16 June 2026
399-26

Approval report – Application A1329

Exclusion of Blacklip Rock oysters farmed in the Northern Territory from the ML for cadmium in molluscs

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Food Standards Australia New Zealand (FSANZ) has assessed an application made by the Department of Agriculture and Fisheries, Northern Territory Government of Australia to amend the Australia New Zealand Food Standards Code (the Code) to exempt Blacklip Rock oysters (*Saccostrea spathulata*) from the cadmium maximum level (ML) of 2 mg/kg for molluscs.

On 2 March 2026, FSANZ sought submissions on a draft variation and published an associated report. FSANZ received 8 submissions.

FSANZ approved the draft variation on 3 June 2026. The Food Ministers' Meeting was notified of FSANZ's decision on 16 June 2026.

This Report is provided pursuant to paragraph 33(1)(b) of the *Food Standards Australia New Zealand Act 1991* (the FSANZ Act).

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Supporting document

The following document which informed the assessment of this application is available on the A1329 page on the FSANZ website:

SD1 Risk Assessment (at Approval)

The published submissions from the call for submissions can be found on the A1329 Consultation Hub page.

Executive summary

The Department of Agriculture and Fisheries, Northern Territory (NT) Government of Australia, applied to amend Schedule 19 of the Australia New Zealand Food Standards Code (the Code) to exempt Blacklip Rock oysters (*Saccostrea spathulata*) from the maximum level (ML) of 2 mg/kg for cadmium in molluscs.

Concentrations of naturally occurring cadmium in Blacklip Rock oysters varied across aquaculture sites in the NT. Approximately half of the samples tested exceeded the current ML of 2 mg/kg.

Food Standards Australia New Zealand (FSANZ) conducted a risk assessment to evaluate any risks to public health and safety that could arise from 2 scenarios:

- The exclusion of Blacklip Rock oysters farmed in the NT from the ML of 2 mg/kg for cadmium in molluscs, as requested by the applicant.
- The introduction of an alternative ML of 3 mg/kg for cadmium in Blacklip Rock oysters farmed in the NT, considered to be the level as low as reasonably achievable in the catchment area.

The risk assessment found that the estimated dietary exposures from these two scenarios were below the safe level of dietary intake, the Tolerable Monthly Intake (TMI), for cadmium and therefore not a public health and safety concern.

FSANZ's preferred approach was to introduce a new ML of 3 mg/kg for cadmium in Blacklip Rock oysters farmed in the NT. The introduction of a new ML would ensure that levels of cadmium in NT Blacklip Rock oysters remain as low as reasonably achievable. To enable the sale of oyster stocks currently being farmed in the NT and provide time to adjust farming practices to meet the new ML, FSANZ determined an exclusion of Blacklip Rock oysters farmed in the NT from an ML for cadmium for a period of 24 months prior would not pose public health and safety concerns.

Following assessment and preparation of a draft variation, FSANZ called for submissions on a draft variation to the Code on 2 March 2026. These submissions have been considered in preparing this approval report.

For the reasons set out in this report, FSANZ has approved the draft variation proposed at the call for submissions with typographical amendments.

The approved draft variation will amend section S19—4 of the Code to:

- exclude Blacklip Rock oysters farmed in the NT from the ML for cadmium in molluscs of 2 mg/kg, to commence on the date of gazettal
- insert a new ML of 3 mg/kg for cadmium in Blacklip Rock oysters farmed in the NT, to commence the day after a period of 24 months from the date of gazettal.

The effect of this amendment will be to exclude Blacklip Rock oysters farmed in the NT from a ML for cadmium for a period of 24 months commencing from the date of gazettal. This will enable the sale of oyster stocks currently being farmed in the NT. At the end of the 24-month period, a new ML of 3 mg/kg for cadmium in Blacklip Rock oysters farmed in the NT will commence.

1 Introduction

1.1 The applicant

The application is from the Department of Agriculture and Fisheries, Northern Territory (NT) Government of Australia (DAF NT).

1.2 The application

The purpose of the application was to amend Schedule 19 of the Australia New Zealand Food Standards Code (the Code) to exempt Blacklip Rock oysters (*Saccostrea spathulata*) from the maximum level (ML) of 2 mg/kg for cadmium in molluscs. The applicant only provided data from Blacklip Rock oysters in the NT to support the application.

DAF NT assessed sources of pollution within the catchment area of shellfish harvest sites across the NT and determined cadmium uptake in Blacklip Rock oysters to be naturally occurring and not derived from anthropogenic sources.

Schedule 19 of the Code sets out the MLs of specified metal and non-metal contaminants and natural toxicants in nominated foods. A ML in the Code is set at a level consistent with public health and safety and as low as reasonably achievable based on Good Manufacturing Practice (GMP) and/or Good Agricultural Practice (GAP).

The applicant requested to exempt Blacklip Rock oysters from the ML for cadmium in molluscs in the Code on the basis that no public health and safety issues are expected from the consumption of Blacklip Rock oysters that contain cadmium at levels greater than 2 mg/kg. The application provided the following rationale:

- Cadmium from oysters is poorly absorbed in the body, due to the high content of essential minerals (e.g. zinc, iron and calcium) in oysters which compete with cadmium uptake in the body.
- No adverse health effects have been identified in populations consuming large amounts of oysters containing cadmium at similar levels to those in Blacklip Rock oysters.
- Adverse health effects due to cadmium dietary exposure have only been confirmed in a population consuming a predominantly rice-based diet (i.e. low in essential minerals) for which the rice was contaminated with cadmium from a neighbouring mine.
- Previous risk assessments of dietary cadmium by Food Standards Australia New Zealand (FSANZ) raised no public health and safety concerns (e.g. the 2019 Australian Total Diet Study).

Traditional Owners in the NT have driven the development of a Blacklip Rock oyster aquaculture industry in the region to support the demand for a market of locally sourced oysters. Tropical oyster farming is a priority area for research and development in the NT.

The application is limited to farmed oysters permitted for sale under aquaculture licence arrangements. The application made to FSANZ in April 2025 included data for Blacklip Rock oysters both farmed and wild-caught in the NT. Following discussions with the applicant regarding the scope of the assessment and the permissions sought in the Code, new site-specific data for Blacklip Rock oysters farmed in the NT was submitted to FSANZ in November 2025. FSANZ notes there is potential for higher cadmium concentrations to occur in wild-harvested or foraged oysters (see section 2.4.2 for further discussion).

