

Monday 13th June 2011

Submission to the 2011 Review of the Gene Technology Act 2000

From National Association for Sustainable Agriculture Australia WA Inc

(NASAA WA Inc)

Thank you for the opportunity to make a submission to the 2011 Review of the Gene Technology Act 2000.

NASAA WA Inc represents Organic growers in WA certified by NASAA, the National Association for Sustainable Agriculture Australia. We have a direct interest in ensuring the operation of the Gene Technology Act protects the interests of all primary producers in a balanced way. At present it appears to enable the introduction of GM organisms at the expense of Organic growers, without offering the established and growing Organic industry the protection it deserves.

The terms of reference of the review specifically allow for comment on the effectiveness of current regulation (taking into account emerging trends) and recommendations for amendments to the Act. It is to these two areas that we target our comments.

Effectiveness of current regulation

The current regulatory system has failed in Western Australia. Instead of protecting the interests of all producers, it has been biased towards the introduction of GM crops. One of our members, Steve Marsh, has had GM Canola blown onto his property from a neighbouring farm. There is an Australian Standard - AS6000 which was agreed by all governments and the Australian Organic industry which sets zero tolerance for GM in Organic and Biodynamic produce. As a result of this contamination his Organic certification has been suspended, putting his livelihood and future harvests in limbo.

The matter is now before the court. However, **it should never have happened.**

Prior to the lifting of the moratorium on growing GM crops in WA, NASAA WA warned the Minister for Agriculture in Western Australia – Mr Terry Redman that such an event was likely and lobbied for the specification of appropriate buffer zones around GM crops. Grain growers dependent on exports to Europe and Japan who have a zero tolerance to GM and who also lobbied strongly for Western Australia not to lift the moratorium.

The Australian government has chosen not to implement a special liability regime for damage caused by GMOs. The Office of the Gene Technology Regulator (OGTR) administers the *Gene Technology Act 2000* (Cth), which imposes a licensing regime to regulate specified dealings with GMOs in order to protect the environment and the health and safety of people. The Act does not, however, address the economic ramifications of the commercial production of GM crops and does not provide a remedy for those adversely affected by GMOs.

There have also been cases in Victoria of GMO being spread by the recent floods in that area. We fear that unless prompt action is taken to address the liability and contamination issues caused by the uncontrolled spread of GMO then contamination such as this will become an emerging trend in Australia and the Organic and Natural farming industries will be destroyed

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Amendments to the Act

The Act needs to be amended to protect the interests of all farmers, including conventional farmers who use Natural and Non Chemical systems, Organic and Biodynamic farmers, and those exporting to countries such as Japan and Europe that preference non GM products.

Amendments should include

- Requirement on all those growing GM (in trial and commercially) to establish precautionary buffer zones – precautionary in that they take into account the behaviour of pollinators including bees, and weather events currently being experienced – including strong winds, flooding soil erosion and heavy rain;
- Inspection of farms growing GM crops should be mandatory to ensure buffer zones are in place and any other regulatory requirements are adhered to. (Information is covered later)
- Compensation arrangements for those who suffer contamination.
- The Office of the Gene Technology Regulator (OGTR) should amend the *Gene Technology Act 2000* in order that liability for financial loss, damage to property or injury to health caused by the spread of adventurous GM to ANY farm who does not wish to grow GM or who has declared themselves GM free be the sole responsibility of the GM grower. There should be in place mandatory liability insurance for GM growers and operators as part of their end point and licencing agreement with the GM seed companies to cover compensation and clean up costs.
- Tracking and labelling requirements should be introduced to allow buyers and the public accurate information on whether foods include GM material. Even where small or trace amounts of GM are involved with processed foods there should be something similar to the present labelling requirement for nuts which states “may contain trace amounts of nuts”.
- There must be a mandatory public register of all GM sites and farms available for everyone to view, as there is presently a register of “sensitive sites” that covers Organic and Biodynamic farms in Western Australia.

In conclusion we need the Gene Technology Act to protect all farmers, including GM farmers from the possible liability they face by causing contamination to Natural Farming, Organic and Biodynamic farms.

It is our view that the current act is inadequate and legislation around the responsibilities of GM farmers and needs to be improved to protect all conventional, Natural, Organic, Biodynamic farmers and consumers who do not wish to grow or consume GM.

On behalf of the members of NASSA WA

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