

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.

The Authority accepted Application A1121 which sought to *permit the use of Oryzin (protease) from Aspergillus melleus as an enzyme for use in baking, flavouring production and dairy, egg, meat, fish, protein and yeast processing*. 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 sunseting under the *Legislation Act 2003*.

2. Purpose

The Authority has approved an amendment to the Code to permit the use of the enzyme, Oryzin (EC 3.4.21.63¹) sourced from *Aspergillus melleus* as a processing aid in food. This requires an addition to the table to subsection S18—4(5) in Schedule 18.

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 A1121 included one round of public consultation following an assessment and preparation of a draft variation and associated report. Submissions were called for on 21 September 2016 for a six-week consultation period.

A Regulation Impact Statement was not required because the proposed variation to Schedule 18 is likely to have a minor impact on business and individuals.

¹ EC: Enzyme Commission, internationally recognised number that provides a unique identifier for the enzyme

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

Item 1 of the variation amends Schedule 18 by inserting the following new entry into the table to subsection S18—4(5): Oryzin (EC 3.4.21.63) sourced from *Aspergillus melleus*. The effect of this amendment is to permit that enzyme's use as a processing aid in food.