

**Senate Community Affairs Committee**

ANSWERS TO ESTIMATES QUESTIONS ON NOTICE

HEALTH PORTFOLIO

**Supplementary Budget Estimates 2016 – 2017, 19 October 2016**

**Ref No:** SQ16-000563

**OUTCOME:** 2 – Health Access and Support Services

**Topic:** Nanomaterials in Food

**Type of Question:** Written Question on Notice

**Senator:** Rice, Janet

**Question:**

In SQ15-000830, FSANZ was asked whether it had considered a labelling requirement for nanomaterials in food similar to that required in the EU. The question wasn't answered directly, but FSANZ indicated that it hadn't received an application and would consider the issue at that time.

- a) Is there any legal restriction on FSANZ considering the question of labelling of nanomaterials without an application being submitted?
- b) If yes to a), please identify the applicable legal provisions.

**Answer:**

- a) No. Section 16 of the *Food Standards Australia New Zealand Act 1991* (Commonwealth) (the FSANZ Act) prescribes the matters that may be included in a food standard. Food Standards Australia New Zealand's (FSANZ) understanding is that section 16 would permit a standard to include a labelling requirement for nanomaterials in food if such a standard was considered warranted in the circumstances.

The FSANZ Act sets out the criteria that must be used when determining whether or not the making of a standard imposing a labelling requirement for nanomaterials in food is warranted. Requirements imposed by Australian administrative law also must be met.

The FSANZ Act sets out how standards, including any standard imposing a labelling requirement for nanomaterials, must be made. This process may be initiated by either an application from any member of the public or by a proposal initiated by FSANZ.

- b) Not applicable.