

# **RECOMMENDATIONS**

## **Chapter 3**

The Committee RECOMMENDS that the risk assessment provisions of the Bill should be amended to give greater weight to the consideration of the impact of the release of GMOs into the environment, especially given Australia's unique flora and fauna and the importance of maintaining Australia's biodiversity.

In view of the confusion caused by the lack of clarity on the status of medical research, and particularly human medical research, under the legislation the Committee RECOMMENDS that the Bill be amended, where appropriate, to explicitly state how such research will be dealt with by the OGTR.

The Committee RECOMMENDS that relevant State and Territory animal welfare legislation and the NHMRC code of practice for the care and use of animals for scientific purposes, be examined to determine whether more stringent provisions need to be applied with respect to animals and genetic modification.

The Committee would consider it undesirable if commercial in confidence information compromised the objectives of the Bill or the transparency of the regulatory regime, and RECOMMENDS that where an application for an intentional release of a GMO into the environment includes the size and location of this proposed release, the information should be made available publicly providing that the penalties for any intentional damage to that release are an effective deterrent against eco-terrorism.

The Committee RECOMMENDS that an independent organisation conduct a national public education campaign to provide information on the benefits and risks of gene technology, drawing on, but not limited to, the expertise of scientists, primary producers, academics and consumer organisations.

The Committee RECOMMENDS that the operation of the Act should be independently reviewed after three years to ensure that its objects are being met.

## **Chapter 4**

The Committee RECOMMENDS that an individual with a financial or other interest in a regulated entity be precluded from holding the office of Regulator.

The Committee RECOMMENDS that an individual who has worked for a regulated entity be precluded from holding the office of Gene Technology Regulator until the expiration of a two-year period.

The Committee RECOMMENDS that the Bill be amended to include a requirement for quarterly reporting by the Regulator and that these reports include relevant

information on the functions and operations of the Regulator including facilities licensed and breaches of licence conditions.

The Committee RECOMMENDS that the Regulator be established as a statutory authority consisting of a board of three people who will take ultimate responsibility for decision-making.

The Committee RECOMMENDS that as part of the review of the scheme as recommended by the Committee, the review consider the feasibility of introducing a 'one-stop shop' model having regard to the operational effectiveness of the proposed 'gap filler' arrangements.

The Committee RECOMMENDS that the Objects of the Bill contain the same words that appear in the *Environment Protection and Biodiversity Conservation Act 1999* in relation to the Precautionary Principle.

The Committee RECOMMENDS that in preparing risk assessment and risk management plans for the intentional release of GMOs into the environment, the Regulator be required to follow a process that should be no weaker than the Environmental Impact Assessment process set out in the *Environment Protection and Biodiversity Conservation Act 1999*.

The Committee RECOMMENDS that a complete listing of broad categories of risk that the Regulator must consider as part of the risk assessment and risk management plans, be prescribed in the regulations to the Bill.

The Committee RECOMMENDS that the Bill be amended to require that in prescribing or imposing conditions of licences, the Regulator may satisfy him or herself that applicants have made provision for suitable insurance coverage to cover the risks associated with the dealings.

The Committee RECOMMENDS that the Bill be amended to include provisions for the mandatory review or renewal of all licences granted by the Regulator; and that this review or renewal take place at intervals of not more than three years.

The Committee RECOMMENDS that the Bill be amended to require that the Regulator not issue a licence for the release of a GMO without conditions that ensure, as much as possible, that contamination of non-genetically modified produce or land cannot occur.

The Committee RECOMMENDS that as a condition of a licence, a licence holder be required to monitor, on a continuing basis, any risks associated with the activities or dealing involving GMOs that are subject to the licence and the results of such monitoring be reported annually to the Regulator.

The Committee RECOMMENDS that as a condition of a licence, a licence holder be required to submit to an independent audit of his/her activities by the Regulator to ensure compliance with licence conditions.

The Committee RECOMMENDS that suitably qualified inspectors be employed by the Regulator to enforce the compliance provisions in the Bill.

The Committee RECOMMENDS that the Regulator fund the employment of adequate numbers of inspectors to provide for sufficient frequency of inspection to act as a deterrent to non-compliance.

The Committee RECOMMENDS that the Bill be amended to require that monetary penalties for breaches of a condition of a licence, especially in the case of a breach of condition of licence that causes significant damage or is likely to cause significant damage, be substantially increased.

The Committee RECOMMENDS that the Bill be amended to provide, in addition to a monetary penalty, a further penalty for each day a breach of a licence continues.

The Committee RECOMMENDS that the Bill be amended to provide for terms of imprisonment to be imposed for major offences relating to breaches of condition of a licence.

The Committee RECOMMENDS that further discussion about, and proposals (including the KPMG Report) relating to, cost recovery and the operation of the OGTR be deferred until after the Productivity Commission report and its recommendations are available. The Committee further RECOMMENDS that until such time, the Government fully fund the operation of the OGTR.

## **Chapter 5**

The Committee RECOMMENDS that the Bill be amended to require that the Gene Technology Technical Advisory Committee include a member of the Gene Technology Community Consultative Group and a member of the Gene Technology Ethics Committee, and preferably that that person should be the Chair of their respective committee.

The Committee RECOMMENDS that the Bill be amended to require the Minister, in appointing members of the Gene Technology Technical Advisory Committee, appoint members representative of a range of scientific disciplines and a diverse and broad range of scientific views.

The Committee RECOMMENDS that the Bill be amended to require that the Gene Technology Community Consultative Group provide advice on individual licence applications made under the Bill.

The Committee RECOMMENDS that the Bill be amended to provide that the Regulator may, if he or she deems it necessary, refer individual licence applications to the Gene Technology Ethics Committee for advice.

The Committee RECOMMENDS that the Gene Technology Technical Advisory Committee, the Gene Technology Community Consultative Group and the Gene

Technology Ethics Committee be consulted by the Ministerial Council when issuing policy guidelines.

The Committee RECOMMENDS that the Bill be amended to provide for the right of third parties to apply for review of a decision of the Regulator.

## **Chapter 6**

The Committee RECOMMENDS that provisions in the Bill requiring the Regulator to accept State or Territory viewpoints to prevent the release of GMOs within their jurisdictions be strengthened.

The Committee RECOMMENDS that all field trials currently being conducted in Australia be audited by the IOGTR as soon as possible and the results of the audit be made publicly available.