



Biotech Bulletin 1

State Round-up

Welcome to the first edition of Agrifood Awareness Australia Limited's (AFAA) Biotech Bulletin. Our Biotech Bulletin will be produced on a monthly basis and will cover relevant topical issues.

This first edition of the Biotech Bulletin is entitled "State Round-up" and covers current State government positions on GM crops.

AUSTRALIAN CAPITAL TERRITORY

The Minister for Health introduced the *Gene Technology Bill 2002* into the Assembly in February 2002. It was referred to the Standing Committee on Health for inquiry in March 2002. The function of the Committee was to seek information on the following:

- The scope of activities involving gene technology in the ACT both now and in the future;
- Ethical, environmental and public health issues relating to gene technology;
- The objectives and role of the ACT Government on the Gene Technology Ministerial Council and sub committees; and
- The extent of regulation necessary in the ACT.

In the Standing Committee report handed down in December 2002, the Committee recommended a five-year moratorium on the release of GMOs into the ACT environment.

Following the Committee's findings, in June 2003 the Minister for Health, Simon Corbell announced a three-year moratorium on the commercial release of genetically modified (GM) food crops in the ACT. The moratorium will be reviewed annually. The Minister indicated that the Territory will continue to support scientific research into GMs being conducted, such as research undertaken at CSIRO overseen by the Gene Technology Regulator.

NEW SOUTH WALES

The New South Wales (NSW) State Labor Government in March announced that a three year ban on the commercial release of GM food crops in NSW would be put in place if their office was re-elected.

Following the Labor party success, the legislation, *Gene Technology (GM Crop Moratorium) Bill* was recently debated in Parliament.

The Bill successfully passed the Upper House in mid-May and was then debated in the Lower House on 17 June, where a moratorium on the planting of commercial GM crops for three years was imposed. This legislation on GM crops predominantly used for food, allows for the Agriculture Minister, Ian MacDonald to issue orders to conduct trials. This Bill does not include GM cotton that has been grown successfully in Australia since 1996.

The Bill focuses on the framework and protocols put in place by industry, the monitoring of trials and the establishment of an independent advisory committee to:

- i. investigate any matter referred to the Advisory Council by the Minister;
- ii. provide advice in relation to proposed research trials for GM food plants referred by the Minister;
- iii. provide advice on current developments and issues in relation to GM technology and its application to agriculture;
- iv. provide policy advice in relation to licences issued under the *Gene Technology Act 2000* of the Commonwealth that relate to GM food plants.

The advisory council consists of 10 members appointed by the Minister, including the Department of Agriculture, NSW Farmers' Association, Network of Concerned Farmers, Nature Conservation Council of NSW Incorporated, GrainCorp Limited, AWB Ltd, CSIRO, Avcare Limited, GRDC and an independent chairperson of the council.

NORTHERN TERRITORY

The Northern Territory Government has drafted their legislation for the *Gene Technology Bill* and is currently awaiting a response from the OGTR before the legislation is debated in Parliament. The legislation is likely to mirror the Commonwealth Gene Technology Act.

The Northern Territory's Government currently permits research and trials to take place in the State (eg GM cotton).

No canola is grown in the Northern Territory as it is unsuited to the climatic conditions.

QUEENSLAND

The Queensland Government strongly supports the national gene technology regulatory scheme and passed complementary legislation, the *Gene Technology Act 2001 (QLD)* in September 2001.

Along with the complementary legislation being passed, the State Government has developed a "*Code of Ethical Practice for Biotechnology in Queensland*", which sets stringent standards for public safety in relation to foods containing GMOs, as well as the use of gene technology in agriculture.

GM cotton varieties have been grown commercially in Queensland since 1996. Growers have embraced this technology, allowing them to reduce pesticide applications by an average of 45 per cent annually in the areas it is grown.

Virtually no canola is grown in Queensland as it is unsuited to the climatic conditions. Although the Government is supportive of ongoing research of gene technology and is allowing GM canola trials to go ahead.

The State Government's position in relation to GM-free areas is that the decision to grow GM crops (if approved) or non-GM crops, is a decision that should be made at the local farm level, not by Government.

SOUTH AUSTRALIA

The South Australian State Government established a Select Committee to advise on strategies to assess the likely impacts of GM crops in South Australia.

The Committee indicated the introduction of GM crops raised specific issues for the State surrounding the impact of GM plants on human health, environment and market access and the regulation of GM plants under the national regulatory scheme for GMOs.

The Select Committee were appointed to inquire and report to the House of Assembly on the following:

- (a) advice on how (within the established Commonwealth-State regulatory framework) South Australia can assess the impact of GM plant technology from the point of view of human health, environment and market access;
- (b) identify where the impact of GM plants might be different in South Australia compared with the rest of Australia and other countries, and advise on strategies that South Australia should adopt to address these differences;
- (c) review the relevant state, national and international reports and inquiries on GM plants and the major issues for South Australia in relation to human health, environmental safety and market access; and
- (d) advice on the means by which the South Australian community can be consulted and informed and their views consolidated in relation to GM plants.

