

# 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 A1115 which seeks to permit the irradiation of raspberries and blueberries as a phytosanitary measure<sup>1</sup>. The Authority considered the Application in accordance with Division 1 of Part 3 and has prepared a draft variation to Standard 1.5.3.

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 include blueberries and raspberries in the table to subsection 1.5.3—3(2).

## 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 A1115 included one round of public consultation following an assessment and the preparation of a draft variation and associated report. Submissions were called for on 29 June 2016 for a six-week consultation period.

A Regulation Impact Statement was not required because the proposed variations to Standard 1.5.3 are likely to have a minor impact on business and individuals and is a broadening of food regulations to permit other foods to be irradiated.

## 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.

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<sup>1</sup> A phytosanitary measure is any legislation, regulation or official procedure having the purpose to prevent the introduction and/or spread of quarantine pests, or to limit the economic impact of regulated non-quarantine pests.

## 6. Variation

The variation amends the table to subsection 1.5.3—3(2) by inserting the words ‘blueberry’ and ‘raspberry’ into that table in alphabetical order. **By virtue of subsection 1.5.3—3(1), the** effect of this amendment is to permit the irradiation of raspberries and blueberries with a minimum dose of 150 Gy and a maximum dose of 1 kGy.