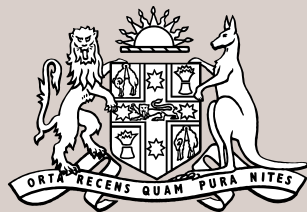


Invitation to make a submission to the

Independent Review of the
Gene Technology (GM Crop Moratorium) Act 2003



New South Wales
Government

Introduction

The New South Wales (NSW) Government enacted the *Gene Technology (GM Crop Moratorium) Act 2003* (Act) in June 2003.

The Act enabled a moratorium to be imposed on the cultivation of certain genetically modified (GM) plants in NSW. Moratorium Orders introduced under the Act prohibit the cultivation in NSW of a specified GM food plant or class of GM food plants.

The Act was introduced in response to concern about the possible impact on market access and trade resulting from the cultivation of GM crops in NSW, specifically GM canola following the approval of commercial release licences for Invigor® and Roundup Ready® canola in 2003 by the Office of the Gene Technology Regulator (OGTR).

There have been two Moratorium Orders introduced under the Act that prohibit the cultivation of Invigor® and Roundup Ready® canola in NSW.

Other major canola producing states, Victoria, South Australia, Western Australia and Tasmania introduced similar moratorium legislation which has prevented the commercial cultivation on GM canola in Australia to date.

The Act expires on 3 March 2008.

On 16 July 2007 the NSW Minister for Primary Industries announced the establishment of an independent panel to review the Act prior to expiry.

This Review is being undertaken in order to provide advice to the NSW Government on the appropriateness of the Act and a consideration of the way forward.

The Review

Purpose of the Review

The Act was introduced in 2003 in response to concern held about possible impacts on market access and trade resulting from the cultivation of GM crops, specifically GM canola, in NSW. The purpose of the review is to determine whether or not such market access and trade concerns remain valid in 2007.

While the Review will focus on GM canola, the potential impact of future GM crops will also be considered.

Scope of the Review

The review will assess the expected impacts on marketing, trade and investment of extending or amending the Act, or allowing it to expire, and will recommend a course of action.

The review will not make recommendations on the regulation of human health and safety and environmental impacts, as they are beyond the scope of the Act. The OGTR evaluates these in deciding whether to allow the release of GM varieties under the national gene technology regulatory scheme.

Terms of Reference for the Review

The Review Panel will:

1. Assess the expected impacts on marketing, trade and investment for NSW of:
 - extending the Act and maintaining the moratorium orders on the cultivation of GM canola;
 - amending the Act and removing the moratorium orders on the cultivation of GM canola; or
 - allowing the Act to expire.
2. On the basis of the above assessments, make recommendations to Government on the most appropriate option to adopt; and
3. In the event that the panel recommends extension of the legislation, recommend appropriate amendments to the legislation.

Process of the Review

The Review will be conducted by an independent panel consisting of three members who have expertise in trade and marketing, agriculture, science, and government policy.

The review will encompass written public submissions and consultation with key stakeholders.

The review panel members are Ian Armstrong (Chair), Kathryn Adams and Professor Timothy Reeves.

Ian Armstrong - Was a member of the New South Wales Legislative Assembly and was the Member for Lachlan from 1981 to 2007. He was awarded the Order of the British Empire in 1978 for services to Primary Industries. Ian Armstrong was Minister for Agriculture and Rural Affairs from 1988 to 1993. From 1993 until 1995, he was Deputy Premier of New South Wales as well as Minister for Ports and Minister for Public Works. He is a Fellow of the Australian Institute of Company Directors.

Kathryn Adams - Agricultural scientist and lawyer. Currently Senior Research Fellow with the Australian Centre for Intellectual Property in Agriculture at Griffith University. She is on the Boards of the Cotton

Catchment Communities CRC, the Forest and Wood Products R&D Corporation, Safe Food Production Queensland, Future Farming Industries CRC and Food Science Australia. She is a Fellow of the Australian Institute of Company Directors.

Tim Reeves - Has worked for 39 years in agricultural research, development and extension, mostly focused on sustainable agriculture in Australia and overseas. He has received several international and national honours and is a Fellow of the Academy of Technological Sciences and Engineering and in 2003 received the Centenary of Federation Medal. From 1995 – 2002 he was Director General of the International Maize and Wheat Improvement Centre (CIMMYT) based in Mexico and is chair of the NSW Agricultural Advisory Council on Gene Technology

Timetable for the Review

The closing date for written submissions to the Review Panel is 31 August 2007.

The Review Panel will also undertake a series of consultations with key stakeholders during July and August 2007.

The Review Panel's final report for consideration by the Minister for Primary Industries will be submitted by 30 September 2007.

An invitation to make a submission to the Review

The Review Panel invites written submissions from interested parties and stakeholders.

The closing date for written submissions to the Review Panel is **31 August 2007**.

While submissions may address any matters respondents wish, the Review Panel would particularly welcome input on issues addressing the Terms of Reference. Issues related to human health and safety and the environment will not be considered as they are beyond the scope of the Act and, consequently, this review.

Multiple identical submissions will not carry more weight than the merits of an argument in a single submission. As such, the Review Panel supports joint applications where applicable.

The Review Panel encourages respondents to make submissions publicly available. Unless marked "CONFIDENTIAL" all submissions will be treated as public documents and may be placed on the NSW Department of Primary Industries website.

Note: Submissions treated as confidential will still be subject to Freedom of Information access requirements.

Respondents are required to provide their contact details with their submission. Please include your name, your organisation (if applicable), a postal address and a telephone contact number.

Respondents are also requested to include an Executive Summary in their submission.

Respondents are encouraged to make submissions electronically by email or by posting a disc containing the submission. Submissions may also be sent by mail or fax.

Email: gmcrops.review@dpi.nsw.gov.au

Postal address: GM Crop Moratorium Review Secretariat
NSW Department of Primary Industries
Locked Bag 21
ORANGE NSW 2800

Fax: 02 6391 3167

This paper is also available at www.dpi.nsw.gov.au/reviews/gmcrops

All enquires to the Review Panel should be directed to the Review Secretariat.

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Telephone: 02 6763 1260

Email: gmcrops.review@dpi.nsw.gov.au