

# 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 A1149 which seeks to permit the use of steviol glycosides as a food additive – intense sweetener in fruit drinks. The Authority considered the application in accordance with Division 1 of Part 3 and has approved a draft variation of a 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 the Code to permit steviol glycosides as a food additive – intense sweetener at a maximum permitted level of 200 mg/kg steviol equivalents in fruit drinks.

## 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 A1149 included one round of public consultation following an assessment and the preparation of a draft variation and associated assessment summary. Submissions were called for on 9 October 2012 for a four-week consultation period.

A Regulation Impact Statement was not required because the proposed variation to Schedule 15 is likely to have a minor impact on business and individuals and its use as a food additive is voluntary.

## 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 Schedule 15 by inserting item 14.1.2.2.1 of the table to section S15—5 an entry for steviol glycosides with a maximum permitted level of 200 mg/kg steviol equivalents. The effect of this amendment will be to permit, for the purposes of Standards 1.1.1 and 1.3.1, the use in fruit drink of steviol glycosides subject to a maximum permitted level of 200 mg/kg steviol equivalents.