

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 A1064 which seeks permission for the sale and use of food derived from herbicide-tolerant soybean line CV127. The Authority considered the Application in accordance with Division 1 of Part 3 and has prepared a draft variation to a Standard.

Following consideration by the COAG Legislative and Governance Forum on Food Regulation¹, section 92 of the FSANZ Act stipulates that the Authority must publish a notice about the 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 *Legislative Instruments Act 2003*.

2. Purpose and operation

As it is not listed in the Schedule to Standard 1.5.2, food derived from soybean line CV127 is not currently permitted for sale or use in food. The purpose of the variation is to permit the sale or use in food of food derived from soybean line CV127 by including it in the Schedule to Standard 1.5.2.

3. Documents incorporated by reference

The variation does 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 A1064 included one round of public consultation following an assessment and the preparation of a draft variation to the Standard. A Report (which included the draft variation) was released on 24 January 2012 for a six-week consultation period.

A Regulation Impact Statement (RIS) was not required because the variation to Standard 1.5.2 is likely to have a minor impact on business and individuals.

¹ Previously known as the Australia and New Zealand Food Regulation Ministerial Council

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

This item adds a permission for food derived from soybean line CV127 into the Schedule to Standard 1.5.2.