FSANZ assessed cadmium concentrations of 398 Blacklip Rock oysters farmed at 4 aquaculture sites (approximately 100 per site) in the NT sampled by DAF NT to derive the mean cadmium concentrations of market-size oysters (≥70 mm length). The 4 aquaculture sites currently operate as research sites and are expected to transition to commercial farms under NT licensing and regulatory frameworks. Samples of Blacklip Rock oysters included in the risk assessment were grown under research trial conditions.

According to the application, excluding Blacklip Rock oysters farmed in the NT from the ML for cadmium in molluscs would enable the establishment of new aquaculture sites due to considerable interest from remote communities in Northern Australia.

1.3 The current Standard

Australian and New Zealand food laws require food for sale to comply with relevant requirements in the Code. The requirements relevant to this application are summarised below in section 1.3.1.

1.3.1 ML for cadmium in molluscs

Subsection 1.1.1—10(3) of the Code provides that a food for sale must comply with any provisions relating to the composition of, or presence of specified substances in, food of that kind. Standard 1.4.1 Contaminants and natural toxicants contains the provisions relating to the levels of contaminants or natural toxicants in food. The limits prescribed by Standard 1.4.1 apply to the portion of the food that is ordinarily consumed.

Section S19—4 prescribes MLs for cadmium in molluscs (excluding Dredge (Bluff) oysters and Queen scallops), amongst other foods. Food products with cadmium exceeding the MLs listed in the Code are non-compliant and cannot legally be sold in Australia or New Zealand. This approach ensures that levels of cadmium are kept as low as possible and are at levels that have been assessed as safe for human consumption. Specifically, section S19—4 of the Code sets MLs in mg/kg in column 3, for the contaminants listed in column one (with any relevant definitions and conditions), for the foods listed in column 2.

Standard 1.4.1 and Schedule 19 apply in both Australia and New Zealand.

The ML for cadmium in molluscs was established in 1997 under Proposal P144 – Review of the Maximum Permitted Concentrations for Cadmium in Food. The ML for cadmium in molluscs has not been reviewed since that time.

1.3.1.1 Existing permissions in the Code

Schedule 19 of the Code sets out the MLs of specified metal and non-metal contaminants and natural toxicants in nominated foods. A ML is defined in clause 1 of Standard 1.4.1 of the Code as follows:

> *maximum level (ML) means the maximum level of a specified contaminant, or specified natural toxicant, which is permitted to be present in a nominated food expressed, unless otherwise specified, in milligrams of the contaminant or the natural toxicant per kilogram of the food (mg/kg).*

FSANZ outlined criteria for setting maximum levels (MLs) for contaminants in 1999 under Proposal – 157 Contaminants Review (National Food Authority 1999). MLs are proposed only where they can be justified in terms of achieving public health and safety objectives, and are based on the following principles for setting MLs:

- only for those contaminants that present a significant risk to public health and safety
- only for those foods that significantly contribute to the dietary exposure of the contaminant
- to ensure that levels are as low as reasonably achievable.

A ML in the Code is set at a level consistent with public health and safety and as low as reasonably achievable based on Good Manufacturing Practice (GMP) and/or Good Agricultural Practice (GAP).

The proposed ML should be consistent with Codex levels, where possible. However, harmonisation with Codex is secondary to measures put in place to protect the public health and safety of Australians and New Zealanders. Further consideration is given to international trade obligations of Australia and New Zealand under the World Trade Organization's Sanitary and Phytosanitary Agreement and Technical Barrier to Trade Agreement.

The ML for cadmium in molluscs in the Code was established in 1997 under Proposal P144 – Review of the Maximum Permitted Concentrations for Cadmium in Food. The ML has not been reviewed since that time.

1.3.1.2 Exemptions

The reference to molluscs in the Code specifically excludes Dredge (Bluff) oysters and Queen scallops from the ML. These species have naturally occurring cadmium levels above 2 mg/kg and were determined to not require a ML on the basis that the species are not grown in areas where contamination from anthropogenic sources could occur, and the consumption of molluscs contributes only a minor amount of cadmium to the total dietary exposure in Australia and New Zealand.

1.4 International standards

In developing food regulatory measures, FSANZ must have regard to the promotion of consistency between domestic and international food standards. In terms of food safety, the relevant international standard setting body is the Codex Alimentarius Commission (Codex).

1.4.1 Codex Alimentarius

The Codex General Standard for Contaminants and Toxins in Food and Feed specifies the ML of a substance. The Codex ML for cadmium in marine bivalve molluscs is 2 mg/kg, excluding oysters and scallops.

The ML for cadmium in marine bivalve molluscs was adopted in 2006 at the 38th session of the Codex Committee on Food Additives and Contaminants (CCFAC). The exclusion of oysters and scallops was supported by Australia in the development of the Codex ML on the basis that the Joint Food and Agriculture Organization (FAO)/World Health Organization (WHO) Expert Committee on Food Additives (JECFA) estimates for the percent contribution of oysters to cadmium dietary exposures for all Global Environment Monitoring System – Food (GEMS) regional diets of less than 5% did not meet the CCFAC criteria for setting a ML.

In 2024, the Codex Committee on Contaminants in Foods (CCCF) agreed to prepare a Code of Practice for the prevention and reduction of cadmium contamination in foods. The Code of Practice aims to provide guidance on practices to prevent and reduce cadmium contamination, including for farmed and wild-harvested seafood.

1.4.2 National standards or other regulations

The European Union (EU) and jurisdictions in Southeast Asia have established a ML for cadmium in marine bivalve molluscs. MLs for cadmium in oysters have not been established in the USA or Canada (Table 1).

Table 1. National standards for the ML for cadmium in marine bivalve molluscs.

Location	ML for cadmium in marine bivalve molluscs	Year
EU	1.0 mg/kg	2023
United States of America (US)	No ML for cadmium in fish or fishery products, including oysters	NA
Canada	No ML for cadmium in food	NA
China	2.0 mg/kg (with viscera removed)	2018
Hong Kong	2.0 mg/kg	2023
Singapore	1 mg/kg	NR

NA: Not applicable; NR: Not reported.

1.5 Reasons for accepting application

The application was accepted for assessment because:

- it complied with the procedural requirements under subsection 22(2) of the *Food Standards Australia New Zealand Act 1991*(FSANZ Act), and
- it related to a matter that warranted the variation of a food regulatory measure.

1.6 Procedure for assessment

The application was assessed under the General Procedure.

1.7 Decision

The draft variation as proposed following assessment was approved with typographical amendments. The variation takes effect on gazettal. The approved draft variation is at Attachment A.

