

# Department of Primary Industries, Parks, Water and Environment

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Gene Technology Review  
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To whom it may concern

## **2017 Review of the National Gene Technology Regulatory Scheme**

Thank you for the opportunity to contribute to the 2017 Review of the National Gene Technology Regulatory Scheme ('the Scheme') initiated by the Legislative and Governance Forum on Gene Technology ('the Forum') in accordance with the intergovernmental Gene Technology Agreement. I understand that the Review will involve three phases of public consultation and that the purpose of this initial phase is to identify key issues and challenges with the Scheme, and to better understand the views and ideas of stakeholders.

The purpose of this submission is to highlight and discuss the existing moratorium on the commercial release of Genetically Modified Organisms (GMOs) into the Tasmanian environment, which is relevant to point 3) of the Terms of Reference:

*The appropriate legislative arrangements to meet the needs of the Scheme, now and into the future, including the Gene Technology Agreement.*

### **Tasmania's GMO moratorium**

Since 2001, successive Tasmanian Governments have maintained a moratorium for marketing purposes on the commercial release of GMOs into the Tasmanian environment. Following the inception of the Scheme, the Forum (then known as the Gene Technology Ministerial Council) adopted the *Gene Technology (Recognition of Designated Areas) Principle 2003*, which allows State and Territory Governments to designate geographical areas under State law for the purpose of preserving the identity of GM crops and/or non-GM crops for marketing purposes. The Principle commenced on 5 September 2003.

In keeping with the Recognition of Designated Areas Principle, the Tasmanian Government declared the whole of Tasmania to be a GMO-free area, effective from 15 November 2005, through the *Genetically Modified Organisms Control (GMO-free Area) Order 2005* made under section 5(1) of the *Genetically Modified Organisms Control Act 2004* (Tas). The Order was intended to position the State in the global marketplace as a producer of food that is genuinely free from genetic modification.

Tasmania's moratorium has been subject to regular reviews involving public consultation. The most recent review was conducted in 2013 by the Department of Primary Industries, Parks, Water and Environment (DPIPWE). It received 160 public submissions and found that the State's

freedom from GMOs may serve as a hedge against future shifts in consumer sentiment and buying behaviour.

In August 2014, the current Tasmanian Government extended the moratorium through the *Genetically Modified Organisms Control Amendment Act 2014* and published the *Tasmanian Gene Technology Policy 2014-2019* and *Tasmanian Gene Technology Guidelines*. The Policy details the Government's intention to maintain a moratorium on the commercial release of GMOs into the Tasmanian environment for five years until November 2019. The Guidelines describe the dealings that may be authorised under the Genetically Modified Organisms Control Act.

The Genetically Modified Organisms Control Act, and hence the moratorium, is scheduled to expire on 16 November 2019. The Tasmanian Government has committed to reviewing the Policy before November 2019 to enable technological advances and likely impacts on markets to be understood before the Government decides whether to further extend or amend the moratorium. In the interim, AgriGrowth Tasmania (a division of DPIPWE) is responsible for implementing an annual monitoring program involving stakeholder consultation that culminates in a report to the Minister for Primary Industries and Water specifically addressing:

- the development of new generation GMOs that provide health or other benefits;
- consumer sentiment in important current and potential future markets; and
- new gene technologies that potentially provide positive benefits to primary industry sectors and Tasmania as a whole.

The Department is responsible for advising the Minister if there are significant developments in these matters that may warrant triggering an early review of the Policy.

AgriGrowth Tasmania is scheduled to complete its third *Genetically Modified Organisms (GMO) Annual Environmental Scan* this year. The latest Scan completed in December 2016 found that there was no need to trigger a review of the moratorium at the time. Copies of the completed Scans, the Tasmanian Gene Technology Policy 2014-2019, the Tasmanian Gene Technology Guidelines, and the report on the 2013 Departmental review of the GMO moratorium are publicly available at <http://dpiuwe.tas.gov.au/agriculture/tasmanian-gene-technology-policy-2014-2019>.

## Recent Inquiries

The issue of state-based moratoria on GM crops has been examined several times, including as part of the 2006 and 2011 reviews of the *Gene Technology Act 2000* (Cwlth). The issue was considered again in 2016 as part of the Smart Farming inquiry into agricultural innovation conducted by the House of Representatives Standing Committee on Agriculture and Industry, and by the Productivity Commission during its Inquiry into Regulation of Australian Agriculture.

In its report on the Smart Farming inquiry, the Standing Committee called for the phasing out of state-based moratoria on the cultivation of GM products and recommended that the Australian Government, through the Council of Australian Governments, pursue reform options to ensure national consistency in the regulation of gene technology (Recommendation 13).

The Smart Farming report also recommended that the Australian Government, through the Gene Technology Ministerial Council, seek terms of reference for the 2017 Review of the National Gene Technology Regulatory Scheme that “empower the review to fully consider the impact of moratoria invoked by state and territory governments under the Recognition of Designated Areas Principle”. Barring that, the Committee recommended that the Australian Government commission an independent review of the implementation and effectiveness of the Gene Technology Agreement with particular reference to the impact of moratoria invoked by state and territory governments under the Recognition of Designated Areas Principle (Recommendation 14).

The Productivity Commission's Inquiry report contained a recommendation calling for the abolition of moratoria through legislative reform.

The Tasmanian Government's submission of 8 September 2016 to the Productivity Commission Inquiry made several points in support of the current moratorium, including that:

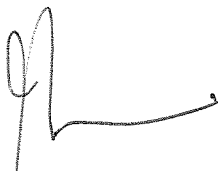
- the five-year moratorium provides certainty to industry to further develop markets for Tasmania's GM-free products and protects the State's brand;
- the ability to grow food and other agricultural products in a GMO-free environment is an important component of the Tasmanian brand, particularly in relation to the premium food and beverage sector for which Tasmania is globally renowned;
- removing the moratorium could have significant consequences for those businesses that choose to use the GM-free attribute as part of their branding and marketing, and would result in Tasmania losing a significant point of difference at a time when there is increasing interest in food provenance;
- the key benefit of the moratorium stems from all agricultural producers, food and beverage manufacturers and the tourism sector having access to the benefits of brand differentiation; and
- there continues to be strong support for continuing the moratorium because of its benefits to branding and marketing.

The submission also acknowledged the potential for rapid advances in gene technologies as the reason why the Government is actively monitoring developments in technologies, markets and consumer sentiment.

The two Inquiry reports provide a useful summary of the main arguments for ending state-based moratoria, but do not provide a compelling case for ending Tasmania's GMO moratorium at this time. Nonetheless, the findings from the current Review will help to inform the future review of the Tasmanian Gene Technology Policy 2014-2019, which will in turn inform the Tasmanian Government's decision on the future of Tasmania's GMO moratorium.

Thank you again for the opportunity to contribute to this initial phase of consultations. Should you have any questions in relation to this submission, please contact Tim Eldridge from AgriGrowth Tasmania on 03 6165 3161 or email [tim.eldridge@dPIPWE.tas.gov.au](mailto:tim.eldridge@dPIPWE.tas.gov.au).

Yours sincerely



John Whittington  
**SECRETARY**

20 September 2017