



Department of
**Science, Information
Technology and Innovation**

Ref: 22090/16
Your ref: 11.1.10

Mr Scott Stewart MP
Member for Townsville
Chair
Education, Tourism, Innovation and Small Business Committee
Parliament House
Email: etisbc@parliament.qld.gov.au

Dear Mr Stewart

Thank you for your letter of 17 August 2016 to Mr Jamie Merrick, Director-General, Department of Science, Information Technology and Innovation (DSITI) regarding the Education, Tourism, Innovation and Small Business Committee's inquiry into the Gene Technology (Queensland) Bill 2016.

As you are aware, DSITI officers briefed the Committee on 29 August 2016 and took a number of questions on notice, for response to the Committee by close of business 31 August 2016.

The approved attached response consists of:

- (i) DSITI's answers to the questions taken on notice
- (ii) submissions received during public consultation on the draft Bill
- (iii) suggested typographical edits to the transcript of the briefing
- (iv) a correction in relation to one of DSITI's statements made during the briefing.

Should you require any further information, you may contact Ms Lea Diffey, Executive Director, Science Development, Department of Science, Information Technology and Innovation by email at _____ or on telephone _____

Yours sincerely

Dr Mark Jacobs
**Acting Assistant Director-General
Science Division**

31 / 8 / 16

Encl. 4

Response to Questions taken on notice at Public Briefing - 29 August 2016

Inquiry into the Gene Technology (Queensland) Bill 2016

1. How long has Western Australia's moratorium on GMOs been in place, and how long will it remain in place?

The Western Australian *Gene Technology Act 2006* and the *GM Crops Free Areas Act 2003* are the Western Australian components of the national scheme. Since 2004, under the *GM Crops Free Areas Act 2003* there has been a moratorium on the commercial cultivation of genetically modified (GM) crops in Western Australia. Under this legislation, the Western Australian Minister for Agriculture and Food has powers to grant exemption orders to allow commercial cultivation of specific GM crops in specified areas of Western Australia. Exemptions have occurred for GM cotton (2009) and canola (2010).

The Genetically Modified Crops Free Areas Repeal Bill 2015 to remove Western Australia's moratorium on GM crops is currently in the Legislative Assembly, with Second Reading occurring on 29 June 2016.

Sources:

<https://www.agric.wa.gov.au/regulation-genetically-modified-crops-australia>

[http://www.parliament.wa.gov.au/hansard/hansard.nsf/0/8B4320E593EA68E348258004001030A9/\\$FILE/A39%20S1%2020160629%20p4314a-4315a.pdf](http://www.parliament.wa.gov.au/hansard/hansard.nsf/0/8B4320E593EA68E348258004001030A9/$FILE/A39%20S1%2020160629%20p4314a-4315a.pdf)

<http://www.parliament.wa.gov.au/parliament/bills.nsf/BillProgressPopup?openForm&ParentUNID=9195C3B0AA930D4548257F0100182661>

2. How many staff are there doing enforcement work in Queensland and has anything gone wrong in Queensland?

The Office of the Gene Technology Regulator (OGTR) has advised that it has approximately 44 full time equivalent Canberra based staff. Of those, approximately 15 people evaluate licence applications and approximately 8 undertake the OGTR's monitoring and compliance activities. Other OGTR staff process applications, conduct risk assessments, undertake regulatory practice, legal and regulatory support activities.

While all OGTR staff are based in Canberra, monitoring and compliance staff regularly visit Queensland to undertake monitoring and compliance activities. These staff are highly experienced with relevant skill and expertise in compliance.

To date, there have been no issues relating to risks to human health or the environment in Queensland.

The OGTR's operational objective is to monitor at least 20% of all field trial locations each year. A further target within this operational benchmark is to inspect a minimum of 5% of all field trial sites during each quarter of the year. The monitoring program also encompasses dealings conducted in certified containment facilities and Notifiable Low Risk Dealings. At least 20% of higher-level physical containment facilities are monitored annually. As well as examining the integrity of the physical structure of the facility, inspections cover the general work practices used in handling GMOs.