The related explanatory statement is at Attachment B. An explanatory statement is required to accompany an instrument if it is lodged on the Federal Register of Legislation.

The draft variation on which submissions were sought is at Attachment C.

2 Summary of the findings

2.1 Summary of issues raised in submissions

FSANZ called for submissions on a draft variation to the Code from 2 March to 13 April 2026. Eight submissions were received (see Table 2 below). Four supported the draft variation, 2 did not support it due to the risk to public health and other factors, and 2 broadly supported the regulatory change for Blacklip Rock oysters but did not support the region-specific regulatory approach for the NT, noting similar conditions across Northern Australia, including Western Australia (WA) and Queensland.

The submissions are publicly available on the FSANZ website A1329 Consultation Hub page.

Table 2. Summary of issues.

Issue	Raised by	FSANZ response
Stated support for the draft variation.	Mantiyupwi Oyster Project NSW Food Authority Western Australia Department of Primary Industries and Regional Development (WA DPIRD) Individual (TJ)	FSANZ notes this support.
The draft variation provides regulatory certainty and market access for producers while maintaining public health and safety.	Mantiyupwi Oyster Project WA DPIRD	FSANZ notes this support.
The draft variation supports sustainable regional and Indigenous industry development in the NT.	Mantiyupwi Oyster Project	FSANZ notes this support.
The draft variation presents a human health risk from exposure to cadmium.	Individual (DMH) Individual (JS)	FSANZ considered all available epidemiological and toxicological evidence to understand any risks to public health and safety associated with the exclusion of Blacklip Rock oysters farmed in the NT from the ML and the introduction of a new ML of 3 mg/kg for cadmium in molluscs. Our conclusions are provided in Section 2.2 of this report and SD1. Based on this assessment, FSANZ concluded that consumption of Blacklip Rock oysters farmed in the NT is unlikely to be of public health and safety concern for Australian consumers.
The source of cadmium in Blacklip Rock oysters farmed in the NT has not been adequately investigated. International practice mandates source identification when elevated levels are found in shellfish.	Individual (DMH)	The source of cadmium within the catchment area of shellfish harvest sites across the NT has been assessed by the applicant (as shown in section 1 of SD1). Cadmium uptake in Blacklip Rock oysters was determined to be naturally occurring and not derived from anthropogenic sources.

Issue	Raised by	FSANZ response
A single oyster at the proposed 3 mg/kg limit exceeds the daily equivalent of the JECFA tolerable intake. The safe consumption levels of Blacklip Rock oysters farmed in the NT would limit intake to 1-2 oysters per week.	Individual (DMH)	For the worst-case scenario assessed – based on the highest levels of cadmium measured in market-sized oysters from a single Northern Territory site—it is estimated that up to 194 g of Blacklip Rock oyster meat could be consumed per month (approximately 38 oysters) before exceeding the Tolerable Monthly Intake (TMI) for cadmium. Under a regulatory scenario where a maximum level (ML) of 3 mg/kg applies, the amount of oyster meat that could be consumed before exceeding the TMI is more than double this estimate. To support transparency and help consumers better understand what this means in practice, FSANZ has updated SD1 (at approval) to clearly outline the equivalent number of Blacklip Rock oysters farmed in the Northern Territory that could be consumed under the 3 mg/kg ML scenario—approximately 67 oysters per month (refer to Appendix 2 of SD1 (at approval)).
The draft variation is inconsistent with export markets (e.g. China, Hong Kong and the EU) which maintain an ML of 2 mg/kg, excluding Blacklip Rock oysters farmed in the NT.	Individual (DMH)	The intended market for Blacklip Rock oysters is primarily domestic Australian markets. FSANZ's consideration of the consistency between domestic and international food standards is discussed further in Section 2.5.3 of this report.

Issue	Raised by	FSANZ response
Historical data from 1993 shows cadmium in oysters exceeding food safety standards in the NT. Vulnerable populations with high seafood consumption were identified as being at potential risk and remain a concern today.	Individual (DMH)	FSANZ undertook a dietary exposure assessment to better understand any risks to public health and safety associated with for cadmium in molluscs and the introduction of an alternative ML of 3 mg/kg. In doing so, FSANZ aimed to ensure that any decisions gave careful consideration of potential impacts to consumers: This assessment included: - Assessment of updated concentration data for Blacklip Rock oysters grown in the NT and intended for retail sale - Consideration of overall dietary cadmium exposure risk including cadmium intake from sources other than oysters, including for high consumers and vulnerable populations. - Any potential health and safety impact of a 24-month period when no ML applies FSANZ concluded that consumption of Blacklip Rock oysters does not present a public health and safety concern for Australian consumers based on the cadmium concentration data provided (refer to Section 2.2 of this report and SD1). After the introduction of the new ML, any Blacklip Rock oysters that do not meet the new requirements will not be permitted for sale in Australia and New Zealand.

Issue	Raised by	FSANZ response
The draft variation does not consider the similarity in environmental conditions across the Gulf of Carpentaria. Catchment areas for Blacklip Rock oysters in WA and Queensland likely have cadmium concentrations comparable to those in NT. Inclusion of WA and Queensland in the draft variation is required to ensure aquaculture sites in regions outside the NT do not have disproportionate regulatory barriers, market exclusion, or a competitive disadvantage relative to NT producers. DPIRD WA noted a recently commenced rock oyster aquaculture trial growing tropical rock oysters has recently commenced which will include environmental and flesh testing. If this testing identifies similar trends in cadmium accumulation to those observed in the NT, DPIRD WA would support a cross-jurisdictional approach to establishing a consistent ML for cadmium for rock oysters produced through aquaculture in each jurisdiction.	Individual (AMM) Queensland Department of Primary Industries (Queensland DPI) DPIRD WA	The draft variation is consistent with establishing a ML as low as reasonably achievable for Blacklip Rock oysters in the catchment area (as shown in section 2.2 of the Call for Submission (CFS) report and the Supporting Document 1 (SD1)). Further rationale for the regional-specific regulatory measure is provided in section 2.3.1 of this report. The application which FSANZ is required to assess relates only to Blacklip Rock oysters farmed in the NT. No cadmium concentration data was provided with the application in relation to Blacklip Rock oysters farmed in other areas or in relation to other tropical oyster species. The submissions did not provide sufficient data to enable FSANZ to assess whether extending the NT-specific regulatory measure to other jurisdictions or regions, or to other tropical oyster species, would be warranted, having regard to the assessment criteria prescribed by the FSANZ Act. Unless an application is made to FSANZ, oysters in other jurisdictions must meet the current ML of 2 mg/kg. FSANZ notes DPIRD WA's planned future work in rock oyster aquaculture and that a cross-jurisdiction approach may be useful for determining whether higher MLs are justified in those growing areas and for other tropical oysters, consistent with maintaining cadmium levels as low as reasonably achievable.

