

Legislative and Governance Forum on Gene Technology Communique

11 October 2018

The Legislative and Governance Forum on Gene Technology (the Forum) met on Thursday 11 October 2018 in Adelaide to discuss the outcomes of their Third Review (the Review) of the National Gene Technology Regulation Scheme (the Scheme). The Forum comprises all commonwealth, state and territory Ministers with responsibility for gene technology, and oversees the collaborative national Scheme.

The Forum was established to focus on the national priority of assuring intergovernmental collaboration and decision making for a nationally consistent approach to the regulation of gene technology. It recognises there is a shared national responsibility and obligation for all Australian governments to provide a regulatory scheme that achieves its objectives of protecting people and the environment, whilst facilitating innovation and competitiveness for research and industry.

Key outcomes from the meeting include:

In July 2017 the Forum announced the Third Review of the National Gene Technology Scheme (the Review). This Review provided Australian governments with the opportunity to consider appropriate policy settings for gene technology regulation, in an environment of rapidly developing technology, whilst continuing to achieve policy objectives to protect the health of Australians and the environment.

Review Report

Forum Ministers are very pleased to endorse the *Final Report on the Third Review of the National Gene Technology Scheme*, acknowledging the in-depth and widely consultative Review that informed 33 findings, now reflected in the 27 Review recommendations.

Forum Ministers agreed that these recommendations will enhance and strengthen the Scheme so that it continues to be fit for purpose and is sufficiently agile to address future developments and challenges, spanning fields such as, health, medicine, agriculture, plants and animals. The Review also affords confidence that any risks posed by gene technology for people, and the environment, will continue to be identified and managed.

Within this context, the Review recommendations will also deliver more flexible, streamlined and risk-based processes, to enable efficiencies within the research and industry sectors, and relieve regulatory burden where warranted. Recommendations also recognise that information availability and transparency underpin public confidence in the regulatory system, and the Scheme's management of any risks posed by gene technology and Genetically Modified Organisms. This will help ensure access, for all Australians, to improved or cutting edge health management and clinical practice, environmental protection, and economic competitiveness.

Forum Ministers acknowledged the high degree of regard stakeholders hold for a Scheme which has now been in operation for almost two decades. They reaffirmed commitment to the object of the *Gene Technology Act* and the inter-governmental Gene Technology Agreement.

Forum Ministers also recommended maintaining a number of existing elements of the Scheme at this point in time. These include the current governance mechanisms, the 'process trigger' approach and the role of the Regulator, noting that these existing

arrangements appropriately capture and manage any extensions and advancements of gene technology.

Additionally, maintaining the scientific risk assessment basis of the Scheme remains appropriate. Therefore, the Scheme does not need to consider the potential benefit of a gene technology at this time – particularly noting that this is a factor considered by responsible product regulators. However, the review recommendations recognise the importance of a system that enables all of these factors to be efficiently revisited as new evidence arises.

Forward Action Plan

Forum Ministers consider that the implementation of the Review recommendations is a priority for the Gene Technology Scheme, noting that a number of intended outcomes of the Review will be improved through further work at the national level, and in partnership with stakeholders.

Forum Ministers agreed that the recommendations should be progressed in a coordinated way, through the all-governments senior officials group supporting the Forum, the Gene Technology Standing Committee. This committee will oversee implementation across all jurisdictions, deferring to the Forum where further guidance and decision making is required.

To progress implementation in a timely and workable manner, Forum Ministers endorsed a high-level forward action plan, which commits to implementing the Review recommendations across short, medium and long term tranches, bringing forward work on definitions and risk tiering.

Recommendations that can be implemented through administrative changes may be delivered in the shorter term, whilst some recommendations may require legislative changes that will take longer to progress through state, territory and Commonwealth parliaments. Forum Ministers noted the importance of continued stakeholder engagement to inform a number of the implementation activities.

Funding

Forum Ministers noted the importance of appropriately resourcing the substantial work required to implement the Review recommendations. They agreed that funding for implementation should be cost shared across jurisdictions, to ensure that progress occurs in line with the agreed action plan.

Future LGFGT meetings

Forum Ministers agreed to meet face to face on an annual basis, to monitor the progress of implementation through the action plan, facilitate discussion to inform decision making and to oversee the national gene technology scheme. Forum Ministers noted that out of session papers may be used to seek advice and approval when timing requires.

Gene Technology Regulator's Technical Review of the Regulations

Forum Ministers welcomed the Technical Review and requested further advice in relation to amendments to the Gene Technology Regulations 2001 (Commonwealth, the Regulations) recommended by the Gene Technology Regulator.

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Attendees:

The meeting was chaired by Senator the Hon. Bridget McKenzie, Australian Government Minister for Regional Services (including Rural Health and Regional Communications), Sport, Local Government and Decentralisation.

Minister McKenzie welcomed the following Ministers:

- The Hon. Meegan Fitzharris MLA, ACT Minister for Health and Wellbeing, Transport and City Services, and Higher Education, Training and Research;
- The Hon. Jill Hennessy MP, Victorian Minister for Health and Ambulance Services;
- The Hon. Stephen Wade MLC, SA Minister for Health and Wellbeing;
- The Hon. Alannah MacTiernan MLC, WA Minister for Regional Development, Agriculture and Food, and Minister assisting the Minister for State Development, Jobs and Trade; and
- The Hon. Michael Ferguson MP, Tasmanian Minister for Health, Minister for Police, Fire and Emergency Management, and Minister for Science and Technology, as proxy for the Hon. Sarah Courtney MP, Tasmanian Minister for Primary Industries and Water and Minister for Racing.

Minister McKenzie noted apologies from the following Ministers:

- The Hon. Leeanne Enoch MP, Queensland Minister for Environment and the Great Barrier Reef, Science, and the Arts; and
- The Hon. Niall Blair MLC, NSW Minister for Primary Industries, Regional Water, and Trade and Industry; and
- The Hon. Ken Vowles MLA, Northern Territory Minister for Aboriginal Affairs, Minister for Primary Industry and Resources, and Arafura Games.