



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

SENATE

COMMUNITY AFFAIRS LEGISLATION COMMITTEE

Estimates

WEDNESDAY, 16 MARCH 2016

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SENATE

COMMUNITY AFFAIRS LEGISLATION COMMITTEE

Wednesday, 16 March 2016

Members in attendance: Senators Gallagher, Lindgren, Moore, Siewert.

HEALTH PORTFOLIO

In Attendance

Senator Nash, Minister for Regional Communications, Minister for Regional Development and Minister for Rural Health

Department of Health

Whole of Portfolio

Mr Martin Bowles PSM, Secretary

Food Standards Australia New Zealand

Mr Steve McCutcheon, Chief Executive Officer, Food Standards Australia New Zealand

Mr Peter May, General Manager, Food Safety and Regulatory Affairs

Dr Scott Crerar, General Manager, Risk and Regulatory Assessment

Outcome 1

Ms Elizabeth Flynn, Assistant Secretary, Preventive Health Policy Branch, Population Health and Sport Division

Committee met at 18:20

Food Standards Australia New Zealand

ACTING CHAIR (Senator Lindgren): I declare open this meeting of the Community Affairs Legislation Committee on 16 March 2016. The Senate has referred to the committee the particulars of proposed additional expenditure for 2015-16 for the portfolios of Health and Social Services, including Human Services. The committee may also examine the annual reports of the departments and agencies appearing before it. The committee is due to report to the Senate on 6 April 2016 and has fixed 27 April 2016 as the date for the return of answers to questions taken on notice for this hearing. Senators are reminded that any written questions on notice should be provided to the committee secretariat by the close of business on 18 March 2016.

The committee's proceedings today will examine Food Standards Australia New Zealand. Under standing order 26 the committee must take all evidence in public session. This includes answers to questions on notice. I remind all witnesses that in giving evidence to the committee they are protected by parliamentary privilege. It is unlawful for anyone to threaten or disadvantage a witness on account of evidence given to a committee, and such action may be treated by the Senate as a contempt. It is also a contempt to give false or misleading evidence to a committee.

The Senate, by resolution in 1999, endorsed the following test of relevance of questions at estimates hearings: any questions going to the operations or financial positions of the departments and agencies which are seeking funds in the estimates are relevant questions for the purpose of estimates hearings. I remind officers that the Senate has resolved that there are no areas in connection with the expenditure of public funds where any person has a discretion to withhold details or explanations from the parliament or its committees unless the parliament has expressly provided otherwise.

The Senate has resolved also that an officer of a department of the Commonwealth shall not be asked to give opinions on matters of public policy and shall be given reasonable

opportunity to refer questions asked of the officer to superior officers or to a minister. This resolution prohibits only questions asking for opinions on matters of policy and does not preclude questions asking for explanations of policies or factual questions about when and how policies were adopted.

I particularly draw the attention of witnesses to an order of the Senate of 13 May 2009 specifying the process by which a claim of public interest immunity should be raised. Witnesses are specifically reminded that a statement that information or a document is confidential or consists of advice to government is not a statement that meets the requirements of the 2009 order. Instead witnesses are required to provide some specific indication of the harm to the public interest that could result from the disclosure of information or the document.

The extract read as follows—

Public interest immunity claims

That the Senate—

(a) notes that ministers and officers have continued to refuse to provide information to Senate committees without properly raising claims of public interest immunity as required by past resolutions of the Senate;

(b) reaffirms the principles of past resolutions of the Senate by this order, to provide ministers and officers with guidance as to the proper process for raising public interest immunity claims and to consolidate those past resolutions of the Senate;

(c) orders that the following operate as an order of continuing effect:

(1) If:

(a) a Senate committee, or a senator in the course of proceedings of a committee, requests information or a document from a Commonwealth department or agency; and

(b) an officer of the department or agency to whom the request is directed believes that it may not be in the public interest to disclose the information or document to the committee, the officer shall state to the committee the ground on which the officer believes that it may not be in the public interest to disclose the information or document to the committee, and specify the harm to the public interest that could result from the disclosure of the information or document.

(2) If, after receiving the officer's statement under paragraph (1), the committee or the senator requests the officer to refer the question of the disclosure of the information or document to a responsible minister, the officer shall refer that question to the minister.