2.2 Risk assessment

The risk assessment is provided in SD1.

FSANZ conducted a risk assessment to evaluate any risks to public health and safety that could arise from 2 scenarios:

- The exclusion of Blacklip Rock oysters farmed in the NT from the ML for cadmium in molluscs of 2 mg/kg
- The introduction of an alternative ML for cadmium in Blacklip Rock oysters farmed in the NT of 3 mg/kg, considered to be the level as low as reasonably achievable in the catchment area.

FSANZ undertook a risk assessment of the alternative ML of 3 mg/kg for cadmium in Blacklip Rock oysters farmed in the NT, based on the outcomes of an initial risk assessment of the exclusion of the species from the ML, and subsequent discussions with the applicant.

Hazard characterisation

Evaluations of cadmium by JECFA were available. FSANZ used these safety assessments as the basis of its evaluation and conducted a literature review to determine whether there is any new information that would result in conclusions different to JECFA's.

JECFA identified renal tubular dysfunction as the critical effect of cadmium in humans. The Committee established a Provisional Tolerable Monthly Intake (PTMI) of 25 µg/kg bw for cadmium, based on a meta-analysis of urinary β2-microglobulin concentrations in 30,000 individuals exposed to cadmium across 35 epidemiological studies. The health-based guidance value (HBGV) was expressed on a monthly basis due to the long half-life of cadmium in humans of 10–33 years.

Based on the evaluated epidemiological and toxicological evidence, FSANZ determined that a TMI of 25 µg/kg bw remains appropriate for cadmium.

Dietary exposure assessment

A dietary exposure assessment was conducted to estimate exposures to cadmium for the Australian population as the intended market for Blacklip Rock oysters is primarily domestic Australian markets.

The mean cadmium concentration included in the calculations for the worst-case dietary exposure assessment was the highest mean concentration across the 4 sampled aquaculture sites in the NT. Using this level, approximately 194 g of Blacklip Rock oyster meat could be consumed per month (equivalent to approximately 38 Blacklip Rock oysters per month) before exceeding the TMI for cadmium of 25 µg/kg bw/month. This estimate is representative of a consumption pattern of eating approximately one dozen oysters (12) per day, 3 times per month.

For the worst-case exposure assessment based on longer-term oyster consumption amounts (mean of 33 g/day and 90th percentile (P90) of 45 g/day) and the frequency of oyster consumption (3 times per month), the estimated mean and P90 total dietary exposures to cadmium are 65% and 85% of the TMI, respectively, for the Australian population aged 2 years and above.

FSANZ considered the worst-case exposure assessment based on longer-term oyster consumption to be conservative and likely an overestimate of the mean and P90 total dietary exposures to cadmium. The longer-term consumption scenario assumes Blacklip Rock oysters would be consumed throughout the year, however, the harvesting season for Blacklip Rock oysters is restricted to the dry season in the NT and thus consumption would likely occur from May through to October only).

FSANZ's assessment notes that small, short-term exposures above the tolerable monthly intake (TMI) for cadmium are unlikely to increase health risks. Kidney damage is linked to long-term dietary exposure across the population. Cadmium builds up in the body over time and is removed very slowly, so total body levels reflect long-term exposure. For chemicals like cadmium that stay in the body for a long time (i.e. have a long half-life), brief increases in intake have little effect on overall body levels. To significantly increase body burden, higher exposure would need to continue for several times the chemical's half-life. This means that short periods of intake above the TMI would not cause a proportional rise in cadmium levels in the body. Overall, occasional short-term exceedances are unlikely to affect health risk, as long as average intake over time stays below the TMI.

Higher cadmium concentrations may occur in Blacklip Rock oysters than those evaluated in the risk assessment. Thus, FSANZ assessed the public health and safety risks of an alternative ML of 3 mg/kg for cadmium for Blacklip Rock oysters farmed in the NT, considered to be the lowest level reasonably achievable in the catchment areas.

Dietary exposure at the proposed ML of 3 mg/kg

FSANZ assessed the public health and safety risks of an alternative ML of 3 mg/kg for cadmium in Blacklip Rock oysters farmed in the NT, considered to be the lowest level reasonably achievable in the catchment area.

For the scenario of a ML of 3 mg/kg, the amount of oyster meat that could be consumed before exceeding the TMI is more than double that estimated using the worst-case scenario dietary exposure estimate based on concentration data of oysters sampled from 4 aquaculture sites in the NT (approximately 429 g per month, equivalent to approximately 67 oysters per month). The estimated long-term P90 total dietary exposure to cadmium would be reduced to 55% of the TMI for the Australian population aged 2 years and above.

Risk characterisation

In summary, the dietary exposure assessment using the worst case scenario for levels of cadmium in oysters in the four growing areas in the NT, and the proposed ML of 3 mg/kg, considered to be the lowest reasonably achievable for NT Blacklip Rock oysters, were below the TMI and therefore not considered to be of public health and safety concern. FSANZ concludes that setting a ML of 3 mg/kg for cadmium in Blacklip Rock oysters would provide greater assurance of public health and safety than an outright exclusion from the ML.

2.3 Risk management

Following assessment, FSANZ prepared a draft variation and called for submissions on it during a 6-week period.

The risk management options available to FSANZ following the call for submissions were to:

- approve the draft variation proposed following assessment
- approve the draft variation subject to such amendments as FSANZ considered necessary, or

- reject the draft variation.

After consideration of submitter comments and for the reasons set out in this report, FSANZ decided to approve the draft variation proposed at the call for submissions with typographical amendments.

The risk management considerations for the approved draft variation are provided below in section 2.3.1 below and in section 2.2 of the CFS.

2.3.1 Delayed commencement of new ML for Blacklip Rock oysters farmed in the NT

In recognition of the cost to oyster growers if current stocks that contain cadmium over the ML of 3 mg/kg cannot be sold, FSANZ considered whether there was a risk to public health and safety if these oysters were consumed over a short period.

Current stocks of Blacklip Rock oysters farmed in the NT are a small proportion (less than 15%) of the production target post transition of aquaculture sites to commercial farms. FSANZ's risk assessment determined that cadmium exposure from all food sources would remain below the TMI for Australian consumers under the exclusion of the species from the ML.

