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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**FOOD STANDARDS AUSTRALIA NEW ZEALAND AMENDMENT (FORUM
ON FOOD REGULATION AND OTHER MEASURES) BILL 2015**

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Health, The Hon Sussan Ley MP)

FOOD STANDARDS AUSTRALIA NEW ZEALAND AMENDMENT (FORUM ON FOOD REGULATION AND OTHER MEASURES) BILL 2015

OUTLINE

The main objectives of the Food Standards Australia New Zealand Amendment (Forum on Food Regulation and Other Measures) Bill 2015 (the Bill) are to:

- amend the *Food Standards Australia New Zealand Act 1991* (the FSANZ Act) to reflect the change of name of the former Australia and New Zealand Food Regulation Ministerial Council (ANZFRMC) to the Australia and New Zealand Ministerial Forum on Food Regulation (the Forum on Food Regulation);
- make amendments relating to the compositional requirements and appointment process of the Food Standards Australia New Zealand (FSANZ) Board; and
- make other amendments to improve the clarity and operation of the legislation.

Policy Background

Update of references from ANZFRMC to FoFR

On 13 February 2011, the Council of Australian Governments (COAG) agreed to establish a new Council System. As part of the new system, the ANZFRMC became the Legislative and Governance Forum on Food Regulation (FoFR). With the launch of the FoFR on 17 September 2011, the remit of the ANZFRMC was withdrawn, except in cases where it is referred to by name in instruments such as legislation, treaties and intergovernmental agreements.

COAG agreed at its meeting on 13 December 2013 to streamline its Council system from 22 Councils to eight. The five legislative and governance fora, including the FoFR, will continue as per legislative requirements, albeit outside the auspices of COAG.

At the FoFR meeting on 27 June 2014, Ministers agreed to change the name of the FoFR to the Forum on Food Regulation.

Amendments relating to the compositional requirements of the FSANZ Board

At its meeting in April 2013, the Food Regulation Standing Committee (FRSC) considered that it was necessary to conduct a review of the Food Standards Australia New Zealand (FSANZ) Board appointment process, which had been followed since 2002.

This Review made several recommendations in relation to consumer rights, science, public health and food industry Board member positions, which included amending:

1. the compositional requirements of the FSANZ Board to address the need for flexibility to accommodate FSANZ's future work requirements; and
2. in relation to certain categories of Board members, amend the nomination process to be an open market process by advertising for upcoming Board vacancies externally as well as seeking nominations from identified organisations.

The Forum on Food Regulation considered and endorsed these recommendations at its meeting on 30 January 2015.

Amendments to improve clarity and operation of the Act

Other amendments proposed in the Bill are intended to improve regulatory efficiency and provide greater clarification for businesses and FSANZ by removing ambiguity and improving consistency in the way in which the Act outlines procedures for consideration of food regulatory measures. For example, the Bill clarifies when FSANZ can abandon a proposal.

Financial Impact Statement

There is no financial impact relating to this Bill.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

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This Bill is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Bill

The primary objectives of the Food Standards Australia New Zealand Amendment (Forum on Food Regulation and Other Measures) Bill 2015 (the Bill) are to:

- amend the *Food Standards Australia New Zealand Act 1991* (the Act) to reflect the change of name of the former Australia and New Zealand Food Regulation Ministerial Council (ANZFRMC) to the Australia and New Zealand Ministerial Forum on Food Regulation (the Forum on Food Regulation);
- in relation to consumer rights, science, public health and food industry Board members positions, amend the Food Standards Australia New Zealand (FSANZ) Board's compositional requirements and appointment process, in accordance with recommendations endorsed by the Forum on Food Regulation, to –
 - address the need for flexibility to accommodate FSANZ's future work requirements, and
 - include a competitive selection process (such as external advertising), which the Bill allows to occur simultaneously with the existing nomination process when recruiting for each vacant FSANZ Board member position; and
- make other amendments to improve the clarity and operation of the legislation—these amendments are intended to improve regulatory efficiency and provide greater clarification for businesses and FSANZ, by removing ambiguity and improving consistency in the way in which the Act outlines procedures for consideration of food regulatory measures.

Human rights implications

The Bill does not engage any of the applicable rights or freedoms.

Conclusion

This Bill is compatible with Human Rights as it does not raise any human rights issues.

