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Mr Greg Calcutt  
Chair  
*Genetically Modified Crops Free Areas Act 2003 Review*  
Department of Agriculture and Food, Western Australia  
Locked Bag 4  
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Dear Mr Calcutt,

Agrifood Awareness Australia Limited (AFAA) is pleased to provide this submission to the *Review of the Genetically Modified Crops Free Areas Act 2003*. AFAA is an industry initiative established in 1999 to increase public awareness of, and encourage informed debate and decision making about, gene technology.

Genetically modified (GM) crops have been grown, traded and consumed around the world for 13 years. In 2008, 125 million hectares of GM crops were planted by over 13 million farmers in 25 developing and developed countries<sup>1</sup>. Australia was one of the first countries in the world to plant GM crops in 1996, when GM cotton was planted in New South Wales and Queensland. The Australian cotton industry has embraced this plant science with over 90 per cent of Australia's cotton now grown to GM varieties.

In 2008, growers in New South Wales and Victoria grew GM canola for the first time. In 2009, the adoption of these new varieties has increased four-fold – from 9600 hectares in 2008 to 40,000 hectares in 2009. The Australian grains industry has relied on the adoption of innovation to secure its global competitiveness. The industry needs access to new plant science and other technologies to remain at the forefront and like other commodity sectors, has demonstrated over years of production, the capacity to manage and deliver products to meet customer specifications.

Last year in Western Australia, over 12 million tonnes of grains were handled by CBH, representing around 350,000 separate truckloads. This was delivered into 51 segregations as per customer specifications. This is the basis of grains industry operations and GM crops are just another part of these routine operations. The Australian grains industry is committed to deliver choice and the Western Australian Act serves only to provide a disincentive for research and development investment and an unclear path to market for R&D outcomes. We believe, as detailed in the attached material addressing the questions posed by the Review that it is timely for the Act to be repealed.

Yours sincerely,

Paula Fitzgerald  
**EXECUTIVE DIRECTOR**

## QUESTIONS POSED BY THE REVIEW

### **The need for the Act – ie is the purpose of the Act still appropriate? If so, do the current provisions of the Act provide the best way of achieving the purpose or are there alternatives?**

We understand that the purpose of the Act is to “prohibit the cultivation of certain genetically modified crops in designated areas of the State and to provide for their destruction in certain cases”. The Act enables the Minister for Agriculture and Food to designate an area of Western Australia, or the whole of Western Australia, as an area where GM crops cannot be grown, thus making it an offence to grow OGTR-approved crops.

Prohibiting the cultivation of approved GM crops in Western Australia denies farmers access to new plant varieties that their colleagues and competitors in other parts of Australia and around the world are able to grow. Prohibition puts Western Australian farmers at a competitive disadvantage.

The Australian cotton industry's experience with GM cotton has been extremely positive. Genetically modified insect resistant varieties grown since 1996 have delivered, on average, an 85 per cent reduction in pesticide use - a win for growers and cotton growing communities. In addition to reduced pesticides, GM varieties have delivered other environmental benefits in soil management and reducing the industry's carbon footprint through reduced cultivation. Herbicide tolerant cottons have reduced fuel use, minimised cultivation and enhanced water-use efficiency.

Research undertaken by two Australian universities (Charles Sturt and Melbourne University<sup>2,3</sup>) has shown that GM canola provides significant potential benefits including superior weed control, higher yields, better oil quality, and greater profits over conventional varieties.

Genetically modified crops are helping us to manage our biggest food production challenges caused by weeds, pests, disease, drought and climate change. In the future, they will also contribute solutions to some of our growing societal health concerns such as heart disease and diabetes. This will be achieved through GM crop varieties with healthier oil profiles and low GI grains.

In May 2009 a GM Wheat Trilateral Statement<sup>4</sup> was launched by grain organisations from the United States of America, Canada and Australia. This statement clearly demonstrates strong support for R&D investment in GM wheat, and a commitment that the industry will work collectively to address market and trade considerations.

Australia has one of the most stringent science-based gene technology regulatory frameworks in place in the world, overseen by the Office of the Gene Technology Regulator (OGTR). It is critical for Australia to have a nationally consistent system for the regulation of GM crops which is science-based, predictable and provides a path to market for approved products. The OGTR provides such system however legislation such as the *Genetically Modified Crops Free Areas Act 2003* is counter-productive and serves no purpose other than to break down this national system. There is clearly no need for the Act.

### **The operation of the Act**

Establishing, overseeing and enforcing such an Act requires resources. These resources could potentially be directed to initiatives which deliver a positive benefit to the agriculture sector, rather than prevent access to OGTR-approved crops.

In 2007, New South Wales and Victoria<sup>5</sup> conducted reviews and closely scrutinised market and trade considerations around GM canola. The broad outcomes of these reviews were:

- There is no evidence to suggest a market or price advantage for Australian canola (as a bulk commodity) that is attributable to its non-GM status.
- The grain supply chain has well-established systems in place to meet market requirements and deliver market choice.
- The current GM canola varieties used in other countries can deliver significant on-farm benefits beyond conventional varieties, including increased yields and increased risk management, reduced on-farm costs and reduced environmental impacts.

The Act restricts Western Australia's ongoing economic development as a major producer and trader of agricultural products, providing no investment certainty or path to market for R&D outcomes.

### **The effectiveness of the Act**

The Act has been extremely effective in stopping all OGTR-approved crops (cotton, canola, carnation and roses) to be grown in Western Australia however this 'effectiveness' is greatly outweighed by loss in terms of growers not having access to GM crops which competitors have grown since 1996.

The Act has served only to provide a disincentive to plant science investment in Western Australia.

### **The orders made under the Act prohibiting the cultivation of GM crops and granting exemptions from the prohibition.**

In 2004, the *Genetically Modified Crops Free Areas Order 2004* was published. We understand that the purpose of this Order was to preserve the identity of non-GM crops for marketing purposes and it designated the whole of Western Australia as an area where GM crops could not be grown.

A 2007 report released by from ABARE<sup>6</sup> has indicated that there "is no strong evidence to suggest that GM grains generally are not finding ready markets throughout the world".

The grains industry has the capacity to deliver market choice<sup>78</sup>. This capacity is built on the comprehensive and world-class protocols and processes that already operate in the sector and enable grain and grain products to meet regulatory and customer specifications. Accordingly, all grains industry participants can continue with their enterprise of choice be it based on non-GM or GM varieties. The commercial planting of GM canola in New South Wales and Victoria in 2008 and 2009 has clearly demonstrated the grains industry's ability to deliver market choice.

A number of exemptions have been issued, most notably one allowing GM cotton to be grown in the Ord River Irrigation area, and the other allowing a small amount (less than 1000 hectares) of GM canola to be grown. These exemptions provide farmers with the opportunity to assess GM varieties in their farming systems, however, the agriculture sector has in place many processes – including field days, National Variety Trials, farming system group on-farm trials – which allow farmers to assess and compare different technologies, plant varieties and the agronomic performance of crops. Such assessment processes are routine for the sector and are not limited by stringent Exemption guidelines.

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