(3) If a minister, on a reference by an officer under paragraph (2), concludes that it would not be in the public interest to disclose the information or document to the committee, the minister shall provide to the committee a statement of the ground for that conclusion, specifying the harm to the public interest that could result from the disclosure of the information or document.

(4) A minister, in a statement under paragraph (3), shall indicate whether the harm to the public interest that could result from the disclosure of the information or document to the committee could result only from the publication of the information or document by the committee, or could result, equally or in part, from the disclosure of the information or document to the committee as in camera evidence.

(5) If, after considering a statement by a minister provided under paragraph (3), the committee concludes that the statement does not sufficiently justify the withholding of the information or document from the committee, the committee shall report the matter to the Senate.

(6) A decision by a committee not to report a matter to the Senate under paragraph (5) does not prevent a senator from raising the matter in the Senate in accordance with other procedures of the Senate.

(7) A statement that information or a document is not published, or is confidential, or consists of advice to, or internal deliberations of, government, in the absence of specification of the harm to the public interest that could result from the disclosure of the information or document, is not a statement that meets the requirements of paragraph (1) or (4).

(8) If a minister concludes that a statement under paragraph (3) should more appropriately be made by the head of an agency, by reason of the independence of that agency from ministerial direction or control, the minister shall inform the committee of that conclusion and the reason for that conclusion, and shall refer the matter to the head of the agency, who shall then be required to provide a statement in accordance with paragraph (3).

(d) requires the Procedure Committee to review the operation of this order and report to the Senate by 20 August 2009.

(13 May 2009 J.1941)

(Extract, Senate Standing Orders)

I welcome Senator Fiona Nash, Minister for Rural Health, representing the Minister for Health; the Secretary of the Department of Health; and officers of Food Standards Australia New Zealand. Minister, do you wish to make an opening statement?

Senator Nash: No, I do not. Thank you, Chair.

Senator SIEWERT: I have a series of questions into key areas. Some go to questions that FSANZ answered in response to questions on notice in July last year. I am specifically referring to this comment that was made:

FSANZ is not aware that any members of the expert panel have potential conflicts of interest such as a commercial interest or patents in any of the listed breeding techniques.

This is about the expert panel that was convened to look at whether new GM techniques should be considered and regulated as genetic engineering. Sorry, I should have prefaced my comments with that. I apologise. I know the expert panel that I am talking about, but others may not. I will go back:

FSANZ is not aware that any members of the expert panel have potential conflicts of interest such as a commercial interest or patents in any of the listed breeding techniques. Some members of the panel have been, or are currently, engaged in research using some of the listed techniques.

I have some questions about that. FSANZ has a number of documents on the website related to defining and declaring conflicts of interest. Do you agree that conflict of interest could include a personal, professional or commercial relationship with FSANZ or with an organisation that would affect the performance of the contract or would bring disrepute to or embarrass FSANZ?

Mr McCutcheon: FSANZ takes the issue of conflict of interest very seriously, and that applies from the board through to our staff through to committees that we establish to inform our work through to experts that we commission from time to time to provide us with advice. So, yes, we do take those matters seriously.

Senator SIEWERT: Thank you. Sorry, I understand that you take it seriously, but do you consider that conflict of interest could include a personal, professional or commercial

relationship with FSANZ or with an organisation that would affect the performance of a contract or would bring FSANZ into disrepute or embarrass FSANZ?

Mr McCutcheon: That is a correct general statement.

Senator SIEWERT: Thank you. The chair of the panel was Professor Peter Langridge, who was then a director and the CEO of the Australian Centre for Plant Functional Genomics and is a Fellow advising FSANZ on scientific matters. Am I correct in my understanding?

Mr McCutcheon: That is correct.

Senator SIEWERT: I understand that the Australian Centre for Plant Functional Genomics has 73 gene technology related patents either filed or granted.

Mr McCutcheon: I cannot confirm or deny that. It is a matter for the centre.

Senator SIEWERT: Sorry?

Mr McCutcheon: I cannot confirm or deny that information you provided. That is really a matter for the centre that Professor Langridge is part of.