Minor and transient exceedances in the HBGV for cadmium would not be associated with an increased risk of adverse health outcomes. FSANZ considers it appropriate to delay the commencement of the new ML for cadmium in Blacklip Rock oysters farmed in the NT for a period of 24 months. A delayed commencement would enable stocks of oysters currently being farmed to be sold and provide time for the applicant to adjust farming practices and/or location, where necessary, to meet the new ML. This could potentially include (but not be limited to) adjusting farming practices to produce oysters of a specific weight, age or size. Irrespective of the implementation of new or changed farming practices, oysters for sale will need to meet the ML of 3 mg/kg at the end of the 24-month period.

2.3.2 Regional-specific regulatory measure for Blacklip Rock oysters

For the reasons stated in the CFS, FSANZ proposed to exclude Blacklip Rock oysters farmed in the NT from an ML for cadmium for a period of 24 months commencing from the date of gazettal. This will enable the sale of oyster stocks currently being farmed in the NT. At the end of the 24-month period, a new ML of 3 mg/kg for cadmium in Blacklip Rock oysters farmed in the NT will commence. The existing and lower cadmium ML (2 mg/kg) for molluscs will continue to apply to producers of Blacklip Rock oysters outside the NT.

The regional-specific regulatory measure was developed based on available data on local factors influencing naturally occurring cadmium concentrations in Blacklip Rock oysters farmed in the NT and dietary patterns of Australian and New Zealand populations. The proposed approach in the draft variation was largely supported by submitters, citing increased regulatory certainty for producers and alignment with the low risk to public health and safety.

Two submissions (WA DPIRD and Individual (AMM)) received in response to the CFS raised issues in relation to the regional-specific regulatory approach, particularly the similarity in environmental conditions across catchment areas for Blacklip Rock oysters across Northern Australia, including WA and Queensland. The submissions broadly agreed that a regulatory change for Blacklip Rock oysters is warranted based on local factors influencing cadmium uptake in the species. However, the submissions stated that the draft variation did not adequately consider the environmental conditions in catchment areas across the Gulf of Carpentaria in Northern Australia.

The draft variation is consistent with establishing an ML as low as reasonably achievable for Blacklip Rock oysters in the catchment area in the NT. FSANZ assessed cadmium concentrations of Blacklip Rock oysters farmed at 4 aquaculture sites in the NT to derive the mean cadmium concentrations of market-size oysters and to determine the concentration of cadmium as low as reasonably achievable in the catchment area. No data were available to FSANZ at assessment for Blacklip Rock oysters farmed in regions outside the NT. FSANZ noted a small volume of Blacklip Rock oysters are produced from a single operator in Bowen, Queensland, under the existing cadmium ML (2 mg/kg) for molluscs. Therefore, the scope of this application did not extend to Blacklip Rock oysters farmed outside the NT.

The draft Code of Practice for the prevention and reduction of cadmium contamination in foods considered at CCCF18[1] recognised that regional-specific mitigation measures may be most appropriate for the risk management of cadmium in seafood given the broad variety of factors affecting cadmium levels in different types of seafood, including different uptake patterns, characteristics of the aquatic environment, and proximity to cadmium sources.

After considering submissions, FSANZ's position on the regional-specific regulatory measure for Blacklip Rock oysters has not changed. No new data was provided to FSANZ at CFS to demonstrate the similarity in environmental conditions in catchment areas for Blacklip Rock oysters or other tropical *Saccostrea* species farmed in regions outside the NT, including WA and Queensland.

Based on the WA DPIRD submission, FSANZ notes an aquaculture trial for Tropical Rock oysters has recently commenced in WA, with site-specific environmental and oyster testing anticipated in the next 12 months. FSANZ acknowledges the support from WA DPIRD for a cross-jurisdictional approach to establishing a consistent ML for cadmium in oysters produced through aquaculture in each jurisdiction, if trends are found to be consistent with Blacklip Rock oysters farmed in the NT.

2.3.3 Other considerations

The FSANZ risk assessment also evaluated whether there were other factors that would reduce the overall consumer exposure to cadmium from Blacklip Rock oysters farmed in the NT.

Other control measures

In addition to the MLs for cadmium set in Schedule 19 of the Code, Australia and New Zealand have other control measures in place. In Australia, Standard 4.2.1—Primary Production and Processing Standard for Seafood sets out food safety and suitability requirements for seafood. Primary producers and processors of bivalve molluscs are required to have a food safety management system that documents the conditions on the areas from which the product may be harvested (including harvested for depuration or relaying), along with conditions on the water used for wet storage. A seafood business must comply with the conditions of the Australian Shellfish Quality Assurance Program (ASQAP) Operations Manual or conditions recognised by the Authority. The ASQAP Operations Manual specifies the requirements for chemical assessment in catchment areas where

[1] CCCF18 proposed *Code of Practice for the prevention and reduction of cadmium contamination in foods*: https://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FMeetings%252FCX-735-18%252FWorking%2BDocuments%252Fcf18_06e.pdf

potential risks are identified, including heavy metal contamination.

Harvesting season

The harvesting season for Blacklip Rock oysters in the NT would be restricted to the dry season, limiting the availability of farmed Blacklip Rock oysters to a 6-month period annually (from May to October). The longer-term consumption scenario in the FSANZ risk assessment assumes Blacklip Rock oysters would be consumed throughout the year. Thus, FSANZ considers the worst-case exposure assessment based on longer term oyster consumption amounts to be conservative and likely an overestimate of dietary exposures to cadmium.

Market share

Further, the new ML would apply to Blacklip Rock oysters farmed in the NT only. As noted in the SD1, the expected market product for Blacklip Rock oysters farmed in the NT is whole, fresh oysters from hatchery-produced stock grown and harvested in the NT. The intended market is primarily domestic Australian markets, with a production target of 1 million Blacklip Rock oysters per aquaculture site each year. This is a comparatively small share of the Australian oyster market, equivalent to approximately 2% of national production. Any Blacklip Rock oysters farmed outside of the NT would still be required to meet the current Code ML of 2 mg/kg. For the reasons outlined above, FSANZ determined that a new ML of 3 mg/kg for cadmium in Blacklip Rock oysters farmed in the NT does not pose a risk to public health and safety. Discussions with the applicant confirmed that this ML was reasonably achievable.

2.4 Risk communication

2.4.1 Consultation

Consultation is a key part of FSANZ's standards development process. FSANZ developed and applied a standard communication strategy to this application. The call for submissions was notified via the Food Standards Notification Circular, media release, FSANZ's social media channels and Food Standards News.

