

Submission
to
Statutory Review of the Gene Technology Act 2000

by



Background

Producers Forum participants are agricultural producers from all over Australia. In March 2005 the initial participants in the Forum met to discuss our frustration at being denied the choice to grow genetically modified [GM] crops (other than cotton & carnations).

The focus of this submission will be agricultural biotechnology.

Participants in the Producers Forum are grain and oilseed growers from Western Australia, dried fruit, dairy, grain and beef producers from Victoria, and cotton, grain, cattle, sheep and oilseed growers from New South Wales and Queensland and grain and livestock producers from South Australia. Many of us are members of state farm associations and commodity organizations.

Initially, we were driven by frustration at the attitude towards GM crops of some of the major commodity companies and State Governments in Australia, and believed that Australia was missing out on possibly the most beneficial technical advance the world has ever seen.

We note the rapid uptake of GM canola by growers in Victoria, New South Wales and Western Australia since the removal of the moratorium in Victoria and the changes in legislation allowing cultivation of GM canola in NSW and WA. Australian farmers have stayed viable by being at the forefront of technology adoption on a very uneven global playing field. Regretfully, our colleagues in South Australia are still being forced to abstain from possibly the most important technology in our lifetimes. Additionally, the SA moratorium prohibits the transport of GM seeds through the state raising the question of legitimacy of the SA moratorium legislation under the restrictive trade provisions of Section 92 of the Constitution.

The Forum provides producers with access to science-based information, referees with experience in gene technology and a forum in which to discuss GM issues. Grain growers have demonstrated their

value of our informed, evidence-based approach to the gene technology issue by subscribing to our email list in numbers as well as by public and private acknowledgement.

Producers Forum is a working title for these producers with a common concern, not an organization.

Agriculture & Technology

Australian agriculture has a rich history in both applying and developing new technologies. Australian producers' willingness to adopt innovative practices and technologies, together with extensive research and extension services, has enabled them to have a raft of management tools at their disposal to meet production and marketing challenges.

Farmers do not adopt new technologies for their own sake. The technology must satisfy certain criteria such as: meet a production need, be affordable and contribute to the continuing sustainability & viability of their production system.

The farming sector continues to look to science for new technologies that will aid productivity and provide an economic, environmental and social benefit to producers and subsequently to the wider community.

Biotechnology, in the form of genetically modified (GM) crops, is one such technology.

The Australian cotton industry exemplifies the benefits that may be gained from the adoption of products developed using gene technology. Economic, social and environmental benefits resulting from the adoption of the products of biotechnology can be demonstrated by the industry. The canola industry has also seen substantial benefits especially agronomically and environmentally. There are more weed control options which has the added benefit of extending the life of existing weed control chemistry, reduced passes using less fuel and man-hours and the system aids use of no-till or minimum-till systems.

The state moratoria on the introduction of new genetically modified food crops in South Australia and Tasmania prevent farmers in those states from accessing similar benefits.

In the market place, Canada, the major world producer of canola and our main competitor, is able to sell GM product into the same markets as Australia. The bulk of canola grown in Canada is GM. World agriculture is adopting the technology at an increasing rate.

In industries and countries where farmers have access to GM crops the benefits have been; lower production costs and greater benefit to the environment due to reduced pesticide use; more management choices (e.g. ability to use reduced-till or no-till systems); less soil erosion; reduced rates of development of resistance to chemicals; less fuel use (due to fewer passes); better weed

control also reducing herbicide usage; and higher yields and hence greater rewards for farmers, their communities and the environment.

There is potential for improved agronomic and abiotic traits, and traits to support adaptation to a changing climate.

The Gene Technology Act 2000

The Gene Technology Act 2000 established a regulatory framework soundly founded on credible science and free of the influence of either vested interests or philosophical bias.

After extensive consultation with all stakeholders, the Gene Technology Act 2000 gave Australia a gene technology system that is considered as possibly the best and most rigorous, transparent and effective in the world. The Statutory Review of 2006 confirmed this view.

The aim of the Act, to “protect the health and safety of people and the environment from risks posed by or as a result of gene technology”, remains as appropriate today as it was in 2000 and 2006. It is essential that the Act remains science based, rigorous and transparent so that agricultural producers, industries as a whole and consumers can continue to have confidence that products licensed for release by the regulator can be grown and consumed safely.

Risk-assessments undertaken by the regulator need to remain focused on health and safety issues. Marketing issues, economics, trade, cultural and social impacts and ethical issues should be examined outside the act. Taking these issues into consideration would undermine the objectivity of the regulator.

The act allows for discussion of cultural, social and ethical issues via the advisory bodies –the Gene Technology Community Consultative Committee (GTCCC) and the Gene Technology Ethics Committee (GTCC). As these are value-based issues, these committees provide a suitable platform for their consideration. The regulatory framework is not an appropriate vehicle for their consideration.

