ACT GOVERNMENT SUBMISSION

to the Legislative and Governance Forum on Gene Technology 2017 Review of the National Gene Technology Regulatory Scheme

INTRODUCTION

The Legislative and Governance Forum on Gene Technology (the LGFGT) has announced the Review of the National Gene Technology Scheme (the Review), and is inviting public submissions to the Review.

The Review aims to apply a collaborative three phase consultation approach which includes:

- Phase 1: Identifying challenges and issues with the current scheme (both through recognition of input into previous related submissions, targeted discussions and online submissions) - July-Sept 2017
- Phase 2: Exploring potential solutions (through responses to issues papers, online surveys, market research, focus groups and facilitated workshops [the latter organised in conjunction with jurisdictional GTSC members]) - Oct-Nov 2017
- Phase 3: Testing report recommendations (through online submissions, targeted discussions and focus groups) - Feb-March 2018

This submission relates to Phase 1. It is noted that there will be future opportunities to explore and debate options and potential solutions.

ACT SUBMISSION

In preparing this submission, the ACT Gene Technology Advisory Council (ACT GTAC) was convened. The ACT GTAC includes:

a) a person nominated by the Director General (of ACT Health) who is to be the chairperson.
b) a person nominated by the Commonwealth Scientific and Industrial Research Organisation (CSIRO).
c) a person nominated by a university based in the ACT who has professional skills or experience in research in a field relevant to gene technology (ANU).
d) a person nominated by the ACT Rural Lessees' Association (ACT Rural Landholders Association).
e) a person nominated by the Conservation Council of ACT Region Inc.
f) a person nominated by the Canberra Region Branch Biotechnology Group of AusBiotech.
g) a person who has professional skills or experience in the marketing of food crops.
h) a person to represent the community generally.

CONSUMER IMPACT

As a general comment, the ACT government requests that any consultation for the Review actively engages the public and that plain English guidelines are made available to facilitate input by non-technical audiences.

ENVIRONMENTAL IMPACT

Containment

The ACT Government is hesitant to see restrictions placed on access to technology, however, containment of crops (for example, between genetically modified (GM) and non-GM crops) remains an issue of concern for the ACT. Difficulty occurs where a final product is considered by definition a GM product but is not easily identifiable without knowing the sequence of natural cultivar versus GM cultivar. Further comment regarding the definition of a genetically modified organism (GMO) is made below.

Transmission into natural environment

The infiltration of GM material into the natural environment is also a concern in the ACT. If toxin genes are transmitted into natural environments, these can go on to contaminate feed stock and potentially have adverse effects on the natural ecology of an environment. Future GM regulation reform needs to be mindful of issues surrounding unintended biological consequences.

In summary, the ACT Government would like to see a greater focus on the ultimate environmental impacts of the release of a GM product. This issue requires attention on the potential outcomes of producing a GM product, not necessarily, as is currently the case, with the onus on the process used to create a GM product.

RESEARCH AND REGULATION

The ACT Government would like the Review to consider whether the level of regulation imposed on research organisations undertaking genetic modification research for intended release is commensurate with the known risks. The ACT Government notes the high regulatory burden on research organisations to enable them to conduct scientific GM trials is possibly too high.

The ACT Government asks that the Review consider whether it is possible to streamline subsequent applications for the same/similar GMO where a licence has previously been issued for a GMO. The ACT Government agrees to all releases being licenced but the process is burdensome for research organisations and perhaps not commensurate with the risks involved.

In addition, the Review may wish to consider the issue of cost recovery. The imposition of cost recovery would significantly add to the cost burden on academic researchers and is unlikely to be sustainable in the medium to long term.

DEFINITIONS

There is a view that the definition of a GMO as per page 7 of the LGFGT 2017 Review Background Paper is proving problematic in relation to application of new technologies.

The ACT Government requests that the Review considers examination of the definition of a GMO in terms of outcome – ie at what point is something considered genetically modified?

The current definition relates to the process used to produce GMO i.e. an organism with a single base mutation by mutagenesis would not be captured under the current legislation. While the outcome from two separate processes may be the same (mutagenesis and CRISPR) currently only the CRISPR would be captured under the current definition.

The ACT Government considers that it is feasible that mechanisms and techniques used to undertake genetic modification should be captured in the definition rather than capturing the actual product itself. The Review could consider whether the regulation could be at the level of the outcome (product/organism) – this would need consideration of at what point something is considered to be genetically modified. It is possible that regulating mechanisms and techniques is easier than regulating organisms/products/outcomes as it may be difficult to determine the presence/extent of the modification in an organism.

PUBLIC HEALTH RISKS

The ACT Government suggests that the present legislation may not fully cover genetic modification of whole animals. The zoonotic transmission of disease to humans via domestic animals is high – an increase in the number of GM animal stock could potentially exacerbate zoonosis. The ACT Government requests that the Review consider the potential outcomes of using GM products on animals and whether or not these are getting into the environment (for example, through vaccines).