The process by which FSANZ considers standards development matters is open, accountable, consultative and transparent. Public submissions were called to assist consideration of the draft variation to the Code. FSANZ acknowledges the time taken by individuals and organisations to make submissions on this application.

The draft variation was considered for approval by the FSANZ Board having regard to all submissions made during the call for submissions period.

2.4.2 Non-commercial consumption of wild-harvested and farmed Blacklip Rock oysters

The regulatory scope of the joint Australia New Zealand Food Regulation System is food for sale. Standards in the Code, including the proposed new ML of 3 mg/kg for Blacklip Rock oysters from the NT, do not legally apply to food that is grown, caught, harvested or foraged for personal consumption, although they can be used as a guide.

SD1 (section 4) notes that higher cadmium concentrations may occur in Blacklip Rock oysters than those evaluated in the risk assessment. This may be the case for wild-harvested oysters, which can be submerged in the water for longer periods of time than oysters farmed at aquaculture sites. While consumption advice for wild-harvested oysters for personal consumption is outside FSANZ's statutory remit, FSANZ can provide additional risk communication advice to jurisdictions if needed to supplement their local advice.

FSANZ's risk assessment determined that for the scenario of a revised ML of 3 mg/kg, the amount of oyster meat that could be consumed before exceeding the TMI is approximately 429 g per month, equivalent to around 67 oysters per month. However, should patterns of oyster consumption among those directly or indirectly involved in oyster farming significantly exceed levels used by FSANZ in its risk assessment for the broader population, local consideration and advice may also be necessary.

2.5 FSANZ Act assessment requirements

2.5.1 Section 29

2.5.1.1 Consideration of costs and benefits

FSANZ assessed that a Regulation Impact Statement was not required for this application. This is because the regulatory option of excluding Blacklip Rock oysters farmed in the NT from the cadmium ML of 2 mg/kg for molluscs, and inserting a new ML of 3 mg/kg for cadmium specifically for Blacklip Rock oysters farmed in the NT with a delayed commencement, was assessed as safe and is considered to be minor in impact and deregulatory in nature.

FSANZ had regard to whether costs that would arise from the proposed measure outweigh the direct and indirect benefits to the community, government or industry that would arise from the proposed measure (as per paragraph 29(2)(a) of the FSANZ Act).

The consideration of the costs and benefits in this section is not intended to be an exhaustive, quantitative economic analysis of the proposed measures and, in fact, most of the effects that were considered cannot easily be assigned a dollar value. Rather, the assessment seeks to highlight the potential positives and negatives of moving away from the status quo by amending the Code.

FSANZ's conclusions regarding the costs and benefits of the proposed measure are set out below.

2.5.1.2 Costs and benefits of the approved draft variation

Industry

The Australian oyster market in 2022/23 was 176 million oysters, predominantly Sydney Rock oysters and Pacific oysters, with New South Wales, South Australia and Tasmania accounting for 99% of production[2].

The applicant noted that commercialisation of the NT Blacklip Rock oyster industry will take 5 to 10 years to reach estimated production targets of approximately 1 million oysters sold per farm per year. Across the 4 existing sites, NT production of 4 million oysters annually at current national production levels would account for around 2% of national production.

The proposed delayed commencement of the new ML for cadmium for Blacklip Rock oysters farmed in the NT would allow the NT oyster aquaculture industry to sell current stock and adjust their growing practices and/or location to meet the proposed new ML.

Traditional Owners in the NT have driven the development of a Blacklip Rock oyster aquaculture industry in the region. The approved draft amendments will support further

[2] https://www.oystersaustralia.org/production-nat.

development of the industry and economic opportunities for local communities.

Blacklip Rock oyster production in other regions of Australia may be at a disadvantage, given the existing and lower cadmium ML (2 mg/kg) for molluscs will continue to apply to producers of Blacklip Rock oysters outside the NT. This disadvantage is expected to be minor, given the small volume of Blacklip Rock oysters understood to be sold outside the NT. A small volume of Blacklip Rock oysters is produced from a single operator in Bowen, Queensland.

Submissions received at the call for submissions highlighted the developing Blacklip Rock oyster industry, and other Tropical Rock oyster species in other regions of Queensland, as well as Northern Western Australia. These submitters were concerned the draft variation placed disproportionate regulatory barriers for prospective producers in these regions relative to NT producers. The data provided in this application did not extend to oysters farmed outside of the NT, nor other oyster species. Section 2.3.1 notes further reasoning as to why a regional-specific regulatory measure was maintained at approval stage.

One submitter also noted the draft variation is inconsistent with the ML for cadmium in some overseas markets. FSANZ understands the intended market for Blacklip Rock oysters is primarily domestic Australian markets.

Consumers

FSANZ's risk assessment determined a delayed commencement of the new ML of 24 months does not present a public health and safety concern.

As mentioned, the intended market for NT Blacklip Rock oysters is primarily domestic Australian markets. Consumers might benefit from additional choice in oyster variety.

Government

The NT government may encounter costs related to monitoring and enforcement. Given this application was made by DAF NT this cost is likely anticipated.

Conclusion of costs and benefits consideration

FSANZ's assessment at the call for submissions was that the direct and indirect benefits that would arise from inserting a new ML for cadmium for Blacklip Rock oysters farmed in the NT, and excluding these oysters from the ML for molluscs, are likely to outweigh the associated costs. No further information was received during the consultation process that changed the conclusions of the assessment.

2.5.1.3 Other measures

There are no other measures (whether available to FSANZ or not) that would be more cost-effective than a food regulatory measure developed or varied as a result of the application.

2.5.1.4 Any relevant New Zealand standards

The relevant standards in the Code apply in Australia and New Zealand. There are no relevant New Zealand only standards. Additional information provided by the applicant indicated that the intended market for NT Blacklip Rock oysters is primarily domestic Australian markets. Given the domestic market share is predicted to be small and targeted at domestic consumption, FSANZ considers exportation to New Zealand unlikely.

2.5.1.4 Any other relevant matters

Other relevant matters are considered below.

2.5.2 Subsection 18(1)

FSANZ also considered the 3 objectives in subsection 18(1) of the FSANZ Act during the assessment.

2.5.2.1 Protection of public health and safety

FSANZ concluded that setting a new ML of 3 mg/kg for cadmium and allowing for a 24 month period where there will be no ML specifically for Blacklip Rock oysters farmed in the NT would present a lower public health and safety risk than a complete and outright exclusion from any ML for cadmium for the species and is consistent with establishing a ML as low as reasonably achievable in the catchment area (as shown in section 2.2 of this report and the SD1).

