

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.

FSANZ prepared Proposal P1025 to revise the Code. The Authority considered the Proposal in accordance with Division 2 of Part 3 and has approved a draft revised Code.

Following consideration by the 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

The Authority has approved variations of Chapters 1 and 2 of the Code.

3. Documents incorporated by reference

The variations to food regulatory measures do not incorporate any documents by reference. The variations update some references to documents that are incorporated by reference.

4. Consultation

In accordance with the procedure in Subdivision F of Division 2 of Part 3 of the FSANZ Act, the Authority's consideration of Proposal P1025 included two rounds of public comment following an assessment and the preparation of a draft Standard and associated reports. Submissions were called for on 23 May 2013 for a 12-week period, and on 10 July 2014 for an eight-week period.

A Regulation Impact Statement was not required, because the proposed variations to the Code are 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. Variation (Chapter 2—Food standards for specific foods, Part 2—Meat, eggs and fish)

Chapter 2 of the *Australia New Zealand Food Standards Code* establishes:

- prescribed standards for the purposes of the false description of foods provisions of the application Acts²; and
- compositional requirements that are relevant for both the Code³ and the false description of foods provisions of the application Acts.

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

² Section 18 of the model food provisions

³ Section 17 of the model food provisions

Definitions are provided in a Chapter 2 standard, also referred to as a commodity standard, if they can be justified on the grounds of protecting public health and safety, preventing misleading practices or facilitating market access.

Definitions may be included in a Chapter 2 standard to define the scope of the standard and to assist enforcement officers in their assessment of the provisions of the standard; to avoid confusion. When specific definitions are not included in a Chapter 2 standard, enforcement officers and manufacturers may refer to dictionaries for clarification.

Compositional requirements are stated when it is necessary that a food that is sold on the basis that it is a defined food have a particular composition.

Standard 2.2.1 – Meat and meat products

Division 1 Preliminary

New section 2.2.1 Name

This section establishes that the instrument is the *Australia New Zealand Food Standards Code* – Standard 2.2.1 – Meat and meat products.

New section 2.2.1—2 Definitions

This section has no operative part. It provides a note reference to the definitions of ‘cured and/or dried meat flesh in whole cuts or pieces’, ‘dried meat’, ‘manufactured meat’, ‘meat’, ‘meat flesh’, ‘meat pie’, ‘offal’, ‘processed meat and sausage’ that are in section 1.1.2—3.

Division 2 Requirements for sale

New section 2.2.1—3 Requirement for food sold as sausage

This provision sets out the requirement that a food sold as sausage must conform to the definition of sausage and satisfy compositional requirements relating to meat flesh and fat content.

New subsection 1.1.1—3 re-states the definition for sausage that is currently set out in clause 1 of Standard 2.2.1.

New section 2.2.1—4 Requirement for food sold as meat pie

This provision sets out the requirement that a food sold as a meat pie e.g. a beef pie, must conform to the definition of ‘meat pie’. New subsection 1.1.1—3 re-states the definition of ‘meat pie’ that is currently set out in clause 1 of Standard 2.2.1.

New section 2.2.1—5 Requirements for food sold as dried meat or cured and/or dried meat flesh in whole cuts or pieces, manufactured meat or processed meat

This provision sets out the requirements for food sold as dried meat, cured and/or dried meat flesh in whole cuts or pieces, manufactured meat or processed meat. These requirements are currently set out in definitions.

Division 3 Information requirements

New section 2.2.1—6 Statement indicating the presence of offal

New section 2.2.1—6 repeats the current requirement in clause 4 of Standard 2.2.1 that the presence of offal in a food must be declared either on the label, if a label is required, or in a display associated with the food.

New section 2.2.1—7 Proportion of fat in minced meat

This new section repeats the current content of clause 5 of Standard 2.2.1 which requires the fat content of minced meat to be declared, in grams of fat per 100 g of minced meat, either on the label, if a label is required, or in a display associated with the food.

New section 2.2.1—8 Information about raw meat joined or formed into the semblance of a cut of meat

New section 2.2.1—8 repeats the content of current clause 6 of Standard 2.2.1, which requires a declaration if meat has been formed or joined using a cold binding system and cooking instructions that provide advice about how to achieve microbiological safety in the cooked product. The declaration and instructions must be provided either on the label, if a label is required, or in a display associated with the food.

New section 2.2.1—9 Labelling of fermented comminuted processed meat

New clause 2.2.1—9 repeats the content of current clause 8 of Standard 2.2.1, which sets out the labelling requirements for fermented comminuted processed meats.

New section 2.2.1—10 Labelling of fermented comminuted manufactured meat

New clause 2.2.1—10 repeats the content of current clause 9 of Standard 2.2.1, which sets out the labelling requirements for fermented comminuted manufactured meats.

New section 2.2.1—11 Fermented comminuted meat – unpackaged

This section repeats the current provisions of clause 10 of Standard 2.2.1, which sets out the labelling requirement for unpackaged fermented comminuted meats. The requirement is that the prescribed name must be displayed near the meat. The words 'not heat treated' can be omitted if the meat is not heat-treated.

Division 4 Sourcing requirements

New section 2.2.1—12 Bovine meat and meat products must be derived from animals free from bovine spongiform encephalopathy

This new section repeats the requirement in current clause 11 of Standard 2.2.1 that, subject to the limited exceptions noted in subsection 2.2.1—12(2), bovine meat and ingredients derived from bovines must be derived from BSE-free animals.