In 2010-11, in addition to the routine monitoring of field trial sites, a number of field trial sites in Queensland and Victoria that were located in areas affected by floods and/or by Cyclone Yasi were inspected. All were compliant with licence conditions at the time of inspection and, while there was some damage, there was no evidence that loss of containment of GMOs had occurred at any of the sites.

Licences for field trials include conditions for extreme weather conditions which requires licence holders to immediately notify the Regulator of any extreme weather conditions such as strong winds or flooding that have affected a site where a GM crop is growing, noting the movement of any GM material off site. In the event that the GMO or plant material has to be moved off site, a contingency plan must be implemented.

Source: OGTR correspondence – 30/8/16

3. In describing differences between the Commonwealth and Queensland Acts, an example given was variations on licences. What type of licence variations are made?

Examples of the most common requests to vary field trial licences include:

- Variations to enable licence holders to plant the number of trial sites approved under the original licence, when external events prevent the original plan from being followed. e.g. adding an extra season if poor weather has impacted planting in a previous season, adding new local government areas so that licence holders can locate enough growers to plant their trials.
- Changing the configuration of the number of trial sites and their sizes to take into account changed experimental plans, which usually results in little change to the total area of plantings.
- Small extensions to the period of a licence e.g. if researchers have obtained further funding on the basis of good results.

Examples of the most common requests to vary licences for contained laboratory work include:

- Adding or removing facilities from the list of facilities in which the dealings can be undertaken.
- Extending the period of the licence beyond the standard 5 years (a new risk assessment is required to take into account any new scientific knowledge).
- Adding new organisms, genes or vectors to the licence - this may only be done where the risks posed by the dealings proposed have been assessed in the Risk Assessment and Risk Management Plan for that licence or another licence.

Source: OGTR correspondence – 30/8/16

4. The Explanatory Notes (p 7) mention three submissions made on a draft of the Bill. Can you provide the committee with copies of those submissions?

Yes, copies of the three submissions are provided for the committee's information. The submission from Mr Bill Tait is provided in both original form (handwritten) as well as a typed transcript.

The Call for comment on the draft Gene Technology (Queensland) Bill 2016 was advertised on the Get involved consultation website on 15 April 2016 and in newspapers on 16 April 2016 noted that submissions may be made publicly available, unless submitter requests otherwise.

5. How is public consultation on gene technology in Queensland conducted, particularly how is information disseminated to the community?

The OGTR undertakes a range of public engagement activities through the publication of information on the OGTR website, and directly notifying people/organisations on the OGTR Client Register including:

- Notifying the public when an application has been received to release a GMO into the environment;
- Inviting the public to comment on Risk Assessment and Risk Management Plans (RARMPs) which are developed for each application to release a GMO into the environment;
- Notifying the public about the OGTR issuing a licence to release a GMO into the environment; and
- Notifying the public of significant changes made to gene technology legislation.

Public consultation before issuing a licence for a dealing involving the intentional release of a GMO into the environment (field trials and general/commercial releases) is a statutory requirement under section 52 of the *Gene Technology Act 2000 (Cth)*. The public notification must be published:

- (a) in the *Gazette*; and
- (b) in one or more newspapers that the Regulator considers appropriate, having regard to the geographic area in which dealings proposed to be authorised by the licence may occur; and
- (c) on the Regulator's website.

In addition, the Regulator also tweets (using Health Twitter handle) inviting submissions from the public. Fact sheets on a number of topics, plain language *Question and Answer* documents on licence applications and the Regulator's decision, as well as summaries of RARMPs, are also published to facilitate public understanding of the risk assessment process.

Members of the public can join the OGTR Client Register by subscribing at

<http://www.ogtr.gov.au/internet/ogtr/publishing.nsf/Content/client-register-1>.

Sources:

OGTR correspondence – 30/8/16

OGTR Fact Sheet – How the public can participate in assessing gene technology (2014)

[http://www.ogtr.gov.au/internet/ogtr/publishing.nsf/Content/fact-public-htm/\\$FILE/fact-public-htm.pdf](http://www.ogtr.gov.au/internet/ogtr/publishing.nsf/Content/fact-public-htm/$FILE/fact-public-htm.pdf)

6. Has any research or study been undertaken on the negative consequences of licensed dealings in GMOs?

The OGTR has advised that, to date, it has not observed any adverse effects on human health and the environment arising from licenced dealings with GMOs. The OGTR has a post-release review framework that allows on-going oversight of general/commercial releases of GM crops in Australia (refer to page 61 of the OGTR's *Risk Analysis Framework 2013*). This oversight may include:

- The imposition of licence conditions that require the licence holder to supply, or enable the Regulator to collect, specific information on the progress of the release.
- The collection of information on possible adverse effect(s) of released GMOs on human health and the environment.