2.5.2.2 The provision of adequate information relating to food to enable consumers to make informed choices

There were no issues identified with this application relevant to this objective.

2.5.2.3 The prevention of misleading or deceptive conduct

There were no issues identified with this application relevant to this objective.

2.5.3 Subsection 18(2) considerations

FSANZ also had regard to:

- **the need for standards to be based on risk analysis using the best available scientific evidence**

FSANZ used the best available scientific evidence to conduct the risk analysis. The applicant submitted a dossier of information and scientific literature as part of their application. This dossier, together with other technical and scientific information, was considered by FSANZ in assessing the application. The risk assessment is provided in SD1.

- **the promotion of consistency between domestic and international food standards**

There are not any relevant international standards for cadmium in oysters. The Codex ML for cadmium in marine bivalve molluscs of 2 mg/kg excludes oysters. See section 1.4 of the 2nd CFS.

- **the desirability of an efficient and internationally competitive food industry**

The intended market for Blacklip Rock oysters farmed in the NT is primarily domestic Australian markets. Traditional Owners in the NT have driven the development of a Blacklip Rock oyster aquaculture industry in the region to support the demand for a market of locally sourced oysters. According to the application, excluding Blacklip Rock oysters farmed in the NT from the ML for cadmium in molluscs would likely result in the establishment of new aquaculture sites due to considerable interest from remote communities in Northern Australia.

If Blacklip Rock oysters farmed in the NT were exported, the product would need to comply with the ML for cadmium set by the country that the product is imported into.

- **the promotion of fair trading in food**

No issues were identified for this application relevant to this objective.

- **any written policy guidelines formulated by the Food Ministers' Meeting**

There are no written policy guidelines relevant to this application.

Attachments

A. Approved draft variation to the *Australia New Zealand Food Standards Code*
B. Explanatory Statement
C. Draft variation to the *Australia New Zealand Food Standards Code (call for submissions)*

Attachment A – Draft variation to the Australia New Zealand Food Standards Code

Food Standards (Application A1329 – Exclusion of Blacklip Rock oysters farmed in the Northern Territory from the maximum level (ML) for cadmium in molluscs) Variation

---

The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. The variation commences on the dates specified in clause 3 of this variation.

Dated [To be completed by the Delegate]

[Name and position of Delegate]
Delegate of the Board of Food Standards Australia New Zealand

Note:

This variation will be published in the Commonwealth of Australia Gazette No. FSC XX on XX Month 20XX. This means that this date is the gazettal date for the purposes of clause 3 of the variation.

1 Name

This instrument is the *Food Standards (Application A1329 – Exclusion of Blacklip Rock oysters farmed in the Northern Territory from the maximum level (ML) for cadmium in molluscs) Variation*.

2 Variation to a Standard in the *Australia New Zealand Food Standards Code*

The Schedule varies a Standard in the *Australia New Zealand Food Standards Code*.

3 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	**Column 2**	**Column 3**
Provisions	**Commencement**	**Date/Details**
1. Clauses 1 to 3 and anything in this instrument not elsewhere covered by this table.	The day of gazettal of this instrument.	
2. Item [1] of the Schedule.	The day of gazettal of this instrument.	
3. Item [2] of the Schedule.	The day after the end of the period of 24 months beginning on the day this instrument is gazetted.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

Schedule

Schedule 19 Maximum levels of contaminants and natural toxicants

[1] Section S19—4 (table item dealing with "Cadmium", column headed "***Food***")

Omit:

Molluscs (excluding dredge/bluff oysters and queen scallops)

substitute:

Molluscs (excluding blacklip rock oysters (*Saccostrea spathulata*) farmed in the Northern Territory; dredge/bluff oysters; and queen scallops)

[2] Section S19—4 (table item dealing with "Cadmium", below entry for "Amaranth, grain")

Insert:

Blacklip rock oysters (*Saccostrea spathulata*) farmed in the Northern Territory	3

Attachment B – Explanatory Statement

EXPLANATORY STATEMENT

Food Standards Australia New Zealand Act 1991

Food Standards (Application A1329 – Exclusion of Blacklip Rock oysters farmed in the Northern Territory from the maximum level (ML) for cadmium in molluscs) Variation

1. Authority

Section 13 of the *Food Standards Australia New Zealand Act 1991* (the FSANZ Act) provides that the functions of Food Standards Australia New Zealand (the Authority) include the development of standards and variations of standards for inclusion in the *Australia New Zealand Food Standards Code* (the Code).

Division 1 of Part 3 of the FSANZ Act specifies that the Authority may accept applications for the development or variation of food regulatory measures, including standards. This Division also stipulates the procedure for considering an application for the development or variation of food regulatory measures.

The Authority accepted Application A1329 which sought to amend the Code to exclude Blacklip Rock oysters from the maximum level for cadmium in molluscs. The Authority considered the Application in accordance with Division 1 of Part 3 and has approved a draft variation - *the Food Standards (Application A1329 – Exclusion of Blacklip Rock oysters from the maximum level (ML) for cadmium in molluscs) Variation* (the approved draft variation).

Following consideration by the Food Ministers' Meeting (FMM), section 92 of the FSANZ Act stipulates that the Authority must publish a notice about the draft variation.

2. Variation is a legislative instrument

The approved draft variation is a legislative instrument for the purposes of the *Legislation Act 2003* (see section 94 of the FSANZ Act) and is publicly available on the Federal Register of Legislation (www.legislation.gov.au).

This instrument is not subject to the disallowance or sunsetting provisions of the *Legislation Act 2003.* Subsections 44(1) and 54(1) of that Act provide that a legislative instrument is not disallowable or subject to sunsetting if the enabling legislation for the instrument (in this case, the FSANZ Act): (a) facilitates the establishment or operation of an intergovernmental scheme involving the Commonwealth and one or more States; and (b) authorises the instrument to be made for the purposes of the scheme. Regulation 11 of the *Legislation (Exemptions and other Matters) Regulation 2015* also exempts from sunsetting legislative instruments a primary purpose of which is to give effect to an international obligation of Australia.

The FSANZ Act gives effect to an intergovernmental agreement (the Food Regulation Agreement) and facilitates the establishment or operation of an intergovernmental scheme (national uniform food regulation). That Act also gives effect to Australia's obligations under an international agreement between Australia and New Zealand. For these purposes, the Act establishes the Authority to develop food standards for consideration and endorsement by the FMM. The FMM is established under the Food Regulation Agreement and the international agreement between Australia and New Zealand, and consists of New Zealand, Commonwealth and State/Territory members. If endorsed by the FMM, the food standards on gazettal and registration are incorporated into and become part of Commonwealth, State

and Territory and New Zealand food laws. These standards or instruments are then administered, applied and enforced by these jurisdictions' regulators as part of those food laws.