The Hon Sussan Ley MP, Minister for Health

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NOTES ON CLAUSES

Clause 1 – Short Title

The clause provides that the Bill, once enacted, may be cited as the *Food Standards Australia New Zealand Amendment (Forum on Food Regulation and Other Measures) Act 2015*.

Clause 2 – Commencement

This clause provides that the Bill commences as follows:

- Part 1 of Schedule 1 - the day after Royal Assent;
- Part 2 of Schedule 1 – a single day to be fixed by Proclamation, but if the provisions do not commence within a 12 month period beginning on the day the Act receives Royal Assent, the provisions do not commence at all;
- Schedule 2 – 1 January 2016; and
- sections 1 to 3 and anything else in the Act not covered by the commencement table – the day the Act receives Royal Assent.

The amendments in Part 2 of Schedule 1 only need to commence when the Food Regulation Agreement is amended to rename the Australia New Zealand Food Regulation Ministerial Council as the Australia New Zealand Ministerial Forum on Food Regulation (the Forum on Food Regulation). The purpose of the 12 month period is to allow sufficient time for the Food Regulation Agreement to be amended.

Clause 3 – Schedules

This clause provides that legislation that is specified in a Schedule to the Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Main amendments

Part 1—Amendments commencing on the day after Royal Assent

Food Standards Australia New Zealand Act 1991

Item 1 repeals the definition of “appropriate government agency” in subsection 4(1) and replaces it with a new definition of the term. The new definition no longer includes prescribed lists of Commonwealth, State, Territory and New Zealand Departments and authorities. The *Food Standards Australia New Zealand Regulations 1991* (the FSANZ Regulations) will be amended to reflect this change.

However, the new definition continues to capture the following:

- the relevant Department of the Commonwealth, State, Territory or New Zealand administered by a Minister who is a member of the Australia and New Zealand Ministerial Forum on Food Regulation (the Forum on Food Regulation);
- any other body that has an officer on the Food Regulation Standing Committee (“FRSC” – a subcommittee of the Forum on Food Regulation); and
- any other body or officer of the Commonwealth, a State, a Territory or New Zealand that FSANZ considers has a particular interest in the relevant matter.

Item 2 repeals the definition of “Council” in subsection 4(1). This is because the name of the Australia New Zealand Food Regulation Ministerial Council (the Council) that was established by the Food Regulation Agreement changed in September 2011 as a result of COAG’s new Council System.

Item 3 inserts a definition of *Forum on Food Regulation* to reflect the new name of what had previously been known as the Council—the Australia New Zealand Ministerial Forum on Food Regulation (the Forum on Food Regulation).

Item 4 amends subsection 4(1) by repealing the definitions of *Gene Technology Regulator*, *GMO*, and *GM product* as a consequence of the amended definition of “appropriate government agency”. This item also repeals the definition of *New Zealand lead Minister on the Council* as a consequence of the change of name from the Council to the Forum on Food Regulation.

Item 5 inserts a definition of *New Zealand lead Minister on the Forum on Food Regulation* to reflect the change of name from Council to Forum on Food Regulation.

Items 6, 8, 9, 10, 12, 15, 16, 18, 19, 20, 22, 24, 25, 26, 27, 33, 34, 36, 37, 38, 40, 43, 44, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 75, 76, 83, 86, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 107, 108, 109, 113, 114, 115, 116, 118, 120, 121, 122, 123, 124, 125, 126, 129 and 132 amend specified provisions by substituting references to the Council for references to the Forum on Food Regulation.

Item 7 inserts a new Part 1A which relates to the Forum on Food Regulation. **Item 7** also inserts new section 11A, which clarifies that the Council may also now be known as the Forum on Food Regulation.

Item 11 repeals section 19, which relates to notices given by FSANZ to the Gene Technology Regulator. This amendment is a consequence of the new definition of “appropriate government agency” in **item 1**. The effect of the new definition is that where the FSANZ Act requires FSANZ to notify an “appropriate government agency”, FSANZ would only notify the Gene Technology Regulator (the Regulator) where FSANZ considers that the Regulator has a particular interest in the relevant matter.

Item 13 amends subsection 24(1) to the effect that an applicant may withdraw the applicant’s application at any time before FSANZ approves a draft regulatory measure (or a draft variation thereof) as a result of the application; or before FSANZ notifies the applicant that FSANZ has rejected the application.

