



THE HON TRISH WORTH MP
Parliamentary Secretary to the Minister for Health and Ageing
Member for Adelaide

The Hon Annette King
Minister of Health
Minister for Food Safety
c/- Parliament Buildings
Wellington
NEW ZEALAND

Dear ~~Minister~~, *Annette*

I have the honour to refer to the Agreement between the Government of Australia and the Government of New Zealand concerning a Joint Food Standards System (being the Agreement between the Government of Australia and the Government of New Zealand establishing a System for the Development of Joint Food Standards, done at Wellington on 5 December 1995, as amended by the Exchange of Letters of 27 September 2001 and 25 October 2001) (hereinafter referred to as "the Agreement").

I have the further honour to propose, for the purposes of paragraph 3 of Annex E of the Agreement, that we mutually determine that 20 December 2002 be the date on which the food standards in Vol. II of the Australian Food Standards Code within the scope of the Agreement will be adopted by New Zealand and Australia as the Australia New Zealand Food Standards Code. Accordingly, the standards in Vol. 1 of the Australian Food Standards Code and those provisions in the New Zealand Food Standards which correspond to standards in the Australia New Zealand Food Standards Code will cease to apply as at that date.

In recent discussions between Australia and New Zealand the relevant regulatory action being taken has been canvassed. In this regard, it has been noted that New Zealand is to adopt transitional regulations in New Zealand's residual Food Regulations in relation to the following matters:

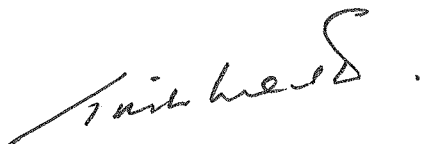
- (a) the addition of fluoride to drinking water and thus the addition of fluoridated water to other foods;
- (b) the addition of caffeine to artificial drinks; and
- (c) the sale of hemp seed oil as a food or food ingredient.

In regard to items (b) and (c), Australian and New Zealand officials are cooperating in relation to appropriate arrangements for avoiding or preventing the import into Australia from New Zealand of caffeinated artificial drinks and hemp seed oil as a food or food ingredient. In this connection, New Zealand understands that Australia may consider it necessary to adopt regulatory measures to address concerns about possible imports of these particular products. New Zealand has also advised Australia of the best endeavours it is pursuing to address concerns in this area.

Recognising that the entry into effect of the Australia New Zealand Food Standards Code represents a significant milestone in the CER relationship, Australia and New Zealand have reiterated their commitment to work cooperatively to advance their common objectives within the framework of the Agreement.

If the foregoing arrangements are acceptable, I have the honour to propose that this letter and your reply to that effect will together constitute the mutual determination by exchange of letters referred to in paragraph 3 of Annex E of the Agreement.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Trish Worth", with a stylized flourish at the end.

Trish Worth



**Minister of Health
Minister for Food Safety
MP for Rongotai (incl Chatham Islands)**

19 December 2002

The Hon Trish Worth MP
Parliamentary Secretary to the Minister for Health and Ageing
Parliament House
Canberra ACT 2600

Dear Minister

I have the honour to refer to your letter of 19 December 2002 which reads as follows:

"I have the honour to refer to the Agreement between the Government of Australia and the Government of New Zealand concerning a Joint Food Standards System (being the Agreement between the Government of Australia and the Government of New Zealand establishing a System for the Development of Joint Food Standards, done at Wellington on 5 December 1995, as amended by the Exchange of Letters of 27 September 2001 and 25 October 2001) (hereinafter referred to as "the Agreement").

I have the further honour to propose, for the purposes of paragraph 3 of Annex E of the Agreement, that we mutually determine that 20 December 2002 be the date on which the food standards in Vol. II of the Australian Food Standards Code within the scope of the Agreement will be adopted by New Zealand and Australia as the Australia New Zealand Food Standards Code. Accordingly, the standards in Vol. 1 of the Australian Food Standards Code and those provisions in the New Zealand Food Standards which correspond to standards in the Australia New Zealand Food Standards Code will cease to apply as at that date.

In recent discussions between Australia and New Zealand the relevant regulatory action being taken has been canvassed. In this regard, it has been noted that New Zealand is to adopt transitional regulations in New Zealand's residual Food Regulations in relation to the following matters:

- (a) the addition of fluoride to drinking water and thus the addition of fluoridated water to other foods;
- (b) the addition of caffeine to artificial drinks; and
- (c) the sale of hemp seed oil as a food or food ingredient.

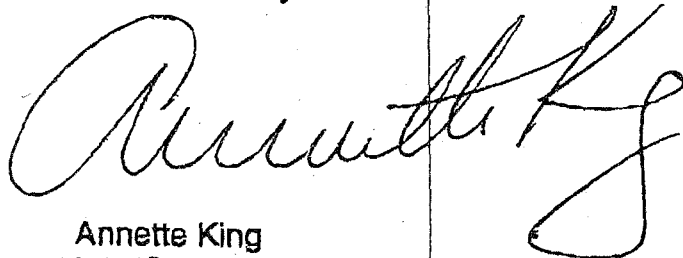
In regard to items (b) and (c), Australian and New Zealand officials are cooperating in relation to appropriate arrangements for avoiding or preventing the import into Australia from New Zealand of caffeinated artificial drinks and hemp seed oil as a food or food ingredient. In this connection, New Zealand understands that Australia may consider it necessary to adopt regulatory measures to address concerns about possible imports of these particular products. New Zealand has also advised Australia of the best endeavours it is pursuing to address concerns in this area.

Recognising that the entry into effect of the Australia New Zealand Food Standards Code represents a significant milestone in the CER relationship, Australia and New Zealand have reiterated their commitment to work cooperatively to advance their common objectives within the framework of the Agreement.

If the foregoing arrangements are acceptable, I have the honour to propose that this letter and your reply to that effect will together constitute the mutual determination by exchange of letters referred to in paragraph 3 of Annex E of the Agreement."

I have the honour to confirm that the arrangements set out in your letter are acceptable and that your letter and this letter in reply will together constitute the mutual determination by exchange of letters referred to in paragraph 3 of Annex E of the Agreement.

Yours sincerely



Annette King
MINISTER FOR FOOD SAFETY