3. Purpose

The Authority has approved a draft variation to amend the table to section S19—4 in Schedule 19 of the Code to:

- exclude Blacklip Rock oysters (*Saccostrea spathulata*) farmed in the Northern Territory (NT) from the cadmium ML for molluscs (excluding dredge/bluff oysters and queen scallops), to commence on gazettal of the variation, and
- include a new cadmium ML for Blacklip Rock oysters *(Saccostrea spathulata)* farmed in the NT of 3 mg/kg, to commence on the day after the end of the period of 24 months beginning on the date of gazettal of the variation.

4. Documents incorporated by reference

The approved draft variation prepared by the Authority does not incorporate any documents by reference.

5. Consultation

In accordance with the procedure in Division 1 of Part 3 of the FSANZ Act, the Authority's consideration of application A1329 included one round of public consultation following an assessment and the preparation of a draft variation and associated assessment summary. Submissions were called for on 2 March 2026 for a 6-week consultation period. Further details of the consultation process, the issues raised during consultation and by whom, and the Authority's response to these issues are available in an approval report published on the Authority's website at www.foodstandards.gov.au.

A Regulation Impact Statement was not prepared for this application. This is because the proposed regulatory option of amending the Code to exclude Blacklip Rock oysters farmed in the NT from the cadmium ML of 2 mg/kg for molluscs, and insert a new ML of 3 mg/kg for cadmium specifically for Blacklip Rock oysters farmed in the NT with a delayed commencement was assessed as safe and was considered to be minor in impact and deregulatory in nature. Therefore, the Authority's assessment was that a RIS was not required for this application.

6. Statement of compatibility with human rights

This instrument is exempt from the requirements for a statement of compatibility with human rights as it is a non-disallowable instrument under section 44 of the *Legislation Act 2003*.

7. Variation

References to 'variation' in this section are references to the approved draft variation.

Clause 1 of the variation provides that the name of the variation is the *Food Standards (Application A1329 – Exclusion of Blacklip Rock oysters farmed in the Northern Territory from the maximum level (ML) for cadmium in molluscs) Variation*.

Clause 2 of the variation provides that the Code is amended by the Schedule to the variation.

Subclause 3(1) of the variation provides a table setting out when each provision of the variation commences or is taken to have commenced. The table has three columns. Column 1 is headed “Provisions”. Column 2 is headed “Commencement” and Column 3 is headed “Date/Details”.

The table provides that clauses 1 to 3 and anything in this instrument not elsewhere covered by this table; and item [1] of the Schedule will commence on the day of gazettal of this instrument. It also provides that item [2] of the Schedule will commence on the day after the end of the period of 24 months beginning on the day this instrument is gazetted.

There is a Note under the table that states that the table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

Subclause 3(2) of the variation provides that any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

7.1 Schedule to the variation

Items [1] and **[2]** of the Schedule to the variation amend Schedule 19 of the Code.

Schedule 19 contains maximum levels of certain contaminants and natural toxicants for the purposes of subsection 1.4.1—3(1) of the Code. Subsection 1.4.1—3(1) of the Code requires that the level of a contaminant or natural toxicant listed in section S19—4 in a food listed in relation to that contaminant or toxicant must not be greater than the corresponding amount listed in that section. Section S19—4 sets out the MLs for metal contaminants.

Item [1] of the Schedule to the variation amends the table to section S19—4 in Schedule 19 of the Code by omitting from the table item dealing with Cadmium ‘Molluscs (excluding dredge/bluff oysters and queen scallops)’ and substituting ‘Molluscs (excluding blacklip rock oysters (*Saccostrea spathulata*) farmed in the Northern Territory; dredge/bluff oysters; and queen scallops)’.

The effect of the amendment in item [1] is to exclude Blacklip rock oysters farmed in the NT from the ML for cadmium in molluscs of 2 mg/kg. In accordance with clause 3 of the variation, this amendment will commence on the date of gazettal of the instrument.

Item [2] of the Schedule to the variation amends the table to section S19—4 by inserting a new food entry and associated ML in the table item dealing with Cadmium. Specifically, the amendment inserts ‘Blacklip rock oysters (*Saccostrea spathulata*) farmed in the Northern Territory’ in column 2 (food), and ‘3’ in column 3 (ML in mg/kg).

The effect of the amendment in item [2] is to introduce a new ML of 3 mg/kg for cadmium in Blacklip rock oysters farmed in the NT. In accordance with clause 3 of the variation, this amendment will commence on the day after the end of the period of 24 months beginning on the date of gazettal of the instrument.

Attachment C – Draft variation to the Australia New Zealand Food Standards Code (call for submissions)

Food Standards (Application A1329 – Exclusion of Blacklip Rock oysters farmed in the Northern Territory from the maximum level (ML) for cadmium in molluscs) Variation

---

The Board of Food Standards Australia New Zealand gives notice of the making of this variation under section 92 of the *Food Standards Australia New Zealand Act 1991*. The variation commences on the dates specified in clause 3 of this variation.

Dated [To be completed by the Delegate]

[Name and position of Delegate]
Delegate of the Board of Food Standards Australia New Zealand

Note:

This variation will be published in the Commonwealth of Australia Gazette No. FSC XX on XX Month 20XX. This means that this date is the gazettal date for the purposes of clause 3 of the variation.

1 Name

This instrument is the *Food Standards (Application A1329 – Exclusion of Blacklip Rock oysters farmed in the Northern Territory from the maximum level (ML) for cadmium in molluscs) Variation*.

2 Variation to a Standard in the *Australia New Zealand Food Standards Code*

The Schedule varies a Standard in the *Australia New Zealand Food Standards Code*.

3 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

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Schedule

Schedule 19 Maximum levels of contaminants and natural toxicants

[1] Section S19—4 (table item dealing with "Cadmium", column headed "*Food*")

Omit:

"Molluscs (excluding dredge/bluff oysters and queen scallops)"

substitute:

Molluscs (excluding blacklip rock oysters (*Saccostrea spathulata*) farmed in the Northern Territory; dredge/bluff oysters; and queen scallops)

[2] Section S19—4 (table item dealing with "Cadmium", below entry for 'Amaranth, grain)

Insert:

Blacklip rock oysters (*Saccostrea spathulata*) farmed in the Northern Territory	3