

GENE TECHNOLOGY (WESTERN AUSTRALIA) BILL 2014

Introduction and First Reading

Bill introduced, on motion by **Hon Ken Baston (Minister for Agriculture and Food)**, and read a first time.

Second Reading

HON KEN BASTON (Mining and Pastoral — Minister for Agriculture and Food) [5.55 pm]: I move —

That the bill be now read a second time.

The purpose of the bill is to ensure a consistent national approach to the regulation of genetic modification. Genetic modification is part of the suite of biotechnology processes used in modern research. GM refers to changing the genes of an organism, such as by introducing a new gene or activating or deactivating an existing gene. It is used in a number of fields, including medical, pharmaceutical and agricultural research. As well as the common examples of crops resistant to herbicides or pests, GM has been used to create vaccines and to help researchers develop targeted medical therapies. GM is also being used to increase the nutritional content of food to assist in areas where malnutrition is common.

In 2001, the states and territories signed the Gene Technology Agreement, recognising the need to ensure a consistent national scheme for the regulation of gene technology. The states and territories agreed to introduce legislation to ensure that the commonwealth gene technology laws, comprising the Gene Technology Act 2000 and the Gene Technology Regulations 2001, applied consistently across Australia. The effect of the bill is to replace the current Western Australian Gene Technology Act 2006 with a new act, applying the commonwealth act as a law of the state. This will ensure that there are no gaps or loopholes in the legislation and that there is consistency with the national approach in accordance with the Gene Technology Agreement. This approach has already been adopted in New South Wales, the Northern Territory and Tasmania. Adopting the commonwealth act as a law of Western Australia will remove the need to update the Western Australian act every time the commonwealth act changes, minimising the administrative and operational cost to Western Australia and ensuring that efficient processes are in place. It will ensure that all researchers and organisations have a clear understanding of the regulations applicable and that all parties operate on consistent terms across Australia.

The object of the commonwealth Gene Technology Act is to protect the health and safety of people and the environment by identifying risks posed by or as a result of gene technology and to manage identified risks through regulating certain dealings with genetically modified organisms. The commonwealth act has several key components, including establishing the Office of the Gene Technology Regulator; establishing advisory committees to provide expert advice to the regulator; creating a process to assess risks associated with various dealings with GMOs, including opportunities for public input; and establishing a centralised, publicly available database of all GMOs and GM products approved in Australia. The commonwealth act also contains extensive monitoring, compliance and enforcement powers. Under the commonwealth act, any dealing with a GMO—including research, manufacture, production, release, transport and disposal—requires a licence from the regulator, unless the dealing is to be an exempt dealing, is a notifiable low-risk dealing, is listed on the GMO register or is specified in an emergency dealing determination.

Granting a licence can take from 90 working days for a dealing not involving the release of the GMO into the environment to 255 working days for a commercial release. The strict process for assessing a dealing involving the release of a GMO into the environment, such as a field trial, involves consultation with experts, agencies and authorities; the preparation of a risk assessment and management plan; and a second consultation process, including public consultation. Following this, a decision will be made on whether to issue the licence. All decisions are recorded in the publicly available GMO record. For dealings involving the release of GMOs into the environment, the licence conditions, as well as the risk assessment and management plan, are also made publicly available.

In accordance with the commitment made under the Gene Technology Agreement, Western Australia enacted the Gene Technology Act 2006 to ensure consistency with the national scheme. Western Australia's legislation mirrors the original commonwealth legislation and therefore needs amendment every time the commonwealth legislation is amended. In 2011, an independent review of the Western Australian act found that, over time, as the commonwealth act was updated and amended, the Western Australian act had become inconsistent. The effect of this inconsistency is that the same dealing with a GMO could have different requirements depending on the party undertaking the dealing. This results in confusion and uncertainty, creating potential compliance issues. The proposed act will not affect the operation of the other Western Australian GM legislation—the Genetically Modified Crops Free Areas Act.

Pursuant to standing order 126(1), I advise that this bill is a uniform legislation bill. It will give effect to a multilateral intergovernmental agreement between the commonwealth and all the states and territories—

namely, the intergovernmental Gene Technology Agreement. Pursuant to standing order 126(4), the bill will stand referred to the Standing Committee on Uniform Legislation and Statutes Review at the conclusion of this speech.

I commend the bill to the house and I table the explanatory memorandum.

[See paper 2271.]

Debate adjourned and bill referred to the Standing Committee on Uniform Legislation and Statutes Review, pursuant to standing orders.

Referral to Standing Committee on Uniform Legislation and Statutes Review — Motion

On motion without notice by **Hon Peter Collier (Leader of the House)**, resolved —

That the Standing Committee on Uniform Legislation and Statutes Review report to the house on the Gene Technology (Western Australia) Bill 2014 by no later than Tuesday, 10 March 2015.

Sitting suspended from 6.01 to 7.30 pm