



Australian Government
Department of Health and Ageing

SECRETARY

Mr Elton Humphery
Committee Secretary
Community Affairs Committee
Parliament House
CANBERRA ACT 2600
E-mail: Community.affairs.sen@aph.gov.au

Dear Mr Humphery

Gene Technology Amendment Bill 2007

I am writing in response to your letter of 2 April 2007 about the Community Affairs Committee Inquiry into the Gene Technology Amendment Bill 2007. Please find enclosed the Department of Health and Ageing submission to this inquiry.

We look forward to the Committee hearing on 24 April 2007 and if in the meantime, the Committee has any queries regarding the Bill or associated materials please do not hesitate to contact Ms Linda Addison, First Assistant Secretary, Regulatory Policy and Governance Division on (02) 6289 8227 or via email at linda.addison@health.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Halton', written over a rectangular stamp.

Jane Halton
Secretary

13 April 2007

The Department of Health and Ageing's submission to the Community Affairs Committee Inquiry into the Gene Technology Amendment Bill 2007

The Gene Technology Amendment Bill 2007 amends the *Gene Technology Amendment Act 2000* (the Act) to implement the policy agreed by all jurisdictions in response to the Statutory Review of the Act and the Gene Technology Agreement (the Review), conducted in 2005-06. If passed, the majority of amendments will take effect on 1 July 2007.

The Act is the Australian Government's component of the nationally consistent regulatory scheme for gene technology. Under the *Gene Technology Agreement 2001*, all States and Territories have committed to maintaining corresponding legislation. The Gene Technology Ministerial Council (GTMC), an independent intergovernmental body comprised of State, Territory and Australian Government Ministers, oversees the cooperative national legislative scheme.

The Act required that an independent review of the operation of the Act, including the structure of the Office of the Gene Technology Regulator, be undertaken and tabled in Parliament prior to the fifth anniversary of the Act coming into force.

The Review was conducted by an independent panel of three people chaired by Ms Susan Timbs. The panel considered almost 300 submissions from members of the public, industry and other stakeholders. These were analysed by the panel to identify a number of key issues raised in relation to the gene technology regulatory system. These were then used to develop a series of five issues papers, released in October 2005.

A period of national public and stakeholder consultation followed in October 2005 to January 2006. Public consultations, in the form of public forums, were held at various locations around Australia during this period. This allowed the review panel to hear, first hand, a range of views of interested parties, including State governments, industry, researchers, farm groups, non government organisations and consumers.

The review panel met with the Regulator, the prescribed Australian Government agencies that also have responsibilities relevant to the regulation of Genetically Modified Organisms and Genetically Modified products, the Commonwealth Environment Minister and the statutory committees under the Act. In addition, the review panel made a series of visits to contained laboratories and field trial sites.

The report on the Review was tabled in the Australian Parliament by the Parliamentary Secretary to the Minister for Health and Ageing on 27 April 2006. The Review found:

- the existing scope of the Act should be maintained with its focus on health and safety of people and the environment;
- that the object of the Act – the protection of health and safety of people and the environment – is being achieved;
- one of the strengths of the Act is the broad consultation required as part of the licence approval process; and
- there was no reason to doubt the Act's flexibility to deal with changing circumstances and emerging technologies.

The Review concluded that the Australian system is one of the most rigorous, transparent and accessible in the world and that no major changes were required. However, it suggested a number of minor changes, aimed at improving the operation of the Act at the margin. I have enclosed a copy of the Review for the information of the committee.

There followed a period of explicit consultation with the States and Territories on how best to implement the recommendations of the Review. The outcome of this consultation was the *State, Territory and Australian Governments' Response to the recommendations of the Review*, published in November 2006. I have enclosed a copy of the Response.

This led to the development of the draft Gene Technology Amendment Bill 2007 which was approved by the GTMC out-of-session, by a special majority, on 21 March 2007. The States and Territories have undertaken to enact corresponding legislation by the end of 2007.

This Bill has come about through an extensive review and consultation process conducted over a period of almost two years. As such the Bill has been developed in order to implement the recommendations of the Review whilst recognising and promoting the shared responsibilities between the Australian and State and Territory governments inherent in the *Gene Technology Agreement 2001*. It is a requirement of the Agreement that changes proposed to the Bill would need to be agreed to by the States and Territories.

Further information about the Review and all of Governments' response to the Review can be found at <http://www.health.gov.au/internet/wcms/publishing.nsf/Content/gene-gtmc.htm-copy2>

Department of Health and Ageing
13 April 2007