Item 14 amends paragraph 33(3)(i) by clarifying that FSANZ is only required to include a Regulation Impact Statement in a report under section 33 if FSANZ was required to prepare a Regulation Impact Statement. This recognises that there are occasions when an exemption may be given from the requirement to prepare a Regulation Impact Statement.

Items 17, 21, 35, 39 and **84** amend specified provisions to enable FSANZ to publish specific notices relating to draft standards and draft variations on FSANZ’s website instead of having to publish a notice in a generally circulating newspaper, in each State or Territory and in New Zealand. These and other similar amendments in the Bill (see below) have been made because, with the development and progress of the internet and, in particular—social media, publishing notices in newspapers is no longer the most cost-effective nor efficient method of notifying the people and bodies that FSANZ must notify.

Other amendments set out in **items 17, 21, 35** and **39** reflect the change in reference from the Council to the Forum on Food Regulation.

Items 23 and **41** amend paragraphs 50(2)(b) and 76(2)(b) respectively, by deleting the requirement for FSANZ to assess the draft variation against the criteria set out in the Nutrition, Health and Related Claims Standard in relation to high level health claims to reflect the fact there are no such criteria. However, the requirement for FSANZ to take into account any recommendations made by the High Level Health Claims Committee in relation to the draft variation; or the application or proposal (as the case may be) that resulted in the draft variation is maintained.

Item 28 amends subsection 56(1) to clarify that FSANZ may abandon a proposal at any time before either the approval of the resulting draft standard or draft variation; or the approval of the resulting draft code of practice or a variation of a code of practice (as the case may be).

Items 29, 117 and **119** correct a typographical error in subsection 56(2), paragraph 110(5)(a) and subsection 112(4) respectively, by replacing the reference to section 77 with a reference to section 75.

Item 30 amends subsection 59(1) to clarify that the requirement for FSANZ to assess the proposal if it prepares a proposal is subject to FSANZ’s right to abandon the proposal under section 56.

Item 31 inserts a Note at the end of subsection 59(1) explaining that section 56 allows FSANZ to abandon a proposal.

Item 32 amends paragraph 63(3)(i) to clarify that FSANZ is only required to include a Regulation Impact Statement in a report under section 63 if FSANZ was required to prepare a Regulation Impact Statement. This recognises that there are occasions when an exemption may be given from the requirement to prepare a Regulation Impact Statement.

Item 42 amends paragraph 76(2)(d) to correct a typographical error by inserting the word “consider” before the word “all”.

Item 45 amends paragraph 79(1)(b) by removing the qualification “if submissions were called for” as FSANZ must always call for submissions on a high level health claims variation arising from proposals.

Item 74 amends section 91 by inserting subsection number “(1)” because **item 78** below inserts a second subsection into section 91.

Item 77 amends paragraph 91(c) by removing the requirement for the Forum on Food Regulation to publish a notice prepared under paragraph 91(1)(a) in a generally circulating newspaper, in each State or Territory and in New Zealand. The Forum will still have to publish a copy of this notice on the internet. Note that paragraph 91(c) will become paragraph 91(1)(c) due to the amendment in **item 74** above.

Item 78 inserts a new subsection into section 91 requiring FSANZ, upon receiving a copy of a notice prepared by the Forum on Food Regulation under paragraph 91(1)(a) (currently paragraph 91(a)), to give public notice of the notice.

Items 79 and 80 amend section 92 by removing the existing requirement for FSANZ to publish a notice prepared under paragraph 92(a), together with information about where a copy of the draft standard or draft variation (or the amended version thereof) may be obtained or inspected, in a generally circulating newspaper in each State or Territory and in New Zealand. The effect of this is that FSANZ would only have to publish such notices and information in the *Gazette* and the *New Zealand Gazette*.

Item 81 deletes paragraph 92(c) removing the requirement for FSANZ to make a copy of the notice and the text of the draft standard or draft variation (or the amended version thereof) available to the public for inspection. Paragraph 92(d) already requires FSANZ to publish those documents on its website.

Item 82 amends subsection 95(3) by removing the requirement for FSANZ to publish a copy of the declaration made under subsection 95(1) in a generally circulating newspaper, in each State or Territory and in New Zealand. FSANZ would still have to give public notice of the declaration and include a copy of the declaration in the notice.

