

Food Standards Australia New Zealand Amendment Bill 2010

Department of Health and Ageing

Submission to the Senate Community Affairs Legislation Committee

The Food Standards Australia New Zealand Amendment Bill 2010 (the bill) implements a reform agreed to by the Council of Australian Governments on 3 July 2008, as part of the “Seamless National Economy” reform agenda, that called for the “recognition, for domestically grown produce, by Food Standards Australia New Zealand of the Australian Pesticides and Veterinary Medicines Authority’s residue risk assessment and the promulgation of the resulting maximum residue limits to the Food Standards Code”.

The bill amends the *Food Standards Australia New Zealand Act 1991* (the Act), and includes consequential amendments to the *Agricultural and Veterinary Chemicals (Administration) Act 1992* and the *Agricultural and Veterinary Chemicals Code Act 1994*.

The objective of the amendments is to eliminate duplicative administrative processes between Food Standards Australia New Zealand (FSANZ) and the Australian Pesticides and Veterinary Medicines Authority (APVMA) associated with the promulgation of maximum residue limits, without compromising public health and safety.

A maximum residue limit (MRL) is the highest concentration of a residue of a particular agricultural or veterinary (agvet) chemical that is legally permitted in a food or animal feed. The APVMA sets an MRL in the course of approving registrations or permits for agvet chemical products, which reflects the residues resulting from an agvet product’s use on crops or livestock in accordance with the application and dose specified on the product label. The Food Standards Code includes a corresponding MRL standard, which reflects the levels permitted in food available for sale. Under the existing arrangements, the MRL in the Food Standards Code is set through a subsequent, separate process conducted by FSANZ. There is a large time delay between these two processes.

This time delay creates circumstances whereby a primary producer may legally use a particular chemical product on their crops and livestock in compliance with the relevant APVMA product registration or permit, but may not legally sell the treated produce (plant and animal products) because there is no corresponding MRL standard in the Food Standards Code. If a relevant MRL is not specified in the Food Standards Code, residues of the particular chemical are not permitted in food.

The reforms to be implemented by the bill will reduce the time-lag between the gazettal of an APVMA prescribed MRL and the promulgation of a corresponding MRL Standard into the Food Standards Code. This will be achieved by allowing the APVMA to vary the MRL Standard in the Food Standards Code, thereby establishing the APVMA as the single decision maker for determining MRLs. FSANZ will retain responsibility for conducting a dietary risk assessment (or preparing advice on an assessment conducted by another party such as the APVMA), and providing this to the APVMA to inform their decision making.

By streamlining duplicative administrative processes, the timeline for setting an MRL Standard will be reduced by up to nine to twelve months.