

Project Officer Proposal P1055
Food Standards Australia New Zealand
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3 December 2021

Tēnā koe,

Proposal P1055 – Definitions for gene technology and new breeding techniques 1st Call for submissions

Thank you for the opportunity to comment on this proposal.

Ministry for Primary Industries (MPI) agrees the definitions for “gene technology” and “food produced using gene technology” need to be reviewed for clarity and to be able to include existing, emerging and future genetic technologies, and in particular, to ensure foods produced using new plant breeding techniques are assessed and regulated in a manner that matches the risk they may pose. We note the main aim of revising the definitions in P1055 is to identify whether new food products require pre-market safety assessment by FSANZ.

We agree some new breeding technique (NBT) foods, as well as certain refined ingredients derived from GM food, will not acquire food safety risks additional to those of similar conventional food and therefore not require a food safety assessment. This can be clarified by excluding NBT food from a revised definition if it has the same product characteristics as conventional food, rather than excluding the NBT food on the basis of the specific technique or processes used.

MPI supports Option 3: *Amend the definitions in the Code to revise the process-based definition for ‘gene technology’ to capture all methods for genetic modification other than conventional breeding*, and to revise the definition for ‘food produced using gene technology’ to include specific product-based criteria for excluding certain foods from pre-market safety assessment and approval as GM food. MPI notes significant benefits to the enforceability of the standard with the exclusion of GM-sourced foods that are otherwise indistinguishable from conventional foods.

We note no legal drafting is being consulted at this time and the 2nd call for submissions will consider the revised definitions and wording of the clauses. However, the proposals will also need to consider whether related terms need to be defined for the purposes of the standard where their ordinary meaning may be unclear or too broad, including conventional food and refined ingredients.

We note current mandatory GM labelling based on the presence of novel DNA/novel protein and/or altered characteristics will remain unchanged under this proposal.



MPI supports consideration of non-regulatory measures including the establishment of an advisory committee on NBT foods, which can benefit from the experiences of the FSANZ Advisory Committee on Novel Foods. MPI also supports the development of specific guidance material to help facilitate implementation of revised definitions by jurisdictions and assist product developers to interpret and comply with the new provisions.

Wider issues including the labelling of GM have been considered previously and should remain out of scope of P1055. This will ensure questions about needs of food safety and risk assessment are addressed as needed. As a result, well-considered communications are likely to be needed to respond to these and other issues raised by submitters, stakeholders, media and the public. MPI is willing to work with FSANZ to ensure information is available, that is likely to include wider issues that are out of the scope of this of this proposal.

MPI looks forward to further information gained through the public consultation.

Nāku noa, nā