The Committee handed down their interim report in December 2002. The report indicated the Committee would not continue to consider or report on issues relating to the impact of GM crops from the human health and environment point of view. The Committee also expressed confidence in the Gene Technology Regulator and that the Regulator will effectively assess and manage potential adverse impacts of GM crops in South Australia. However, due to conflicting reports and views on the market access impacts for South Australia, the Committee is seeking further advice. The Committee believes it necessary before it can further consider and report on whether market access impacts for SA exist, and if they do exist if and how South Australia should assess and manage such impacts.

The Committee's final report to Parliament is expected to be reported in August 2003, with the key focus on potential market impacts.

The South Australian Government negotiated with the two GM canola applicants, Bayer CropScience and Monsanto, for no commercial plantings of GM crops in SA for the next 12 months. The State has, however, permitted field trials to continue.

TASMANIA

The Tasmanian Government first released its Gene Technology Policy concerning the use of gene technology in Tasmanian primary industries in July 2001. This policy was based on the recommendations of the Parliamentary Joint Select Committee on Gene Technology, which included the establishment of a two-year moratorium on the commercial release of GM crops in Tasmania to be reviewed prior to July 2003.

The 2001 Policy has been recently reviewed, including an assessment of current and upcoming issues relevant to Tasmanian primary industries. This review demonstrated that there have been no significant developments requiring a change to Tasmania's approach to the use of gene technology.

As a result of the review, the Tasmanian Government has decided to extend the moratorium on the commercial release of GM animals, and GM crops as currently prescribed under the *Tasmanian Plant Quarantine Act 1997* for a further five years, to June 2008. The Minister will also have the ability to re-evaluate aspects of the policy prior to June 2008. Provisions for research trials using GM non-food crops will continue to be strictly enforced (eg GM poppy trials).

The Tasmanian Government has indicated it will develop tailored, marketing-based State legislation for regulation of gene technology in primary industries. This legislation will be specifically designed to merge into existing Commonwealth and State Gene Technology Acts that have been developed to manage any risks that GMOs may pose to the environment or human health and safety.

VICTORIA

The Victorian Government announced in May 2003, a one-year moratorium on the commercial production of GM canola. It was decided the year-long moratorium was needed to allow a detailed study of the impact of GM canola on the State's export markets and to ensure that any future move into GM crops would not compromise those markets.

A full market impact assessment for the State's produce will be completed before the 2004 planting season commences.

WESTERN AUSTRALIA

In June 2002, the *Western Australian Gene Technology Bill 2001* and the *Gene Technology Amendment Bill 2001 (Bills)* were referred to the Standing Committee on Environment and Public Affairs by resolution of the Legislative Council. The Committee first appointed in 2001, was established to inquire into and report on any policy implemented, within the limits of the State, affecting or which may affect, the environment.

With the intended release of genetically modified organisms (GMOs) in the State, particularly GM canola, the Committee was requested in August 2002 to conduct an inquiry into GMOs. The Committee's key focus was to examine the extent to which Western Australia will be able to regulate its dealings with GMOs, in particular, on issues relating to the use of GM crops in Western Australia. These included identity preservation and segregation systems, the management of risks associated with the co-existence of GM and non-GM crops (including organic or 'GM-free crops'), and related marketability issues.

As part of the Committee's inquiry, they travelled to Japan, Canada and the United States to learn first hand about experiences of growing GMOs, particularly crops. They met with scientists, legislators, peak organisation representatives, including farmers and consumers, government representatives and regulators, with a view of gaining a much greater insight into the experience, benefits and consequences of the use of gene technology and to investigate issues relating to the marketing and marketability of GM products including cross pollination (including storage and transport), liability in relation to contamination of non-GM by GM crops, regulations of GMOs and the management of risks.

The Committee findings are currently being collated, with their report due no later than 30 June.

On 7 May 2003, the *Genetically Modified Crops Free Areas Bill 2003* was introduced into Parliament. This Bill will allow the State Government to declare areas of the State, as areas where GM food crops may not be grown.

According to the Western Australian Government, the Bill's intention is to protect the State's markets for non-GM crops and to protect the State's reputation as a 'clean, green' source of agricultural products. The legislation will make it an offence to knowingly grow a GM food crop in an area designated as GM free for that crop, and allow substantial penalties to be imposed.

A review of the operation and effectiveness of the Act is to be conducted five years after its commencement and a report on the review is to be tabled in Parliament within 12 months.

Western Australia has agreed to permit field trials to continue in 2003 and the Government supports ongoing research of the technology.

We look forward to your feedback on this newsletter.
Our next Bulletin will feature State farm association biotechnology policies.

For further information, please contact the AFAA office on (02) 6273 9535 or via email – info@afaa.com.au

July 2003

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