Appendix 6 – Functions and powers

Food Standards Australia New Zealand is a statutory authority established by the *Food Standards Australia New Zealand Act 1991*. The Act came into effect on 19 August 1991. FSANZ is part of the Health and Ageing portfolio of the Australian Government and, on day-to-day matters, is accountable to the Parliamentary Secretary to the Minister for Health and Ageing, the Hon. Catherine King, MP.

Sections 13 and 14 of the Act state:

**Functions**

(1) The functions of the Authority are:

(a) in accordance with this Act, to develop standards and variations of standards, and to review standards and variations of standards; and

(b) in accordance with this Act, to develop codes of practice and variations of codes of practice for industry and to review codes of practice; and

(c) to develop guidelines to assist the interpretation of the Australia New Zealand Food Standards Code on its own initiative or in consultation with the States, the Territories and any other body or person that the Authority considers appropriate; and

(d) to promote consistency between standards in Australia and New Zealand with those used internationally, based on the best available scientific evidence; and

(e) in consultation with the States and Territories, or on its own initiative, to facilitate the harmonisation of state and territory laws relating to food; and

(f) in consultation with the States and Territories, or on its own initiative, to co ordinate the development of procedures required to implement requirements set out in standards; and

(g) in consultation with the States and Territories, to co ordinate the monitoring, surveillance and enforcement of activities relating to food available in Australia; and

(h) in consultation with the States and Territories, or on its own initiative, to conduct research and surveys in relation to any of the matters that may be included in a standard; and
(i) in co-operation with the States and Territories, to develop food education initiatives, including the publication of information to increase public awareness of food standards and food labels; and

(j) in co-operation with the Department administering Division 1A of Part V of the Trade Practices Act 1974, to co-ordinate the recall of food under that Division; and

(k) at the request of the States and Territories, to co-ordinate action by the States and Territories to recall food under State and Territory laws; and

(l) to develop assessment policies in relation to food imported into Australia; and

(m) to provide advice to the Minister on matters relating to food; and

(n) to participate in international, regional and bilateral negotiations on matters that may be included in standards; and

(o) to make the Authority’s knowledge, expertise, equipment, facilities and intellectual property available to other persons on a commercial basis; and

(p) at the request of New Zealand, to perform functions for New Zealand similar to the functions that the Authority may perform in relation to the States and Territories; and

(q) at the request of New Zealand, to perform functions for New Zealand similar to the other functions that the Authority may perform; and

(qa) such other functions as are conferred on the Authority by this Act; and

(r) any functions incidental to any of the foregoing functions.

(2) The function conferred by paragraph (1)(o):

(a) can only be exercised:

   (i) for a purpose for which the Parliament has power to make laws; or

   (ii) to utilise the Authority’s spare capacity; and

(b) does not authorise the Authority to do something that would impede the Authority’s capacity to perform its other functions.
Powers

(1) The Authority has power to do all things necessary or convenient to be done in connection with the performance of its functions and, in particular, may:

(a) enter into contracts; and

(b) acquire, hold and dispose of real or personal property; and

(c) occupy, use and control any land or building owned, or held under lease, by the Commonwealth and made available for the purposes of the Authority; and

(d) engage persons to perform services for the Authority; and

(e) provide assistance to bodies or persons to prepare submissions:

(i) relating to the development or consideration of draft food regulatory measures or draft variations of food regulatory measures; or

(ii) relating to the performance of any other function of the Authority;

if the Authority determines that such assistance will advance the development or consideration of that draft or the performance of that other function; and

(f) accept gifts, grants, bequests and advances made to the Authority (whether on trust or otherwise) and act as trustee of money or other property vested in the Authority on trust; and

(fa) form, or participate in the formation of, companies; and

(fb) subscribe for or purchase shares in, or debentures and other securities of, companies; and

(fc) participate in partnerships, trusts and unincorporated joint ventures; and

(g) do anything incidental to any of its powers.

(2) The powers of the Authority may be exercised within or outside Australia.