



NSW Legislative Council Hansard

Gene Technology (GM Crop Moratorium) Amendment (Postponement of Expiry) Bill

Extract from NSW Legislative Council Hansard and Papers Wednesday 9 November 2005.

Second Reading

The Hon. IAN MACDONALD (Minister for Natural Resources, Minister for Primary Industries, and Minister for Mineral Resources) [8.00 p.m.]: I move:

That this bill be now read a second time.

The Gene Technology (GM Crop Moratorium) Amendment (Postponement of Expiry) Bill introduces a small but important amendment to the statute that provides a moratorium on growing genetically modified crops in the State. That statute is the Gene Technology (GM Crop Moratorium) Act 2003. It enables a moratorium to be imposed on the cultivation of specified genetically modified crops in New South Wales. The Act is due to expire on 3 March 2006. But as the legislation is still needed, the bill will extend the Act's operation for a further two years. The three-year duration of the Act was originally considered appropriate. It was thought that this period would allow sufficient information to be collected on the potential impact of genetically modified crops.

The House will be aware that under the intergovernmental agreement, the human health and environmental aspects of gene technology are managed on a national basis by the Federal Office of the Gene Technology Regulator, pursuant to the Commonwealth Gene Technology Act 2000. The Gene Technology Regulator assesses the potential impact of proposed dealings with gene technology on human health and the environment. However, the Gene Technology Regulator does not consider marketing or trade issues in making its assessments. These issues are managed by the States, together with industry. To date, the focus has been on GM canola. This is because it was the first broad-acre GM food crop that was approved for commercial release by the Federal Gene Technology Regulator.

Members would recall that following these approvals by the Gene Technology Regulator, this Government moved decisively to impose moratoriums on the cultivation of GM canola in New South Wales. The New South Wales Government has maintained a staged, careful approach to introducing genetically modified crops into the State. In keeping with this philosophy, it is important that independent, small-scale agronomy trials of GM canola occur prior to larger-scale segregation trials being conducted to address marketing issues. Small-scale agronomy trials of GM canola have been approved during the current moratorium period. But due to a variety of reasons, including the ongoing drought, these trials have not been undertaken. Consequently, larger-scale segregation trials have not proceeded.

Marketing issues associated with the possible adoption of GM canola have been researched to some degree at a national and State level. However, at this point the lack of segregation trials means that there has been no practical demonstration of the capacity to segregate GM and non-GM product across the supply chain to differing market standards. A review of the Commonwealth Gene Technology Act 2000 is currently being undertaken. This review will consider, among other things, whether economic, marketing and trade issues should be assessed under the Commonwealth Act. It is unlikely that the outcome of this review will be put into effect until 2007. In any event, the New South Wales Government would not support ceding management of marketing issues to the Commonwealth.

Until now I have focussed my comments on GM canola. I draw the attention of the House to the fact that the provisions of the Act can be applied to any specified GM food plant, not just canola. Various GM food plants are currently being trialled under the Federal regulatory system, and those food plants may be considered for commercial release in the future. They include herbicide-tolerant Indian mustard, wheat with altered starch content of potential benefit to human nutrition, and salt-tolerant wheat. They also include sugarcane with altered sugar content, virus-resistant white clover, pineapples with reduced occurrence of blackheart and delayed flowering, and virus-resistant papaya. It is evident that many of these advances in gene technology have the potential to help address a range of human, environmental and industrial issues. However, they may also pose unique challenges associated with their potential impact on marketing. It is therefore important that New South Wales maintains the capacity to control the release of these new GM food plants until such time as the potential marketing issues are resolved.

Given the lack of segregation trials, the uncertainties associated with the review of the Commonwealth legislation, and the rapid advances in the development of GM food plants, New South Wales needs to maintain measures to preserve the identity of GM or non-GM food crops for marketing purposes. Amending the Act will ensure that a moratorium on the commercial cultivation of GM canola in New South Wales can continue to be imposed. Extending the duration of the Act will provide more time to collect necessary data, as well as time to reconcile any outstanding uncertainties relating to the marketing of GM and non-GM products. The proposed

amendment also provides further consistency with gene technology moratorium legislation in other States, in accordance with the intergovernmental agreement. I commend the bill to the House.