

# 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 A1137 which sought to use polysorbate 20 as an emulsifier for processed meat and meat products, and processed fish and fish products. The Authority considered the application in accordance with Division 1 of Part 3 and has prepared 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 the draft variation to amend the table to section S15—5 to permit the use of polysorbate 20 as a food additive on processed meat and meat products and on processed fish and fish products. The draft variation also amends the alphabetical and numerical listings in the table to section S8—2 to provide a name and code number for polysorbate 20 to be used for labelling purposes.

## 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 A1137 included one round of public consultation following an assessment and the preparation of a draft variation and associated assessment summary. Submissions were called for on 26 June 2018 for a four-week consultation period.

A Regulation Impact Statement was not required because the proposed variations to Schedule 15 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**

### *Item [1.1]*

Item [1.1] of the draft variation amends the alphabetical listing in the table to section S8—2 by inserting the food additive name ‘Polysorbate 20 or Polyoxyethylene (20) sorbitan monolaurate’ and code number ‘432’ into that listing in alphabetical order.

### *Item [1.2]*

Item [1.2] amends the numerical listing in the table to section S8—2 by inserting the food additive code number ‘432’ and name ‘Polysorbate 20 or Polyoxyethylene (20) sorbitan monolaurate’ into that listing in numerical order.

### *Item [2.1]*

Item [2.1] amends item 8.2 of the table to section S15—5. Item 8.2 relates to processed meat, poultry and game products in whole cuts or pieces. The amendment inserts into item 8.2 a reference to polyoxyethylene (20) sorbitan monolaurate (INS number 432), with a maximum permitted level of 500 mg/kg. The effect of the amendment is to permit that substance’s use as a food additive within that category of food products subject to that maximum permitted level.

### *Item [2.2]*

Item [2.2] amends item 8.3 of the table to section S15—5. Item 8.3 relates to processed comminuted meat, poultry and game products, other than products listed in item 8.3.2. The amendment inserts into item 8.3 a reference to polyoxyethylene (20) sorbitan monolaurate (INS number 432), with a maximum permitted level of 500 mg/kg. The effect of the amendment is to permit that substance’s use as a food additive in that category of food products subject to that maximum permitted level.

### *Item [2.3]*

Item [2.3] amends item 9.2 of the table to section S15—5. Item 9.2 relates to processed fish and fish products. The amendment inserts into item 9.2 a reference to polyoxyethylene (20) sorbitan monolaurate (INS number 432), with a maximum permitted level of 500 mg/kg. The effect of the amendment is to permit that substance’s use as a food additive in that category of food products subject to that maximum permitted level.