PREFACE

This Senate report is very timely. There is widespread and growing community debate about gene technology and increasing concern about health and environmental issues. The community has learned to be cautious about claims by governments, corporations and scientists that things are safe for them. The benefit of DDT and, more recently, the safety of British beef during the mad cow disease episode are just two claims that have engendered considerable scepticism.

The Senate inquiry into the Gene Technology Bill 2000 has provided a great opportunity for serious discussion about this legislation and whether it will provide the protection the community wants.

The Bill is an important piece of legislation designed to protect the public health and safety of people and to protect the environment from risks associated with gene technology.

A broad range of interested individuals and organisations and the community generally expressed their concerns and fears about aspects of the Bill, and in particular, the adequacy of the proposed regulatory framework to address these concerns.

There were a number of features to emerge from our inquiry. One of the most important was the significant number of and qualifications of scientists opposed to, or very concerned about, gene technology, its applications and possible consequences. Protagonists of gene technology who described opponents as ‘a noisy minority’ or ‘extremists’ did not reflect the breadth of concern in the community or the weight of serious and scientific opposition. And they did little to persuade people to their point of view with such derogatory language.

The importance of community consultation and community involvement in decision making was emphasised during the inquiry. The Committee was told that there is a need for Government to listen to the community, to explain developments in the rapidly evolving gene technology area and to have regard to community concerns in this area. The Committee heard that the community has more concerns about gene technology used in food than other areas, for example pharmaceuticals, where there is significant research and testing before products are released for use.

A common emphasis during the inquiry was that industry and researchers cannot be relied upon to be sufficiently rigorous and objective in evaluating risk and implementing appropriate strategies to manage those risks – at least to the level where the community can feel reassured.

There remains a great need for community education. While the level of concern about possible risks is growing in the community, there is still inadequate information – particularly information that is impartial, unbiased and comprehensive – available to the community and consumers to evaluate the risks associated with gene technology.

Individuals also have difficulty in assessing and processing available information to help them make informed choices. The Committee attaches great importance to ensuring that a national education campaign, by an independent source, be implemented to provide information on gene technology and its potential risks.

Many other concerns were raised during the inquiry. These include the language used - whether gene technology is the same as genetic modification, genetic manipulation, genetic engineering or transgenic processes. Modifying the language to try and assuage peoples' concerns seemed, on the evidence to the Committee, to only add to a suspicion about what exactly the protagonists were doing.

One major area of concern was the gene crossover, sometimes described as transgenic, from one species to another. There was much less concern about wheat genes being used in wheat than bacterial genes being used in wheat for example. The use of viral promoter genes was a cause of even graver concern, in particular what might be the consequences of viral changes in subsequent generations. The Committee was told that little to no research had been done on later generation viral consequences. Assurances that there is 'no evidence' of harm may in fact mean no research has been done, and that worries the community. While there may be genetic exchange between species occurring in nature, genes from fish do not get into tomatoes under normal circumstances.

The Committee is concerned that the great weight of responsibility of decision making in this area should fall on more than one person – hence the Committee's recommendation that the Regulator be a statutory authority not a single individual. Further, there should be opportunities to appeal decisions of the Regulator by third parties as well as licence applicants.

Other areas of concern include the importance of providing for GM-free zones, issues related to animal welfare, human genes used in animals, deficiencies in the risk assessment processes and investigative capacities of the Regulator and concerns over the cost recovery, funding measures and insurance.

Due to the wide ranging nature of the issues and concerns raised, the Committee believes that the Bill when enacted will require close supervision and ongoing assessment with a need for an independent review in three years – much sooner than the current proposed review after five years.

Australia needs an effective regulatory system that is open, transparent and accountable. The consequences of 'getting it wrong' are too grave to contemplate, especially in the longer term. The proposed regulatory regime needs to ensure that there is widespread community confidence in the system. Australia's regulatory system should represent international best practice.

Overall, the Committee found that the Bill to introduce regulation into the gene technology area is overdue and very welcome. However, the weight of evidence supported a great deal of caution. That is why the report is called - *A Cautionary Tale: Fish Don't Lay Tomatoes.*