



**Australian Government**  
**Department of Health and Ageing**  
**Office of the Gene Technology Regulator**

THIS POLICY IS EFFECTIVE FROM 1 JULY 2004.

## **POLICY ON STORAGE OF GENETICALLY MODIFIED ORGANISMS**

### **Background**

Experiments involving Genetically Modified Organisms (GMOs) have been undertaken in Australia for more than 25 years. The Genetic Manipulation Advisory Committee (GMAC) and its predecessors provided guidance for the conduct of this work.

Following completion of experiments, GMOs were often stored in refrigerators and other facilities. Storage was often desirable in order to verify or repeat experiments or to conduct further studies based on the earlier research. Many research and academic organisations have diligently catalogued, labelled and stored GMOs, but some records may be incomplete.

Although the risks posed by storage of GMOs may be negligible, the potential risks to human health and safety and the environment associated with their removal from storage, use and disposal fall within the responsibilities of the *Gene Technology Act 2000* and corresponding State laws.

### **Legislative Requirements**

Risks posed by storage of GMOs are addressed in the *Gene Technology Act 2000*. The Act regulates GMOs that were stored before the Act commenced, as well as GMOs that have been stored since the Act commenced on 21 June 2001. The Act seeks to promote the safe and proper storage of all GMOs by prohibiting storage unless storage is authorised and by imposing penalties if GMOs are not stored appropriately.

Under the Act, unauthorised storage of GMOs is an offence and the offence provisions apply regardless of whether the GMOs are stored safely. It is an offence to possess and store GMOs for the purposes of conducting future research or experiments involving the GMOs unless storing the GMOs is authorised<sup>1</sup>.

Storage of GMOs is authorised (ie. it is *not* an offence to store a GMO) if it is:

- undertaken pursuant to a GMO licence;
- a notifiable low risk dealing (NLRD) and the person has completed the steps necessary to perform the NLRD<sup>2</sup>;
- an exempt dealing; or
- part of a dealing listed on the GMO Register.

<sup>1</sup> See sections 10, 32 and 33 of the *Gene Technology Act 2000* and corresponding State law.

<sup>2</sup> Regulation 13 of the Gene Technology Regulations sets out the process that a person must complete before an NLRD can be lawfully conducted.

Where storage of GMOs has been authorised by an NLRD, the GMOs must be stored in accordance with the *Guidelines for the Certification of Facilities*. If GMOs are authorised by a licence, they must be stored in accordance with the licence conditions.

### **Amnesty arrangements**

Following suggestions from a number of organisations and individuals, and in recognition of the effort which may be required to identify, record and appropriately re-store GMOs, the Regulator agreed to an amnesty on unauthorised storage until 30 June 2004 provided that GMOs were stored in accordance with the *Guidelines for the Certification of Facilities*.

The amnesty period has now expired.

During this amnesty period, authorisation to store the GMOs should have been obtained. For GMOs which are exempt, this means notifying the IBC. If the GMOs require notification to the Regulator, the NLRD form must have been completed and submitted to your IBC. If the GMOs require a licence, a DNIR application form must have been completed and submitted to your IBC.

If storage of the GMOs has not been authorised they must be destroyed in accordance with the *Guidelines for the Certification of Facilities*. If you are awaiting a decision on a licence application for the GMOs, you must continue to store the GMOs in accordance with the guidelines until you have a decision on your application and must not conduct any other dealings with the GMOs.

Any questions on this policy should be directed to the Contained Dealings Evaluation Section of the OGTR via e-mail to [ogtr@health.gov.au](mailto:ogtr@health.gov.au) or by telephone on 1800 181 030.