

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 developing or varying food regulatory measures.

FSANZ prepared Proposal P1011 to consider varying Standard 1.2.11 to extend country of origin labelling to include unpackaged beef (includes veal), sheep (lamb, hogget and mutton) and chicken meat. The Authority considered the Proposal in accordance with Division 2 of Part 3 and has approved a draft variation.

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 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 *Legislative Instruments Act 2003*.

2. Purpose and operation

The purpose of this variation is to repeal current Standard 1.2.11 so that it can be replaced with a new Standard. The variation also makes a consequential change to Standard 1.2.1.

3. Consultation

In accordance with the procedure in Division 2 of Part 3 of the FSANZ Act, the Authority's consideration of Proposal P1011 included one round of public consultation following an assessment and preparation of a draft variation. An Assessment Report that included the draft variation was released on 18 July 2011 for a six-week consultation period.

A Regulation Impact Statement was required because the variations to Standard 1.2.11 are likely to have an impact on business and individuals.

4. 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.

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

5. Variations

Item [1] is a consequential amendment to Standard 1.2.1 to ensure the cross references to Standard 1.2.11, which relate to the labelling requirements for certain foods exempt from the general requirement to bear a label setting out the information prescribed in the Code, are correct.

Item [2] deletes the existing Standard 1.2.11, which will be replaced 6 months after gazettal.