
**THE 2017 REVIEW OF THE
GENE TECHNOLOGY SCHEME**

**Submission to the
Legislative and Governance
Forum on Gene Technology**

September 2017





ABOUT US

Agribusiness is defined as the business sector encompassing farming and agriculture-related commercial activities. Agribusiness involves all the steps required to send an agricultural good to market, including research, production, processing, and distribution. It also includes supporting service industries, such as finance and business advisors.

A competitive and productive agribusiness sector will contribute to the security and profitability of Australia's food and fibre supply chain and contribute to wider economic growth. It will also provide ongoing economic opportunities across rural and regional Australia including employment, infrastructure and community wellbeing.

The long-term growth and profitability of Australian agribusiness is linked closely to its status as a globally competitive producer that can develop and retain market positions. A solid domestic economic framework will help the global competitiveness of Australian agriculture for agriculture and participants in the supply chain.

Agribusiness Australia is the peak national representative body for the 'whole of supply' chain agribusiness sector.

Our purpose is to promote an efficient, profitable and dynamic Australian agribusiness industry through influential advocacy, strong and credible leadership, and information sharing and debate.

TERMS OF REFERENCE FOR THE REVIEW

The Review will investigate the National Gene Technology Scheme (the Scheme), including gene technology legislation, the Gene Technology Agreement and its interface with other regulatory schemes. The Review aims to improve and strengthen the Scheme's effectiveness whilst ensuring it is appropriately agile and supports innovation.

The Review will include, but not be limited to, assessing and making recommendations in relation to:

- 1) current developments and techniques, as well as extensions and advancements in gene technology to ensure the Scheme can accommodate continued technological development.
- 2) existing and potential mechanisms to facilitate an agile and effective Scheme which ensures continued protection of health and safety of people and the environment.
- 3) the appropriate legislative arrangements to meet the needs of the Scheme now and into the future, including the Gene Technology Agreement.
- 4) funding arrangements to ensure sustainable funding levels and mechanisms are aligned with the level and depth of activity to support the Scheme.

OUR POSITION ON REGULATION OF GM TECHNOLOGY

Agribusiness Australia supports gene technology research and development (R&D) and believes the outcomes of R&D can contribute to meeting Australia's future challenges. Genetic modification is simply a tool. Like all tools, the application is what matters. All new technologies require review and testing, but concerns should be based on science and evidence, not on myths and misunderstandings.



Realisation of the potential benefits of gene technology within Australian farming systems is dependent upon a regulatory environment which promotes R&D investment, and is sufficiently flexible to accommodate advances in breeding techniques.

The ultimate aim of government should be to create an operating environment that encourages public and privately funded research; and also supports the development of Australian innovation, including in the field of gene technology.

This requires a robust system of science-based and risk-aligned regulation that protects human and environmental health and provides a clear and predictable path to market.

Since its establishment, the Office of the Gene Technology Regulator (OGTR) has presided over the development of onerous and expensive regulations which have denied farmers access to new and existing genetically modified (GM) crop varieties, reduced farm profitability, and stifled the industry's capacity to innovate.

The original mandate of the OGTR was to ensure the continued protection of human health and safety. This is one of the primary points of examination for the current review.

Genetically modified crops have been produced globally for more than twenty years without causing any harm to humans, or any proven impact on human safety. On this basis, the production of established and proven GM crops should not come within the purview of the OGTR. It is even questionable as to whether most new GM varieties should be covered by the OGTR, where breeding programs have followed accepted and proven scientific precepts.

However, the OGTR has taken a much wider view than its terms of reference would indicate. Complex and costly regulatory processes have encompassed consideration of non-science based concerns allegations about ill-defined risks of GM crops to issues as diverse as human health and safety, agricultural production, natural environment and even landscape concerns. This has acted to effectively discourage introduction of new crop varieties.

This has stifled agricultural innovation and placed Australian farmers at a significant and increasing competitive disadvantage when compared with farmers in other countries who have access to GM varieties. In effect, the OGTR process actively discriminates against the Australian agricultural industry.

Internationally companies can afford to insert GM genes into their most economically beneficial crops including corn, soya, cotton, alfalfa, sugar beet and canola. However, these crops are mostly grown in the Northern Hemisphere. In contrast, due to the expensive GM regulation costs, there is little commercial prospect for genetic modifications of cereal and other crops suited to Australian conditions.



COMMENTS ON TERMS OF REFERENCE OF THE REVIEW

1) Current developments and techniques, as well as extensions and advancements in gene technology to ensure the Scheme can accommodate continued technological development.

This term of reference needs to make explicit provision to ensure:

- extensive genetic variations which have been introduced by a range of previously available breeding techniques that have historically been accepted without a need for regulation are not captured in this regulatory framework;
- plants and animals modified using new technologies are not differentially regulated if they are similar to, or indistinguishable from, those that could have been generated in nature;
- plants and animals modified using new technologies are not differentially regulated if they are similar to, or indistinguishable from, those that could have been produced through earlier breeding methods (ie those exempted from regulation under Schedule 1A).

2) Existing and potential mechanisms to facilitate an agile and effective Scheme which ensures continued protection of health and safety of people and the environment.

This term of reference needs to make explicit provision to ensure that:

- consideration is given to a multi-staged assessment process, with inter-species gene transfers being treated differently to transgenic transfers, and non-food products being subject to lesser and/or light-touch regulatory requirements;
- regulation of products that have significant economic, social or environmental benefits are commensurate with risk;
- where potential risks to human health and the environment posed by the products developed using the new technologies are comparable to those of earlier breeding methods, regulatory provisions should be consistent; and
- definitions of process requirements and acceptable levels of risk and are clearly stated at the outset, to ensure clarity and certainty for commercial operators.

3) The appropriate legislative arrangements to meet the needs of the Scheme now and into the future, including the Gene Technology Agreement.

This term of reference needs to make explicit provision to ensure that:

- any regulatory oversight is science-based, transparent, proportional to risk, and politically independent;
- any regulatory oversight is, as far as possible, based on the risks inherent in the end-product, rather than the process used to develop that product;
- there is a nationally level playing field by encompassing recommendations to ensure consistency of regulatory measures across state jurisdictions;
- where possible, there is an internationally level playing field, and that credible research data and experiences generated in other countries is accepted with a minimum of challenge;
- the Scheme has capacity to respond quickly to new developments that offer narrow windows of commercial first-mover advantage; and
- recognising the rapidity of advances in research and changing market trends, there are regular reviews of the Scheme going forward, on a maximum three-year cycle.



4) Funding arrangements to ensure sustainable funding levels and mechanisms are aligned with the level and depth of activity to support the Scheme.

This term of reference needs to make explicit provision to ensure that funding is available to:

- compensate applicants for costs involved in responding to non-science-based opposition by populist and/or activist groups;
- monitor the evolution of gene modification technologies; and monitor trends in the marketplace and among consumers for GM produce;
- compensate producers for economic loss should there be a decision to regulate or ban products on any basis other than scientific evidence; and
- develop and deliver a public education campaign to address the fact that the general public has little understanding of the differences between 'genetic modification' and 'genetic engineering'.