and Transportation of Meat and Meat Products for Human Consumption;
- Combined Compendium of Food Additive Specifications, FAO JECFA Monographs 1 (2005), Food and Agriculture Organisation of the United Nations, Rome;
- United States Pharmacopeial Convention (2016) Food chemicals codex. 10th ed, United States Pharmacopeial Convention, Rockville, MD; and
- International Oenological Codex (2017), Organisation Internationale de la Vigne et du Vin (OIV).

## **4. Consultation**

In accordance with the procedure in Division 2 of Part 3 of the FSANZ Act, the Authority's consideration of Proposal P1048 included one round of consultation following an assessment and the preparation of draft variations to a number of Standards and an associated assessment summary. Submissions were called for on 15 May 2018 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. Variations**

### ***6.1 Correcting minor errors and omissions***

Items [1], [3] to [7], [11], [19] to [23], [23A], [26] and [27] of the Schedule to the approved draft variation include amendments to correct minor errors and omissions to format, text and punctuation, as well to improve the clarity of some text.

### ***6.2 Updating references***

Items [12] to [15], [24] and [25] of the Schedule to the approved draft variation include amendments to correct cross references.

### ***6.3 Updating material from Australian Standards***

Items [9] and [10A] of the Schedule update references to an Australian Standard.

### ***6.4 Updating material from international sources***

Items [2], [8] and [16] to [18] of the Schedule update references to international publications.