

Australia New Zealand Food Authority Amendment Regulations 2002 (No. 1) 2002 No. 38

EXPLANATORY STATEMENT

STATUTORY RULES 2002 No. 38

Issued by authority of the Minister for Health and Ageing

Australia New Zealand Food Authority Act 1991

Australia New Zealand Food Authority Amendment Regulations 2002 (No. 1)

Section 70 of the *Australia New Zealand Food Authority Act 1991* (the ANZFA Act) provides that the Governor-General may make Regulations prescribing all matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The *Australia New Zealand Food Authority Amendment Act 2001* (the Amendment Act) creates a new statutory authority, Food Standards Australia New Zealand (FSANZ), to replace the Australia New Zealand Food Authority (ANZFA). The Amendment Act will also change the name of the ANZFA Act to the *Food Standards Australia New Zealand Act 1991* (FSANZ Act).

Full commencement of the Amendment Act will take place after amendments to the current Treaty with New Zealand for the operation of the joint food standards system (currently titled "Agreement between the Government of Australia and the Government of New Zealand Establishing a System for the Development of Joint Food Standards, done at Wellington on 5 December 1995") enter into force.

Items 114 - 128 of Schedule 1 to the Amendment Act amend the current Division 1 of Part 4 of the ANZFA Act to provide for the establishment of a new Board of FSANZ and the appointment of members to that Board. In particular, section 40 of the FSANZ Act (as amended) contains various provisions that require the Minister to seek nominations, from particular types of organisations or bodies, of suitably qualified persons for appointment to the Board of FSANZ.

Item 120A of Schedule 1 to the Amendment Act, which commenced on Royal assent, is a transitional provision and provides that the powers to make Regulations prescribing the organisations and public bodies from which nominations or Board Members are to be sought pursuant to paragraphs 40(3)(b) or 40(4)(b) of the ANZFA Act, as amended by Schedule 1 of the Amendment Act, may be exercised before the commencement of those provisions as if those provisions had come into operation.

The Australia New Zealand Food Authority Amendment Regulations 2001 (No. 1) amended the *Australia New Zealand Food Authority Regulations 1994* (the Principal Regulations) by inserting a new Schedule 2A prescribing the organisations and public bodies from which nominations of Board Members are to be sought. These amendments came into effect on gazettal on 21 December 2001.

The purpose of the Regulations is to amend Schedule 2A Part 1 Items 111 and 114 of the *Australia New Zealand Food Authority Regulations 1994* by correcting errors in the names of the two organisations these Items prescribe. This will prevent potential doubts over which organisations these Items are intended to refer to.

The Regulations amend Schedule 2A Part 1 of the Principal Regulations by:

- adding "Australian Society for Biochemistry and Molecular Biology Incorporated" as Item 104A and deleting the incorrect "Society for Biotechnology and Molecular Biology" at Item 114; and
- substituting "Nutrition Society of Australia Incorporated" for the incorrect "Nutrition Society" at Item 111.

The Regulations commenced on the date of gazettal.