



Australian Government

Department of Agriculture, Fisheries and Forestry

GTMC Secretariat  
Department of Health and Ageing  
MDP 138  
GPO Box 9848  
CANBERRA ACT 2609

Dear Gene Technology Ministerial Council Secretariat

The Department of Agriculture, Fisheries and Forestry (DAFF) welcomes the opportunity to provide a submission to the independent review of the *Gene Technology Act 2000*. DAFF has diverse portfolio responsibilities. We work with Commonwealth, state and territory government departments and industry concerning genetically modified organisms, biotechnology, quarantine, import/exports arrangements and food standards.

In our submission, we have raised a number of issues within the review's terms of reference. We are happy to provide further clarification to the Ministerial Council on specific points where needed.

#### Weed risk

DAFF undertakes weed risk assessments of new plants proposed for import in to Australia. This assessment gives effect to our responsibilities under the Quarantine Proclamation 1998. The Department of Sustainability, Environment, Water, Population and Communities was involved in the development of our system for assessing weed risk. Further, the Environment Protection and Biodiversity Conservation Act 1999 currently recognises Schedule 5 of the Quarantine Proclamation 1998 and the outcome of the assessment process.

Section 47, Division 3 of the Gene Technology Act includes a provision for the regulator to prepare a risk assessment and risk management plan which takes into account risks to the environment. DAFF believes that the primary risk to the environment posed by genetic modification of a plant would be if, as a result of genetic modification, the plant is conferred with traits which increase weediness or weed potential.

However the current legislation is open to interpretation concerning the scope of the assessment of risks to the environment and the responsible agency. While we are aware that OGTR is developing a process to assess the potential weed risk of GM plants, DAFF would support the strengthening of Section 47 in the Gene Technology Act to reflect the importance of these assessments. The OGTR's role in conducting the assessments and consultation with appropriate Commonwealth agencies or authorities, including DAFF, could also be clarified.

## Export Certification

Export certification is currently not considered in the Gene Technology Act, which focuses solely on the importation of genetically modified organisms. However foreign trading partners are increasingly seeking information and declaration on the content of any genetic modification in exports, particularly of seeds and grains, from Australia. DAFF seeks the Gene Technology Ministerial Council's acknowledgement of this emerging trend in the field of gene regulation and some consideration for incorporating export certifications of genetically modified seeds and plant products into the Gene Technology Act.

## Interface between the *Gene Technology Act 2000* and the *Food Standards Australia New Zealand Act 1991* (FSANZ Act)

An independent review of Australia's food labelling law and policy was completed in January 2011 (the Blewett Review). The review made 61 recommendations, including a number relating to labelling of genetically modified foods and associated enforcement and monitoring activities. The government will respond to the review's recommendations in December 2011 and the response may have some impacts on existing legislation.

## State Moratoria

DAFF considers that the moratoria, although consistent with the Act under a policy principle issued by the Gene Technology Ministerial Council, undermines the national legislation administered by the Gene Technology Regulator and creates a disincentive to invest in development of GM varieties suited to Australian conditions. The moratoria also deny farmers (and consumers) a genuine choice between GM and non-GM crops, and place Australian farmers at a disadvantage relative to competitors in export markets. It should be noted that, for the most part, this issue is not new, and was raised in the context of the previous statutory review of the Act completed in 2006 and by other commentators.

DAFF considers that following approval for commercial release by the Regulator, state schedules should recognise industry's capacity to manage market issues associated with commercial release of GM crops and allow the market to facilitate farmer choice between GM and non-GM crops.

DAFF intends to further provide a written submission to the review of the intergovernmental agreement to the Act, which we understand will be undertaken later this year.

We look forward to the Gene Technology Ministerial Council's consideration of the issues we have raised.

Yours sincerely



Michael Ryan  
A/g General Manager  
Research and Development and Food Security Branch  
Agricultural Productivity Division

22 July 2011