**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.

The Authority prepared Proposal M1018 which considered amending certain maximum residue limits (MRLs) in the Code for residues of agricultural and veterinary chemicals that may occur in food. The Authority considered the Proposal in accordance with Division 2 of Part 3 and has approved a draft Standard.

Following consideration by the Food Ministers’ Meeting (formerly 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 a draft variation to Schedule 20 to vary maximum residue limits MRLs for residues of agricultural and veterinary chemicals in food commodities. Section S20—3 currently lists the MRLs for agricultural and veterinary chemicals which may occur in foods, however if an MRL is not listed for a particular agricultural or veterinary chemical food combination or there is no *All other foods except animal food commodities* MRL, there must be no detectable residues of that chemical in that food. This general prohibition means that, in the absence of a relevant MRL in the Code, the food may not be sold where there are detectable residues.

MRL variations may be required to permit the sale of foods containing legitimate residues. These are technical amendments following APVMA legislated changes in use patterns of agricultural and veterinary chemicals available to chemical product users. These changes include crop uses such as a reduction from a food group MRL to an individual commodity or an increase/addition of an individual commodity MRL within a group, and the withdrawal of older products following a review. In regard to Australia’s WTO obligations, MRLs may be harmonised with international or trading partner standards. Internationally, farmers face different pest and disease pressures, agricultural and veterinary chemical use patterns and the legitimate residues in food associated with these uses may vary accordingly.

A risk assessment including a dietary exposure assessment was conducted prior to the variation of MRLs to ensure that the amended limits pose negligible public health and safety concerns to consumers.

**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 2 of Part 3 of the FSANZ Act, the Authority’s consideration of Proposal M1018 included one round of public consultation following an assessment and the preparation of a draft Standard and associated reports. Submissions were called for on 1 February 2020 for a six-week consultation period domestically and sixty days through the WTO notification process.

A Regulation Impact Statement was not required because the approved variations to Schedule 20 are likely to have a minor impact on business and individuals and the OBPR previously provided a standing exemption (ID 12065).

**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] varies Schedule 20.

Item [1.1] inserts chemicals not currently listed, in alphabetical order, including chemical name, residue definition, food commodity and new associated MRLs.

Item [1.2] omits the food commodities and associated MRLs for the chemicals listed.

Item [1.3] inserts the food commodities and associated MRLs for the chemicals listed.

Item [1.4] omits the food commodities and associated MRLs for the chemicals listed, substituting them with new MRLs.