## 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 A1132 which seeks to expand the definition of steviol glycosides for use as an intense sweetener to include all steviol glycosides present in the *Stevia rebaudiana* Bertoni leaf. The Authority considered the Application in accordance with Division 1 of Part 3 and has approved a draft variation.

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 sunsetting under the *Legislation Act 2003*.

**2. Purpose**

The Authority has approved the variation to the Code to broaden the definition of steviol glycosides to permit the use of all steviol glycosides extracted from the *Stevia rebaudiana* Bertoni leaf as additives. The current specifications for steviol glycosides contained in the primary monographs in S3—2 are defined to apply only to a limited number of listed steviol glycosides and not to all possible steviol glycosides. Therefore a new specification for steviol glycosides has been added to Schedule 3, which covers preparations that included all steviol glycosides extracted from the stevia leaf. As well, a new conversion factor was added to the list in subsection 1.3.1—4(7) to capture all the other steviol glycosides.

**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 A1132 included one round of public consultation following an assessment and the preparation of a draft variation and associated report. Submissions were called for on 7 November 2016 for a six-week consultation period.

A Regulation Impact Statement was not required because the proposed variation to Standard 1.3.1 and Schedule 3 is 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**

***6.1 Variation to Standard 1.3.1***

Item [1] varies paragraph 1.3.1—4(7)(j) of Standard 1.3.1 relating to the conversation factor ***CF*** for different steviol glycosides. The effect of the change is to introduce a conversion factor for any other steviol glycoside not already listed. Conversion factors are used to calculate steviol equivalents, which is how permissions for adding steviol glycosides to different food categories are listed in the table to section S15—5 in Schedule 15.

***6.2 Variation to Schedule 3***

Item [2.1] inserts a new reference for steviol glycosides from *Stevia rebaudiana* Bertoni into the table to subsection S3—2(2). This is needed as the current specifications for steviol glycoside preparations in the primary sources within S3—2 do not apply to all steviol glycosides extracted from the stevia leaf.

Item [2.2] inserts a new specification as S3—35. The specification criteria are similar to those for steviol glycosides in primary sources in subsection S3—2(1).