

Gene Technology (Tasmania) Bill 2012

FACT SHEET

The Bill upholds Tasmania's commitment to a nationally consistent scheme for gene technology regulation under the inter-governmental *Gene Technology Agreement 2001* (the IGA). Under the IGA, each State and Territory Government agreed to maintain corresponding legislation to the Commonwealth *Gene Technology Act 2000* and *Gene Technology Regulations 2001*.

The object of the Bill is to protect the health and safety of people, and to protect the environment, by identifying risks posed by or as a result of gene technology, and by managing those risks through regulating certain dealings with genetically modified organisms (GMOs).

To achieve this object, the Bill takes an 'application of laws' approach to adopt the Commonwealth *Gene Technology Act 2000*, *Gene Technology (Licence Charges) Act 2000*, and any subordinate legislation, as Tasmanian laws. This approach means that the Tasmanian legislation will always be up to date, in line with Government's commitment under the IGA. It also gives regulatory certainty to Tasmanian researchers who wish to conduct experimental dealings with GMOs in secure laboratories. Avoiding the need to amend our legislation every time the Commonwealth amends its legislation also represents a practical saving in Government time and resources.

The Bill replaces the Tasmanian *Gene Technology Act 2001* and *Gene Technology Regulations 2003*, and like that previous legislation, allows the Commonwealth Gene Technology Regulator to regulate dealings with GMOs in Tasmania that are likely to be outside his or her constitutional reach. Dealings with GMOs in universities are an example.

The Bill neither represents, nor opens the door to, a change in the Government's policy on use of GMOs in primary industries. The Bill only operates to the extent that it does not conflict with the moratorium on commercial release of GMOs for marketing purposes, given effect under the *Genetically Modified Organisms Control Act 2004*.

The key elements of the Bill provide for:

- application of the Commonwealth gene technology laws as laws of this State;
- modification of the Commonwealth gene technology laws to prohibit licenced dealings that would conflict with Tasmania's GMO moratorium;
- application of the Commonwealth *Acts Interpretation Act 1901*, criminal laws and administrative laws to the Act;
- application of officer functions and powers under the Commonwealth gene technology laws in Tasmania;
- replacement of the current, out-dated Tasmanian gene technology legislation