Senator SIEWERT: With all due respect, given that he was the chair of this panel, I would have thought it was an issue for FSANZ to know.

Mr McCutcheon: When we establish these panels, we obviously look for experts that are engaged in research in those particular scientific issues. Certainly we would have been aware of, in this case, Professor Langridge's work with, I think, CSIRO or with that particular centre, and that is one of the reasons why we would have engaged him to assist us with our workshop.

Senator SIEWERT: Professor Langridge is named as an inventor on a number of these patents.

Mr McCutcheon: Yes. I think that, while the experts that participated in the workshop are named as inventors in many patents, none of those patents, as we understand it, specifically relate to the development of new breeding technologies that were the subject of those considerations.

Senator SIEWERT: On one hand, you have told me you were not aware if, in fact, the centre had those gene technology related patents. On the other hand, you are telling me you do not think any of them related to new breeding technologies. Which is correct? So you knew or you did not?

Mr McCutcheon: We knew these experts were working in those fields. We do not do a particular search on the number of patents they have, but we are generally aware that they are involved in patents. But, when we establish these committees, we place an onus on all participants to declare their interests in any related work. We then make sure that they are in a position to provide us with expert advice. So it is expert scientific advice. It is not a decision-making committee. It is a committee that we assemble to provide FSANZ with advice so that we can then use that advice in preparing decision-making proposals for our board. They are advisory committees. They are not decision-making committees.

Senator SIEWERT: Did you accept the recommendations of that committee?

Mr McCutcheon: We accepted them to the extent that we included them in the workshop report, but we have not made any decisions on those particular recommendations. Basically, if

you were looking for when we would or would not accept the recommendations, that time would not come until we actually had to deal with an application to approve a particular technology that was going to be utilising some of the techniques that were discussed at the workshop.

Senator SIEWERT: Did you specifically ask, then, about whether they were involved in the new breeding techniques?

Mr McCutcheon: I will have to take that question on notice. That is something that we would need to check in our records. But, clearly, when we are engaging experts to provide us with advice, we want to get the very best experts and, clearly, they are going to be working in fields where they have been involved in the invention of technologies or further work on existing ones.

Senator SIEWERT: At what point would conflict of interest cut in? When we are talking about an expert panel that is looking at whether new GM techniques should be considered and regulated as genetic engineering, at what point do you consider whether someone has a conflict of interest if they are engaging in these particular techniques?

Mr McCutcheon: I think the conflicts of interest that we generally take most notice of are where an individual has direct personal or commercial attachments and is doing the work, and they are providing us with advice.

Senator SIEWERT: My understanding is that it is personal, professional or commercial.

Mr McCutcheon: It can be any one of those. But, where it is a commercial relationship, that is something we would take into serious consideration. But, again, I make the point that these are advisory committees and the whole purpose of advisory committees is for FSANZ to be able to access as much expertise as it can in particular subject fields to inform our board. When we get to the board itself making decisions, we have a very clear process there for any board member—whether it is a real or perceived interest in a particular matter—for that interest to be declared, and then the board makes a decision on if and how that board member would participate in the decision-making process. It is at the board level that that conflict-of-interest issue is really, really important.

Senator SIEWERT: I also understand Professor James Dale was a member of the panel. Professor Dale is the director of the Centre for Tropical Crops and Biocommodities.

Mr McCutcheon: I would have to check that. I do not have a list of the members of the committee nor a memory of them.

Senator SIEWERT: Okay—if you could check whether I am correct. The Queensland University of Technology specialises in genetic modification of a number of tropical crops, such as sugarcane, bananas and tobacco, and Professor Dale is listed as an inventor with nine granted patents or patent applications. Were you aware of that information?

Mr McCutcheon: Again, I will have to take that on notice. But, again, he sounds like an expert in his field and that would be the reason why we asked him to join our committee to provide the organisation with advice.

Senator SIEWERT: There are a number of other people that are on the panel who also hold patents or are inventors of specific gene technology. I am presuming that you will tell me the same thing, which is that you do not know about these. So instead of taking up the

committee's time, because I know we are going to run out of time, I will put each of those on notice and ask, for each of them: did you know or do you know that they hold patents in each of these areas?

