

Explanatory Statement

Gene Technology (GM Crop Moratorium) Moratorium Order 2014 (No 1)

Disallowable instrument DI2014 - 274

made under the

Gene Technology (GM Crop Moratorium) Act 2004, s 7 (Moratorium Orders)

Section 7 of the Gene Technology (GM Crop Moratorium) Act 2004 (the Act) provides for the Minister for Health to, in writing, make an order (a Moratorium Order) prohibiting the cultivation in the ACT of a stated genetically modified (GM) food plant for marketing purposes.

Currently one of the GM food crops licensed for commercial release by the Gene Technology Regulator (the Commonwealth Regulator) in Australia is canola. There are three varieties of GM canola currently licensed by the Commonwealth Regulator, Bayer's InVigor Hybrid® canola, Monsanto's Roundup Ready® canola and Bayer's InVigor® x Roundup Ready® canola.

In 2004, the ACT Government introduced moratoria to prevent the commercial cultivation of both InVigor Hybrid® canola and Monsanto's Roundup Ready® canola in the ACT.

This instrument prohibits the cultivation in the open environment of canola plants (known as InVigor® x Roundup Ready® Canola) which have been genetically modified and have been licensed under the Commonwealth Gene Technology Act 2000 for intentional release into the environment, thereby ensuring a consistent approach to all types of GM canola currently licensed by the Commonwealth Regulator. This prohibition is supported by enforcement provisions described in section 9 of the Gene Technology (GM Crop Moratorium) Act 2004.

The ACT Government is not aware of any current commercial cultivation of InVigor® x Roundup Ready® Canola in the ACT.

The Moratorium Order applies to any canola plant which derives its glyphosate tolerance from the specified genetic modification whether that modification was to that plant or to any other plant from which that plant is derived (see definition of GM food plant in the Gene Technology (GM Crop Moratorium) Act 2004).

A Moratorium Order under section 7 of the Act is a disallowable instrument.