Item 84 amends subsection 96(6) by removing the requirement for FSANZ to publish a copy of a notice under subsection 96(3) in a generally circulating newspaper, in each State or Territory and in New Zealand. Instead, FSANZ would have to publish the notice on its website.

Item 85 amends subsection 97(4) by removing the requirement for FSANZ to publish a copy of a notice stating:

- that the draft standard or draft variation has been approved; and
- where further information about the draft standard or draft variation may be obtained,

in a generally circulating newspaper, in each State or Territory and in New Zealand. FSANZ would still have to give public notice of the approval and information about where further information about the draft standard or draft variation may be obtained.

Item 87 amends paragraph 101(4)(g) by clarifying that FSANZ is only required to include a Regulation Impact Statement in a report under section 101 if FSANZ is required to prepare a Regulation Impact Statement. This recognises that there are occasions when an exemption may be given from the requirement to prepare a Regulation Impact Statement.

Item 105 amends paragraph 106(2)(c) by removing the requirement for the Forum on Food Regulation to publish a copy of the relevant notice in a generally circulating newspaper, in each State or Territory and in New Zealand. The Forum would still have to publish a copy of the notice on the internet.

Item 106 amends section 106 by inserting a new subsection 106(2A) which requires FSANZ, upon receiving a copy of a notice prepared by the Forum on Food Regulation under paragraph 106(2)(a), to give public notice of the notice.

Items 110 and 111 amend paragraph 106(4)(b) by removing the requirement for FSANZ to publish a notice prepared by FSANZ under paragraph 106(4)(a) (together with information about where the text of the revocation or amendment may be obtained or inspected) in a generally circulating newspaper, in each State or Territory and in New Zealand. The effect of this is that FSANZ would only have to publish such notices and information in the *Gazette* and the *New Zealand Gazette*.

Item 112 deletes paragraph 106(4)(c), removing the requirement for FSANZ to make available for public inspection a copy of the relevant notice and the text of the instrument of revocation or amendment. Paragraph 106(4)(d) already requires FSANZ to publish those documents on its website.

Item 127 amends subsections 128(3) and (4) to correct a drafting error - clarifying that the CEO is appointed by the FSANZ Board not the Minister.

Item 128 amends section 145 to correct a numbering error by deleting the subsection number “(1)”.

Items 130 and 131 amend subsection 152(1) so that the requirements for what must be included in FSANZ’s annual report include the particulars about the number of draft standards and draft variations approved in relation to both applications and proposals (urgent and non-urgent), during the current period. Previously, only particulars about the number of draft standards and draft variations approved in relation to non-urgent applications had to be included in FSANZ’s annual report.

Item 133 amends paragraphs 152(1)(w) and (x) by replacing references to the Council for references to the Forum on Food Regulation. It also corrects a typographical error by replacing references to “Division 3” for references to “Division 4”. Division 3 of Part 3 relates to the review of draft standards and draft variations by the Forum on Food Regulation, which is already covered by paragraphs 152(1)(u) and (v). Division 4 of Part 3 relates to urgent applications and proposals, where the Forum on Food Regulation may request for a review of a standard or variation prepared by FSANZ (section 102) and revoke or amend standards or variations (section 106). These activities are now captured by section 152.

Item 134 provides for when certain specified amendments in Schedule 1 take effect. Specifically:

- the amendment made in **item 78** requiring FSANZ to give public notice of the notice prepared by the Forum on Food Regulation under paragraph 91(1)(a) applies to a notice given to FSANZ on or after the day after the *Food Standards Australia New Zealand Amendment (Forum on Food Regulation and Other Measures) Act 2015* receives the Royal Assent, when this item commences. This is the case even if the draft standard or draft variation to which the notices relates was prepared before that day;
- the amendment made in **item 106** requiring FSANZ to give public notice of a notice prepared by the Forum on Food Regulation under paragraph 106(2)(a) applies to a notice given to FSANZ on or after the day after the *Food Standards Australia New Zealand Amendment (Forum on Food Regulation and Other Measures) Act 2015* receives the Royal Assent, when this item commences. This is the case even if the draft standard or draft variation to which the notices relates was assessed before that day; and
- the amendment made in item 127 clarifying that the CEO is appointed by the FSANZ Board instead of the Minister, applies to an appointment made on or after the day after the *Food Standards Australia New Zealand Amendment (Forum on Food Regulation and Other Measures) Act 2015* receives the Royal Assent, when this item commences. This is the case even if the period of 2 years mentioned in subsection 128(3) of the Act began before that commencement day.