Mr McCutcheon: Yes, we are happy to take those on notice.

Senator SIEWERT: Thank you.

Mr McCutcheon: Again, apologies that I cannot provide you with direct answers now, but they are quite detailed questions about individuals, and we have quite a range of experts that we engage in many different areas. That sort of information certainly would be available within FSANZ, but I would need to provide that to you on notice.

Senator SIEWERT: Could you take on notice too, then, what efforts you did make to address any potential or actual conflicts of interest. Given that a large number of the people on the panel were deeply involved—I am being careful with my words—in this industry, and clearly—while I agree, obviously, they are the experts—could be seen to be having professional and at least commercial interests in this particular area, did you have others on the panel that were not actually directly involved in the area of these new GM techniques?

Mr McCutcheon: Again, I will take that one on notice, but I would have to be honest and say that all of the experts that we would have engaged would have had some connection or involvement with research work and scientific work in this area. The depth of that would depend on their particular expertise, because we are talking about a range of different techniques. That is why we had quite a large number of experts at our workshops.

Senator SIEWERT: The issue here, though, is that you stated, in an answer to a question on notice, that FSANZ is not aware that any member of the expert panel has potential conflicts of interest such as a commercial interest or patents in any of the listed breeding techniques. Some members of the panel have been, or are currently, engaged in research using some of the listed techniques. In the answer to me, you said you are not aware that the members have any potential conflicts of interest, and yet I have just listed two potential areas—and I have got other members who potentially have those as well.

Mr McCutcheon: I guess, in providing that response to that question on notice, we would have examined our records, and that would have been the basis of or the background to our response to that question. That is something we can do checking on, but, as I said at the beginning, we take conflict of interest very seriously. So those sorts of issues are vetted before we engage with people, whether it is in an advisory capacity or on a commercial contract for that matter, and we make a judgment about whether people have a real or perceived conflict of interest.

When you get into the area of scientific expertise, you will often find scientists—particularly in academia—that have a range of working relationships with industry, with other non-government organisations or with government itself. It is often difficult to separate all those out. The important thing we would do is to vet all those and make sure that the advice that they were giving us was the very best scientific and technical advice that we could then use in informing our board before it makes its decisions.

Senator SIEWERT: I am going to put these questions on notice, but what I particularly would like you to do, when you are taking what you have already on notice and the things I will put additionally on notice, is to address what you have previously said—that is, 'not

aware of any members of the expert panel that have potential conflicts of interests'—when, clearly, a number of people here that I have already asked you about are inventors and have patents, or certainly the organisations they work for have them.

Mr McCutcheon: The fact that they have patents does not necessarily mean they have a conflict of interest. That is their area of expertise. The function that we were engaging these people to do, to provide advice, would not necessarily mean that there is a conflict of interest.

Senator SIEWERT: I look forward to your answers in those areas. I will put that on notice actually. I am particularly interested in the people who were on that expert panel. What other advice did you seek that was not just from people who are actually actively engaged in the sector?

Mr McCutcheon: A lot of our advice we seek from overseas sources—for example, other regulatory agencies that might be assessing the same, in this case, GM products. We would look at that. A lot of those regulatory agencies have their own separate risk assessment process which involve studies or experts in doing that work. So, that is one other major area of expertise. Of course, our own staff—I have a very small team, but we do have people who are experts in these sort of areas so we rely on their advice as well—their consideration of the issues. It is not just expert groups that we rely on. Often, though, in areas where the science is perhaps emerging or is contested, then it is normally good practice, or we think it is good practice, to pull together a group of experts who can have an independent look at a particular piece of work that we might have done to see if our scientific analysis and conclusion is appropriate use of the science.

Senator SIEWERT: The issue here then is how you determine that something is a GM technique, and whether it should be considered as and regulated as genetic engineering, when you are asking the very people who could well have an interest in it not being classed as genetic engineering? Also, what expertise did you get from people other than those who are directly involved in the sector?

Mr McCutcheon: Well, as I mentioned earlier, the experts we engaged for the two workshops that we looked at for new breeding techniques had been involved in the work in a lot of those new areas. But, we then consider that in the context of, say, work within Australia that the Office of Gene Technology Regulator might have done, because clearly they also are in the gene technology regulatory area, and also a number of our overseas regulatory counterparts.