- Reviewing of RARMPs at an appropriate time after a licence is issued, to take into account any relevant new information, or findings from either of the other components of the post-release review.

The Therapeutic Goods Administration (TGA) is responsible for quality safety and efficacy of therapeutic products, including GM products. The TGA maintain a database of Adverse Event Notifications, which is an online database of information about adverse events that have been reported to the TGA. This database would capture any adverse events associated with GM therapeutics (refer <https://www.tga.gov.au/consumer-questions-and-answers-daen-medicines>).

Food Standards Australia New Zealand (FSANZ) is responsible for the safety of GM foods. FSANZ coordinate and monitor food recalls in Australia. A food recall removes food that may pose a health or safety risk from distribution, sale and consumption – this would include GM foods (refer <http://www.foodstandards.gov.au/industry/foodrecalls/Pages/default.aspx>).

FSANZ monitors scientific literature and other information about GM foods. They analyse any new information relating to GM foods that have already been assessed by FSANZ, to see if previous safety assessments need to be revised. For studies on GM foods still being researched and developed or about the technology in general, they analyse the new information if it causes significant public concern, or if it is relevant to their safety assessment approach. Where sufficient detail is available for an assessment, FSANZ publishes its response on the FSANZ website (refer http://www.foodstandards.gov.au/consumer/gmfood/adverse/Documents/11_Table%20of%20studies_update_26Nov15.pdf)

Sources:

OGTR correspondence – 30/8/16

Risk Analysis Framework 2013

[http://www.ogtr.gov.au/internet/ogtr/publishing.nsf/Content/rafinal5-toc/\\$FILE/rafinal5_2.pdf](http://www.ogtr.gov.au/internet/ogtr/publishing.nsf/Content/rafinal5-toc/$FILE/rafinal5_2.pdf)

7. How long have GMOs been in place in Queensland and Australia? When did it start?

GM crops have been widely grown around the world and in Australia for 20 years. 1996 was the first year in which a significant area of crops containing GM traits were planted both on a global basis (1.66 million hectares) and in Australia (40,000 ha).

The first GMO approval for commercial release in Australia was insect resistant cotton and this allowed Queensland farmers to grow GM cotton from 1996 onwards.

Prior to the commencement of the *Gene Technology Act 2000 (Cth)* on 21 June 2001, assessment of proposals for deliberate release of GMOs into the environment in Australia was the responsibility of the Genetic Manipulation Advisory Committee (GMAC), a non-statutory body responsible for overseeing the development and use of novel genetic manipulation techniques in Australia.

Sources:

Adoption and Impact of Genetically Modified (GM) Crops in Australia: 20 Years' Experience (Report prepared by Graham Brookes, PG Economics)

http://www.croplife.org.au/wp-content/uploads/2016/05/CL_20-YearsGM_Lores.pdf

OGTR correspondence – 30/8/16

Clarifying statement

The Gene Technology Regulator (the Regulator) does not currently administer the Western Australian *Gene Technology Act 2006* as Western Australia has not requested that it be declared corresponding with the Commonwealth *Gene Technology Act 2000* (refer section 12 of the Commonwealth Act).

Corresponding State laws are permitted by the Commonwealth Act to confer functions and powers on the Regulator. This is intended to allow for the administration of all corresponding State laws by the Regulator. Thus, the constitutional reach of the Commonwealth Act and the existence of corresponding State legislation by most jurisdictions currently enables the national scheme to cover the vast bulk of dealings with GMOs in Australia.

The existence of moratoria legislation in Western Australia would not prevent the Western Australian gene technology legislation from being declared corresponding.

Source: Office of the Gene Technology Regulator (OGTR) correspondence – 31/8/16