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Statutory Review of the Gene Technology Act 2000

**Submission from
Agrifood Awareness Australia Limited**

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Submission to the Statutory Review of the Gene Technology Act 2000

Agrifood Awareness Australia Limited (AFAA) welcomes the opportunity to make this submission to the Statutory Review of the *Gene Technology Act 2000*.

Agrifood Awareness Australia Limited is an industry initiative, established to increase public awareness of, and encourage informed debate and decision-making about gene technology. AFAA is committed to providing quality, factual, science-based information on the use of gene technology in agriculture to allow for informed decisions. AFAA works broadly across the agriculture sector.

THE GENE TECHNOLOGY ACT

The *Gene Technology Act 2000* was developed over a long period of time and with extensive consultation. The result is a world-class, science-based, rigorous gene technology regulatory system, in Australia, administered by the Office of the Gene Technology Regulator (OGTR). The Gene Technology Act provides for transparent and science-based regulation.

A NATIONAL SCHEME

The Gene Technology Act was intended to establish a nationally consistent gene technology regulatory scheme in Australia and this is underpinned by an Inter-Governmental Agreement (between the Federal, State and Territory Governments). The Inter-Governmental Agreement makes several references to a national scheme however AFAA believes this has not been achieved due to State Government legislation around markets and trade.

State Governments have implemented legislation around market access considerations for GM crops, with each State Government taking a different approach – providing no consistency or transparency of decision-making. For those organisations, both public and private, who have invested in gene technology R&D, this provides no path-to-market for approved GM products, despite entities satisfying the Gene Technology Act and gaining OGTR approval.

GM canola – a case study

Genetically modified (GM) canola provides the opportunity to examine the situation and the break-down in a national approach. Following OGTR approval in 2003, a five-year delay occurred until GM canola was planted, in New South Wales and Victoria, in 2008. Western Australian growers waited another two years to gain approval from the State Government to plant GM canola, and South Australian farmers are still waiting. Fifteen years after their Canadian competitors, South Australian farmers are still banned from growing GM canola approved by Australian and other regulatory authorities around the world, due to SA legislation supposedly related to market and trade considerations.

The commercialisation of GM canola, to provide choice for agriculture, was endorsed by 29 organisations from across the grain supply chain. These organisations have demonstrated their commitment and supply chain capacity, having delivered 'market choice' with GM canola since 2008. Despite this demonstration of the supply chain's capacity, South Australian agriculture continues to be denied the GM canola choice.

A study conducted between 2003-2007, by Norton and Roush, entitled “Canola and Australian Farming Systems” (<http://www.icci.unimelb.edu.au/Canola2007.pdf>) estimated that the bans preventing GM canola planting during that time, cost the economy \$157 million per annum.

EMERGING TRENDS

To date, approved GM crops in Australia have been modified for insect resistance or herbicide tolerance, or a combination of these (referred to as “stacked traits”). Future GM crops are likely to include both agronomic and quality traits.

In the next five to seven years we are likely to see GM crops under research and development with traits for herbicide tolerance, insect resistance, nitrogen utilisation and nitrogen use efficiency, higher yield, stress tolerance (such as drought and frost), improved feed quality, nematode resistance, disease and fungal resistance, increased oil quality/profiles, virus resistance, and modified starch composition. Future crops are also likely to contain more than two stacked traits. It is important for the Gene Technology Act, and the OGTR, to remain abreast of these future developments and ensure the necessary capacity and expertise to assess these products.

COMMUNICATION

The OGTR has undertaken considerable consultation in relation to gene technology R&D and GM crops under development. This has been achieved through a variety of means including advertising, electronic notifications, media, participation in events and face-to-face dialogues with stakeholders. AFAA believes that communication has been both transparent and timely, and has improved considerably since the last *Gene Technology Act* review conducted in 2006. AFAA encourages continued communication efforts to build community understanding of, and confidence in, Australia’s gene technology regulatory system.

STATUTORY ADVISORY COMMITTEES

It is critical that Australia’s gene technology legislation remain science-based, rather than incorporating value-based judgements. The incorporation of value-based judgements would weaken the OGTR’s science-based focus.

AFAA acknowledges the expertise-base of the Statutory Advisory Committees – both the Gene Technology Technical Advisory Committee and the Gene Technology Ethics and Community Consultative Committee (GTECCC). AFAA supports the GTECCC’s engagement in ethical and community consultation, rather than in the case-by-base assessment of GM products.

REGULATORY BURDEN AND COMPLIANCE COSTS

The OGTR must be cost effective and decision-making must continue to be transparent. Gene technology in Australia is still at an early phase, so until a substantial number of products reach the market place and deliver a return on investment, AFAA believes the operations of the OGTR should continue to be supported by Government. It is also important that costs of gene technology regulation should not be prohibitive for potential technology developers (both large and small organisations) and that any costs should be relevant to the potential risk and unnecessary costs should not be placed on R&D providers.