Senator SIEWERT: How can you be confident that your overseas regulatory counterparts are not doing what you potentially have done and not have people outside the industry—people who are directly related to it—have input?

Mr McCutcheon: We have a high degree of confidence and trust in the regulators we would deal with overseas. I am talking about regulators in Europe, North America and New Zealand, for example. They would use very similar processes to FSANZ. These are internationally accepted practices for gathering science and using the evidence from that process to inform decision-making, and they are not just consistent in terms of practice, but consistent in terms of international standards that are established in this area through organisations like the OECD and the World Health Organization.

Senator SIEWERT: I still have some issues around the expert panel, but in that particular area I will move on and put the rest on notice. Did you ask for a written disclosure by members of the panel of potential actual conflicts of interest before the panel convened?

Mr McCutcheon: I will take that question on notice and check the records.

Senator SIEWERT: Thank you. Could you let us know, if you did not, why you did not? And, if you did, would you be able to table it, please? And, if people did declare a potential conflict of interest, if you did require them to, did any exclude themselves from any of the proceedings?

Mr McCutcheon: I am not aware that any did exclude themselves from proceedings, but I would have to check on the meeting records.

Senator SIEWERT: Thank you. I think I will need to ask that once I get the answers to your questions. In a final minute to the minister regarding the release of the new plant breeding techniques workshop reports obtained under freedom of information laws last year, FSANZ says that it is your interpretation of standard 1.5.2—and apologies for the mispronunciation—oligo-directed mutagenesis zinc finger nuclease types I and II and seed production technology are not to be captured. Is that a correct interpretation?

Mr McCutcheon: Yes.

Senator SIEWERT: Does this mean that these techniques—

Mr McCutcheon: Can I just add to that answer, though, that the important thing to note here is that FSANZ has not made a decision about the legal status of any new breeding technique, and we are not proposing to change the framework for GM foods. Where that opinion would be tested is when we get an application for one of those new breeding techniques, in which case, once we make a final decision, which would then be subject to ministerial approval or not, that would then constitute a decision.

Senator SIEWERT: Once you make a decision, if someone applies and you make a decision, then that is a decision?

Mr McCutcheon: The FSANZ board would make a decision on the application of whether a particular technique was eligible to be sold on the Australian and New Zealand market as a GM food. That then would be a clear decision about the legal status of a new breeding technology.

Senator SIEWERT: Is that how you are going to proceed each time an application is made with a different technique?

Mr McCutcheon: That is correct, yes. That is a normal procedure. The work that we have been doing with those workshops on new breeding techniques is to start exploring some of these techniques, learning about them and getting a better understanding so that when an application does arrive at FSANZ we are in a position to start doing the assessment of that application—I am talking about the food safety assessment—in light of what we have been able to gather from those workshops, in addition to the data that the applicants would provide to FSANZ.

Senator SIEWERT: If my understanding is correct, that technique is not being used?

Mr McCutcheon: That is my understanding. There is certainly no approval of that technique for sale of food in Australia.

Senator SIEWERT: So it would not be fair to say then that the techniques are currently unregulated in Australia, because they are not happening in Australia. Is that what I interpret from what you have just said?

Mr McCutcheon: I think that is a fair interpretation. The fact that no application has been made to FSANZ would suggest that those techniques have not been applied for the production of food for sale in the Australian and New Zealand markets.

Senator SIEWERT: So because you have not made a decision, there has been no application, and there is no way they were being used without an application?

Mr McCutcheon: The laws are very clear. If you want to sell a GM food into the Australia and New Zealand market, you require a pre-market assessment by FSANZ. We get quite a lot of those through, but none using those particular techniques have come to FSANZ.

Senator SIEWERT: Because you have not made a decision, does the law then assume that they are GM until you say they are not?

Mr May: The situation is that the code provides that you cannot sell a food produced using gene technology, and a food is a food produced using gene technology—and I will cut it short—if it contains novel DNA or protein. Somebody who wanted to sell a product that resulted from one of those techniques might determine that that was not a food produced using gene technology, and it would be up to one of the state or territory regulators to determine whether or not that was correct or not. The ultimate decision about that issue is for the state or territory regulators.

