

## **Issue**

On Wednesday 5 December 2007 the NSW Parliament passed the Gene Technology (GM Crop Moratorium) Amendment Bill. The Bill seeks to extend the operation of the Act until 1 July 2011. The Act aims to establish a regime to regulate the commercial cultivation of GM food plants in New South Wales and the conduct of experiments on GM food plants in NSW for marketing purposes

If a GM food crop has been licensed by the Commonwealth Office of the Gene Technology Regulator ('OGTR') for commercial release, there will be an automatic prohibition on its cultivation in NSW, unless one of the following circumstances is in place.

1. The GM food crop must be approved for commercial cultivation in accordance with the requirements of the amended Act.

The relevant industry or industry sector must establish that it meets certain criteria which include:

- The industry must establish it has adequately identified the requirements demanded by key domestic and international markets for the GM food plant.
- The industry must identify the threshold levels for the accidental or unintended presence of GM traits in food plants that are acceptable in the relevant key domestic and international markets. For canola the threshold level for the accidental or unintended presence of GM traits has been set at 0.9%. This threshold level meets the strictest standards set by any of Australia's international trading partners for canola
- The industry has, or is capable of having, supply chain management processes in place that adequately address the accidental or unintended presence thresholds. This includes any requirements to segregate GM food plants and non-GM food plants.
- The industry must demonstrate that it has obtained, or can obtain, any relevant approvals or other authorisations regarding importation of the GM food plants. Additional criteria can be prescribed by the regulations.

The Bill establishes an Expert Committee which will provide the Minister on whether an industry or industry sector is able to meet these criteria. The Bill abolishes the NSW Agricultural Advisory Council on Gene Technology.

2. The cultivation of GM food crops will be permitted where an exemption has been granted for experimental purposes - that will apply to research. In this regard the Bill establishes the scheme for approving the commercial cultivation of GM food plant, or a class of GM food plants, in this State.

- The Minister will have the power to revoke the approval in part or in whole if he believes that the industry no longer satisfies the criteria.
- The approval will automatically be revoked if the Commonwealth license for the GM food plant is suspended or cancelled by the OGTR.
- The Minister's power to revoke an order is supported by Departmental inspectors with the power to enter and inspect premises.
- It will be an offence to knowingly cultivate a GM food plant in contravention of the Act.

## **NSW Farmers' Association Policy**

### **That the Association:**

- a) give priority to achieving removal of the GM crop moratorium via a high profile public stance and proactive participation in the review process in a coordinated campaign with the farmer organisations of other states;**
- b) lobby for further work on GM takeall resistance to be continued in Australia; and**
- c) lobby for further funding for research and development into conferring drought resistance in crops using GM techniques.**