



REGULATIONS REVIEW COMMITTEE

25 June 2013

Mr Jon Muller
Secretary
GE Free New Zealand
PO Box 13402
Wellington

Dear Mr Muller,

The committee has considered your letters of 25 February 2013 and 22 March 2013 regarding "...the right of consumers to expect that the regulatory assessments of FSANZ have followed the legislated procedures and meet the legitimate public expectations over GM food safety approvals, as stipulated by the FSANZ Act and regulations".

The committee has found that the complaint does not meet the first hurdle of validity because the complaint was not made in relation to a New Zealand regulation. At the time of the complaint, the processes for approval of variation A1073 to Standard 1.5.2 were taking place under Australian Commonwealth legislation: the Food Standards Australia New Zealand Act 1981 (the FSANZ Act), as noted in your complaint. The approval process is set out in intergovernmental agreements and in Australian regulations made under the FSANZ Act.

Therefore the committee does not have jurisdiction in relation to that complaint.

At the conclusion of the process about which you made your complaint, a notice was issued under the FSANZ Act in both the Australian and New Zealand Gazettes, on 18 April 2013: please see the attached chart. That notice was sufficient to give force in Australia to the amended food standard, but not in New Zealand.

However, there is a further stage which followed after the process about which your complaint was made. That is, on 15 May 2013, the New Zealand Minister for Food Safety issued in the *Gazette* an amendment to the New Zealand (Australia New Zealand Food Standards Code) Food Standards 2002.

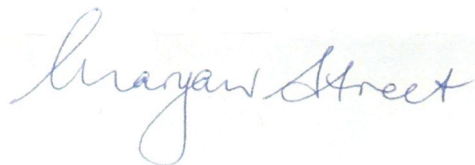
That notice was made under section 11L of the Food Act 1981, and it incorporated amendments to the New Zealand (Australia New Zealand Food Standards Code) Food Standards 2002 up to and including Amendment No. 140. The committee understands that it is in relation to what has become Amendment 140 that your original complaint

was lodged. The amendments made by the *Gazette* notice of 15 May 2013 came into effect on 20 June 2013.

The effect of the Minister's notice under the Food Act 1981 is that the resulting food standard has force in New Zealand and is deemed to be a regulation for the purposes of the Regulations (Disallowance) Act 1989, unlike the subject matter of your earlier complaint.

If you wish to raise the matter again with the committee now that notification in the *Gazette* had been given in accordance with the New Zealand Food Act 1981, you will need to make a new complaint to the committee in relation to that New Zealand deemed regulation. It may be, for example, that you wish to raise the matter of whether, in accordance with section 11E of the Food Act 1981, the Minister took into account the preconditions for issuing the food standard.

Yours sincerely,



Hon Maryan Street
Chairperson
Regulations Review Committee

Encl...

Standards 2002 up to and including Amendment No. 140. The committee understands
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