What we need to determine—and this was part of the reason for conducting these workshops—is whether or not these are techniques that do need to be dealt with under the code because they result in new DNA or new protein in the food. The conclusion of the workshop, as I understand it, is that some techniques do not produce that result and therefore are not the subject of the code at present and the subject of the framework for dealing with GM foods, while other techniques are likely to result in that. As Mr McCutcheon has said, we will have to deal with that issue if and when an applicant comes to us and says, 'We want approval for sale of this food in Australia.' At that stage, we will have to make two decisions. This first decision is: is this, in fact, a GM food that is subject to provisions of standard 1.5.2? The second decision will be: if it is a food produced using gene technology, is it safe for consumption in the Australian food supply?

Senator SIEWERT: Thank you. Given the conclusions of the expert panel, are the techniques that I have just described in the list that it was decided should then—it is unknown whether they need to go through your process? It says here that they are not to be captured—sorry.

Mr May: Yes, they are not captured. That is my understanding.

Senator SIEWERT: Okay, sorry. So they will not be going through that process?

Mr May: As Mr McCutcheon has said, that is not definitive of the answer. The conclusion or the outcome, as indicated in the workshop report, is that those techniques are likely not to be caught by the current definition of food produced using gene technology. As I have said, that is a question that ultimately will be decided by a state or territory regulator. It is not a decision for FSANZ. But the scientific conclusion that we have reached is that these techniques are not caught by the current code provisions and the other techniques are likely to

be caught by the code provisions. That has been described in some of the commentary around this as us deregulating those techniques. That is not the case, because in a sense they have never been regulated. The question that we had to ask was: are they likely to be caught within the net of the current regulation?

Senator SIEWERT: I go back to my previous questions because, quite frankly, I think that the interpretation either I or we jointly put on it is not correct, and that is that we basically do not know if these techniques have been used in food here, because it is up to the state and territory regulators.

Mr May: I think it is fair to say that for the techniques that are excluded—those are the ones you mentioned—there is no guarantee that they are not finding their way into the food supply from somewhere in the world, because, in our view, they are not caught and the state or territory regulators may not be taking action against them.

Senator SIEWERT: So it is true to say, in fact, that they are currently unregulated—

Mr May: They have always been unregulated, yes.

Senator SIEWERT: and that any potential health risks, in fact, have not been assessed.

Mr May: Only to the extent that the overarching food regulatory law is that food can only be sold in Australia or New Zealand if it is safe for consumption—safe and suitable. I think the question you are asking is: is anybody checking on the safety of every food that is sold in the food supply? And the answer is no: people are not checking every item of food in the food supply. Foods produced using these technologies have not been the subject of regulation until now.

Senator SIEWERT: And then you had a panel that you set up that said these are not captured—

Mr May: The conclusion of that panel was that the scientific evidence or the evidence from that panel suggests to us that those will not be caught by the current regulation.

Senator SIEWERT: So how are we going to test this if states and territories are not picking them up anyway? Why would they pick them up, Mr McCutcheon, through the process you just explained to me? How on earth will they ever be picked up when no-one is going to refer it because they are not captured?

Mr May: They may not get picked up, Senator, because they are not foods produced by gene technology. The issue would only arise if somebody took the view that they were foods produced using gene technology and therefore required the appropriate labelling and therefore required pre-assessment, but at this stage they do not require pre-assessment.

Senator SIEWERT: The reason you are saying that is that the expert panel has said they are not classed as that.

Mr May: No, no.

Senator SIEWERT: So how do you then start—

Mr May: The expert panel is not decisive in this at all.

Senator SIEWERT: Who is?

Mr May: At the end of the day, under the current law, state and territory regulators are the decision makers.

Senator SIEWERT: Who do they go to for advice on this?

Mr May: They may come to us for advice. They may seek other forms of advice.

Senator SIEWERT: Has anybody come to you for advice on this?

Mr McCutcheon: Not that we are aware of on these specific techniques.

Senator SIEWERT: I appreciate that you are not aware of absolutely everything that everyone has ever asked. Could you take that on notice, please?

Mr McCutcheon: Yes, we can.