Items 78 and **106** create new obligations and it is possible that, without these application provisions, those new obligations could be read narrowly to only apply to new variation processes. This consideration does not apply to other amendments, such as items 82 and 85, which reduce obligations but do not impose new obligations.

Schedule 1—Main amendments

Part 2—Other amendments

Item 135 amends the definition of the Forum on Food Regulation in subsection 4(1) by replacing the reference to the Council in that definition with a reference to the Forum. This amendment is intended to come into effect after the Food Regulation Agreement, which established the Council, is amended to change the Council's name to the Forum.

Item 136 repeals Part 1A inserted under item 7 of Schedule 1. Part 1A will no longer be necessary once the Food Regulation Agreement is amended in relation to the name change referred to in **item 135**.

Schedule 2—Amendments commencing on 1 January 2016

Food Standards Australia New Zealand Act 1991

The following amendments to the FSANZ Act include amendments related to the FSANZ Board’s compositional requirements consistent with the recommendations of the report of the Review of the Food Standards Australia New Zealand (FSANZ) Board appointment process (the Board Review report) endorsed by the Australia and New Zealand Ministerial Forum on Food Regulation (the Forum on Food Regulation).

Item 1 inserts new definitions of “consumer rights member”, “food industry fields of expertise”, “food industry member”, “science and public health fields of expertise” and “science and public health member” into subsection 4(1), which refer to the meanings given to those terms in new section 116A.

Item 2 repeals subsections 116(1) to (2) and substitutes with a new subsection 116(1) headed “Constitution of the Board”, which states that the FSANZ Board consists of:

- the Chief Executive Officer; and
- 11 members that the Minister appoints under new section 116A, as discussed below.

This item also inserts a new heading before subsection 116(2A) “Chief Executive Officer”, clarifying that subsection 116(2A) relates only to the Chief Executive Officer. Subsection 116(2A) clarifies that references to a member in Division 1 of Part 4 (The Board) do not apply to the CEO.

Item 3 repeals subsections 116(2B) to (5) in the Act.

Item 4 inserts a new heading “Other members” before subsection 116(7) as subsections 116(7) and (8) relate to FSANZ Board members other than the CEO.

Item 5 inserts a new heading before subsection 116(9), clarifying that subsection 116(9) relates to the effect of vacancies in FSANZ Board membership.

Item 6 inserts new section 116A (“Members appointed by Minister”) after section 116.

Subsection 116A(1) enables the Minister to appoint a person as a FSANZ Board member mentioned in column 1 of an item of the table to this subsection if the following conditions are met:

- the Minister is satisfied that:
 - the person has expertise in one or more of the fields of expertise mentioned in column 2 of the Table, which relate to the particular item of the table; and
 - the person is suitably qualified for appointment because of the person’s expertise in that field or fields; and

- the following requirements in column 3 of the item are satisfied:
 - Chairperson – the Forum on Food Regulation agrees to the appointment;
 - members nominated by the New Zealand lead Minister in the Forum on Food Regulation – the Minister has consulted with the Forum; and
 - members listed in items 4 to 6 of the table – subsection 116A(4) applies; and
- if the appointment is of a consumer rights member, science and public health member or food industry member – the Minister is satisfied that the person has expertise relevant to FSANZ’s performance of its functions over the period of appointment, having regard to the forward plan in force under section 20 of the Act.

The table to subsection 116A(1) is set out as follows.

Column 1 lists the following types of members:

- a Chairperson (item 1 of the table);
- two members nominated by the New Zealand lead Minister on the Forum on Food Regulation for the purposes of item 2 of the table (item 2 of the table);
- one member nominated by the New Zealand lead Minister on the Forum on Food Regulation for the purposes of item 3 of the table (item 3 of the table);
- at least one consumer rights member (item 4 of the table);
- at least two science and public health members (item 5 of the table); and
- at least one food industry member (item 6 of the table).