We have seen in the GM debate that emotive anti-GM campaigns continue to influence public perception causing confusion and concern about the technology in general, its safety and the willingness of our markets (in the case of canola) to accept either a GM product or one that has been produced in an environment where GM crops may also be grown. These campaigns are often based on incomplete and/or misinterpreted data, and sometimes deliberate misrepresentation.

Marketing, economic and trade issues should be addressed by industry and by government. The South Australian and Tasmanian governments continue to maintain unscientific moratoria on the introduction of GM crops. These moratoria and those formally in place in other states have undermined the effectiveness of the regulatory scheme.

The complete removal of the moratorium in Victoria and new legislation in NSW and WA which establishes a system of approvals to allow GM crops to be grown and the uptake of GM canola varieties by growers in those states indicate the confidence of both industry and government in the regulatory system.

Response to Terms of Reference

TOR – Area one

The National Scheme

The intention of The Gene technology Act 2000 to achieve a nationally consistent regulatory framework has not been achieved as indicated by the variety of legislations across the States. Therefore investors in GM technology have no clear path-to-market.

Such uncertainty added to the already costly regulatory system undermines the confidence and willingness of potential investors in R&D. Without such investment agricultural industries will struggle to keep our world-class researchers who provide innovative, productive, new technological options for Australian agriculture and will see a continuing downward trend of competitiveness in the world market.

We look for leadership and cooperation between Federal and State governments to resolve this issue.

Emerging Trends and International Developments

By rapid uptake of the technology, farmers have shown both the need for and usefulness of the current range of GM traits in crops.

Farmers are aware of new traits being introduced into crops that may increase nutrient and water use efficiency, resist drought pests and diseases, increase nutritional quality and increase yield. Such developments will benefit the individual farmer, agriculture as a whole, consumers and the environment.

Australia must have a regulatory system that can manage such developments efficaciously.

Definitions and Provisions within the Act

The GT regulatory system works effectively. However, there needs to be a mechanism in place for reducing the time and cost of the assessment procedure where similar products have been registered, tested and have a history of use in other countries.

The powers of the Act for enforcement of compliance are effective and appropriate.

GM products are properly covered by common law that already adequately addresses similar issues in agricultural production.

Communication

There is still a definite need for clear, informative communications from the OGTR to industry and the general public.

Not with-standing the increased and improved communications from the OGTR and others over the life of the act, in general, there remains confusion in the community about GM crops and foods and their safety for humans and the environment. Indeed, it appears that there are still considerable sections of the community who remain unaware that there is a regulatory framework in place.

Consultation

The advisory committees have a vital role within the GT regulatory framework.

The clear science-based framework must be retained so that the aim of protecting Australians and the Australian environment can continue to be achieved.

Value based judgements have no place in assessing the quality and safety of GM products. Trying to incorporate value judgements in the decision-making process would certainly slow it to a standstill.

Members of the advisory committees should continue to be chosen on the basis of expertise.

Interface between the Act and other Acts and Schemes

To date, there is no nationally consistent Gene Technology regulation due to the differing state-based legislations. Therefore, there is no clear path-to-market for GM products.

Regulatory Burden

The cost of meeting the regulatory requirements should be concomitant with the level of risk. This cost should not be such that any but the largest organizations can afford to undertake research and development in gene technology.

At this early stage of the use of gene technology in Australia, the regulatory system needs continued support from Government. Insurmountable costs of compliance would effectively deny Australian producers access to gene technology, lead to lack of incentive to invest in R & D in biotechnology and a brain drain of some of our best and brightest researchers to other countries.

Some stakeholders that the regulator must consult with (e.g. local councils) during the application/approval process are unlikely to have expertise in gene technology and will be subject to

intense lobbying. A process is needed so that the regulator can be assured that such parties have the information, supporting expertise and time and opportunity to make a well informed decision.

The regulatory system must remain open & transparent. With the intention of ensuring the safety of GM crops and foods for humans and the environment, GM crops undergo far greater assessment and scrutiny than any other. Such assessment must remain rigorously science-based to achieve these goals. Regulation must not be based on emotion, innuendo or political expediency.

Final Comments

Participants in the Producers Forum believe that the current regulatory framework for gene technology is firmly science based and must remain so.

The OGTR is one of many major scientific organizations, academies of science and regulatory authorities around the world that have determined that the products of gene technology available are of no more risk to human health and the environment than their conventionally bred counterparts.

The differing states legislations continue to inhibit progress in the application of products of gene technology to agricultural systems and mean that there is no clear path to market for GM products. Without a clear path to market companies large or small cannot proceed with research or product development and testing.

Participants in the Producers Forum thank the Review Panel for the opportunity to comment.

Heather Baldock
National Convenor
Producers Forum