Senator SIEWERT: Thank you. That is: if anybody has, who, which date and when? Just to go back, then, to the flip side of this, it is that you will only consider these techniques if a state or territory asks about it or someone seeks approval. So, if people want to not go through the 'let's seek approval' process, what we are relying on then is the states and territories to pick them up?

Mr McCutcheon: That is correct. In Australia, the powers for food regulation sit with the states and territories.

Senator SIEWERT: I just wanted to make sure I was clear in my understanding. Thanks. Are you aware that overseas regulators have argued that these techniques pose the same risks as older GM techniques and need to undergo the same level of safety assessment?

Mr McCutcheon: No, we are not aware of that.

Senator SIEWERT: Can you explain why there were some recent additions to the application handbook reducing the data requirements for cisgenic and intragenic crops and the GM rootstock?

Mr McCutcheon: We did make some changes to the application handbook, and that included updates to the data requirements for GM food applications under standard 1.5.2 of the code. These data requirements were updated to reflect recent scientific developments and improve clarity.

Senator SIEWERT: When were they made?

Mr McCutcheon: My understanding is that there was a consultation on the handbook changes late in 2015, and the amendments to the handbook were approved earlier this year, I think in January or February or thereabouts.

Senator SIEWERT: Could you explain in a bit more detail why you reduced the data requirements for those particular types of crops?

Mr McCutcheon: With some of the GM applications we have looked at over the years, we have been looking at a lot of the same techniques, and we have got quite a considerable amount of data ourselves as a result of those applications—quite a number. So the question is: do we require all that data again? If we have got the data, we can use it. One of the things that we try very hard to do is to make sure that the demands we put on applicants are commensurate with the risks that we are seeking to manage by making sure that we have the right and appropriate amount of data to make proper decisions. Of course, science is evolving. It is not a matter of just dropping off data requirements, but often we will ask for data in new areas, as science evolves.

Senator SIEWERT: I know that we are getting close to the end of the hearing. I have one more question. I do have a lot more questions, but I will put those on notice. Do you intend to carry out any further public consultation about these new techniques and whether they should be regulated?

Mr McCutcheon: We have not actually done any public consultation. We have had workshops, and reports have been—

Senator SIEWERT: Sorry, I should have said 'any further consultation'. I asked the question incorrectly. I meant further consultation and, included in that, public consultation.

Mr McCutcheon: We do not have any firm plans to do further workshops or the like. But, as part of our way of doing business, we look at what developments there have been and then we will convene workshops as needed if there have been significant advancements that we need to inform our work. I guess, though, in terms of public consultation, that really would not occur until we got an application and then, of course, it is subject to the open process that we have, where there is public consultation on applications.

Senator SIEWERT: I have a supplementary question to that one. You consulted the GM crop industry?

Mr McCutcheon: Yes.

Senator SIEWERT: But not the public. You did not give the public a say. I understand what you are saying about doing it if you get applications, but the point here is that you consulted the industry—or experts, people that work in this field—

Mr McCutcheon: Well, there is a difference between industry and experts. We are, again, very careful about this. We bring together experts in the scientific fields. They are not industry, as in, say, the life sciences industry, for example; they are experts in their own particular areas.

Senator SIEWERT: Who own patents in these areas. A lot of people would argue—well, we have already been through the issues of conflict. You have consulted a group of people that clearly have an interest in this area, but not the public.

Mr McCutcheon: No, but the reason is that we want experts. I am not sure that a round of public consultation would bring in the detailed scientific expertise and knowledge that we would want for that process. As I said, when we get to the point of making decisions on new techniques, if they are GM techniques caught by the standard, as Mr May explained, then there is a very open and public consultation process for those applications, as happens now.

Senator SIEWERT: Okay. If we have June estimates, I will be following this up in more detail. I do have a series of questions that I will put on notice that I have obviously run out of time for. Thank you.

ACTING CHAIR: The time is 7.03 pm. That concludes the examination of estimates for the Health portfolio. I thank the minister and officers for their attendance, and Hansard, Broadcasting and secretariat staff. Senators are reminded that written questions on notice should be provided to the secretariat by close of business on Friday, 18 March 2016. Thank you.

Committee adjourned at 19:03