Column 2 lists the fields of expertise in relation to each item. The particular fields of expertise are set out in subsections 116A(2) and (3), as explained below.

Column 3 lists other requirements for appointment in relation to each item, as mentioned above.

Subsection 116A(2) sets out what are *science and public health fields of expertise*. It is noted that “consumer affairs” is included as a science and public health field of expertise. This term encompasses only science and/or public health elements and applies to several types of FSANZ Board members. However, “consumer affairs” is distinguished from the broader field of expertise “consumer rights and consumer affairs policy in Australia”, which only applies to the consumer rights member in item 4 of the table.

Subsection 116A(3) sets out what are *food industry fields of expertise*.

Subsection 116A(4) sets out requirements for appointments in relation to consumer rights, science and public health, and food industry members. This provision applies if:

- either the person is:
 - nominated by an organisation or public body, from which the Minister sought nominations, established in Australia or New Zealand for purposes relating to one or more of the fields of expertise to which subparagraph (1)(a)(ii) applies; or
 - selected in accordance with a competitive selection process that covers Australia and New Zealand; and
- the Forum on Food Regulation agrees to the appointment.

In effect, this amendment implements a recommendation in the Board Review report endorsed by the Forum on Food Regulation specifically related to FSANZ Board appointments of consumer rights, science and public health, and food industry members; and intended to open up the pool of potential candidates for vacant FSANZ Board member positions. In relation to appointments of these types of members, this amendment allows the Minister to undertake:

- the current nomination process; or
- a competitive selection process.

These processes are also able to be undertaken simultaneously and it is intended that both processes would be undertaken simultaneously.

In addition, as a result of opening up the FSANZ Board appointment process for those types of members to include a competitive selection process, the lists of Australian and New Zealand organisations and bodies will no longer be prescribed in the *Food Standards Australia New Zealand Regulations 1994* (the FSANZ Regulations). Instead, a list of Australian and New Zealand organisations and bodies will be maintained by the Department of Health and, depending on which FSANZ Board member position is the subject of the recruitment, the Minister would seek nominations from relevant organisations and bodies on that list.

Subsection 116A(5) clarifies the number of appointments that can be made for consumer rights, science and public health, and food industry members.

The total number of consumer rights, science and public health, and food industry members must be seven.

At least one science and public health member must be a person whom the Minister is satisfied is suitably qualified to be a member because of the person's expertise in one or more fields of expertise primarily related to science.

At least one science and public health member must be a person whom the Minister is satisfied is suitably qualified to be a member because of the person's expertise in one or more fields of expertise primarily related to public health.

The requirements relating to science and public health members are necessary to ensure that a balance of science and public health expertise is represented on the FSANZ Board, whilst recognising that certain fields of expertise for these members may encompass both science and public health elements.

Item 7 repeals the heading for section 117 and substitutes it with “Other provisions relating to appointments”.

Item 8 sets out savings provisions in relation to Board appointments, which preserves the current composition of the Board. It clarifies which of the new expert members positions the existing Board members would fill.

In particular, **item 5 in the table to item 8** includes the current member nominated by the CEO of the National Health and Medical Research Council (the NHMRC member category mentioned in existing paragraph 116(1)(e)). This is because under the new provisions, the NHMRC member category is subsumed into the science and public health member categories.

Item 9 sets out the following transitional arrangements for appointments that may already be in progress on 1 January 2016, when amendments in Schedule 2 of the Act commence.

A nomination made for the purposes of paragraph 116(1)(ca) of the *Food Standards Australia New Zealand Act 1991* within a period of time from 30 June 2015 to 31 December 2015 is treated, from 1 January 2016, as having been made for the purposes of item 3 of the table in subsection 116A(1) of that Act as amended by Schedule 2.

Agreement given under 116(1B) of the *Food Standards Australia New Zealand Act 1991* within a period of time from 30 June 2015 to 31 December 2015 is treated, from 1 January 2016, as having been given for the purposes of item 1 of the table in subsection 116A(1) of that Act as amended by Schedule 2.

Consultation undertaken under subsection 116(2) of the *Food Standards Australia New Zealand Act 1991* within a period of time from 30 June 2015 to 31 December 2015 is treated, from 1 January 2016, as having been undertaken under item 3 of the table in subsection 116A(1) of that Act as amended by Schedule 2.