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Review Secretariat  
Department of Health  
MDP 1060  
GPO Box 9848  
Canberra ACT 2601  
Via email: [gene.technology.review@health.gov.au](mailto:gene.technology.review@health.gov.au)

### **Submission to Phase 3 of the Third Review of the National Gene Technology Scheme**

GrainGrowers welcomes the opportunity to provide a submission to the Third Review of the National Gene Technology Scheme.

GrainGrowers is a grain farmer representative organisation with more than 17,000 members across Australia. GrainGrowers' goal is a more efficient, sustainable and profitable grain production sector that benefits all Australian grain farmers and the wider grains industry.

The ability to access gene technology is essential for the continued development and growth of the grains industry in Australia. Grain farmers should always have freedom of choice for the production systems and markets they use – be that genetically modified organisms (GMOs), conventional, organic or any combination of these. GrainGrowers believes that access to gene technology is one key element which allows Australian agricultural industries to remain internationally competitive and improves farm profitability.

#### **Overarching Findings (Findings 1 - 2)**

As stated in our submission to the *Review of the Gene Technology Scheme* (September 2017), GrainGrowers supports the need for the National Gene Technology Scheme (NGTS) to ensure that the health and safety of people, and environmental protection is achieved through the identification and management of risks posed or resulting from the use of gene technology. We agree that the object of the *Gene Technology Act 2000* remains appropriate and should be maintained and we encourage a national approach to, and maintenance of the *Gene Technology Agreement 2001*.

#### **Technical issues**

##### **Definitions (Finding 3)**

There are existing definitions in the *Gene Technology Act 2000* and *Gene Technology Regulations 2001* that do not appropriately classify a range of advances in technology. Examples of this are provided in our previous submissions to the *Technical Review of the Gene Technology Regulations 2001* (November 2016), *Review of the Gene Technology Scheme* (September 2017), *Proposed Amendments to the Regulations* (February 2018) and to the *Consultation Paper on Food Derived Using New Breeding Techniques* (April 2018). GrainGrowers supports the exclusion of certain technologies from regulation when the outcomes they produce are similar to, or indistinguishable from the products of conventional breeding (which was Option 4 of the *Technical Review of the Gene Technology Regulations 2001*).



Plant breeding activities are further advanced and carry less risk than other gene technologies. Option 4 provided opportunities for plant breeding sciences to continue to advance at a substantial rate. And while we acknowledge Option 3 of the *2016-17 Technical Review*, GrainGrowers supports the Gene Technology Regulations being amended to give effect to Option 4 which would allow plant breeding to progress exponentially.

#### *Synthetic biology (Finding 4)*

In the context of synthetic biology being an advancement of current biotechnology, GrainGrowers agrees that synthetic biology is currently within the scope of the Scheme. It will be important that organisms resulting from synthetic biotechnology applications are able to be risk-assessed by the Office of the Gene Technology Regulator's Risk Analysis Framework. GrainGrowers supports further work to determine a legally accepted definition of synthetic biology.

#### *GMO release (Finding 6)*

GrainGrowers supports further work to determine the most appropriate approach for regulating the release of GMOs into the environment and such work should be cognizant of not imposing unnecessary regulatory burden. It is essential that any approach and/or regulation enables efficiency and ensures current risk assessment and management approaches are applied.

#### *Gene drive organism release (Finding 7)*

Additionally, GrainGrowers supports further work being undertaken to identify the best approach for regulating environmental release of genetically modified gene drive organisms. This approach and/or regulation must also be efficient and provide assurance that current risk assessment and management approaches are being applied.

### **Regulatory Issues**

#### *Risk tiering (Finding 9), streamlining (Finding 10) and regulatory requirements (Finding 12)*

Regulatory requirements must be commensurate with risk for the Scheme to function effectively. We support further work to determine the most appropriate risk tiers and the types of regulatory requirements for each tier. We agree that there are opportunities to streamline current regulatory requirements and support improvements to the GMO register that increase its efficiency and better reflect the level of risk than the current system. It is important that regulatory requirements are widely known and understood by all users of GM technology, and GrainGrowers supports further investigation of the appropriateness of current monitoring and enforcement activities.

#### *Flexibility and agility of the Scheme (Findings 13 – 14)*

GrainGrowers supports the Scheme being able to accommodate advances in gene technology and enabling the Gene Technology Regulator to make determinations or orders on the applicability of regulation to any technological developments. Scope exists for the agility of the Scheme to be increased while maintaining appropriate oversight measures.

#### *Market access and international trade (Finding 15)*

As stated in our submission to the *Technical Review of the Gene Technology Regulations 2001* (November 2016), GrainGrowers supports Australia's continued involvement in international fora seeking to harmonise regulation of new technologies. GrainGrowers affirmed in our submission to the *Review of the Gene Technology Scheme* (September 2017) that the requirement exists for Australian farmers to be at the forefront of technology uptake and this must be considered in a global context. Australian grain growers rely on international markets with 65 per cent of production

exported, making grain Australia's largest agricultural export. The continuous adoption and refinement of innovations in crop science, cropping equipment and farm management have helped to underpin recent productivity growth in Australian agriculture.

## Governance Issues

### *Operation of the Scheme (Findings 16 - 19)*

We agree that the Scheme operates with credibility, integrity and legitimacy. However, for continuation and improvement in its operation, national consistency is essential and must exist between all state and territory Acts and the *Gene Technology Act 2000*. The ability of a state or territory to designate moratoria legislation prevents an effective, national GM regulatory system being achieved. The Scheme and associated legislative arrangements must ensure that regulatory hurdles do not place unwarranted barriers to gene technology research and development, and ultimately adoption into farm production systems. A national framework is essential to ensure a level playing field across Australia that supports the use of technology within a risk-based framework and that accounts for important health and safety considerations.

### *Consideration of benefits (Finding 20)*

GrainGrowers agrees that consideration of benefits should not be introduced into the Scheme. Doing so would diminish focus of the Scheme on identifying and managing gene technology risks associated with human and environmental health and safety.

### *Regulatory burden and clarification of regulations and policy (Findings 21 – 26)*

Furthermore, we do not support the Scheme introducing unnecessary regulatory burden. Doing so would stifle innovation in gene technology and may prevent the benefits of innovation being afforded to the public.

We do support improved regulatory and policy approaches that increase the clarity, certainty and transparency on policy positions, guidelines and codes of practice relative to gene technology. GrainGrowers also supports broadening the range of matters relating to gene technology on which policy principles can be communicated. Doing so will clarify the roles of the Office of the Gene Technology Regulator and GM produce regulators. We support further investigation of mechanisms, including those used in other schemes, that will provide the best approach to achieve this outcome and a more efficient and better performing Scheme.

### *Funding arrangements (Findings 27 – 28)*

GrainGrowers agrees that full cost recovery may have a detrimental effect on the sector, and we support additional work to determine appropriate funding mechanisms to support ongoing operation of the Scheme. It is important that any funding arrangement enables trading partners and the public to hold confidence in the Scheme. However, it is important that the Scheme is able to make necessary expenditures to improve its operation and efficiency. Doing so may allow costs to be recovered through associated improvements across these areas.

## Social and Ethical Issues

### *Communication activities, transparency and access to information (Findings 29 – 33)*

GrainGrowers agrees that public support and understanding of the role of the Scheme and the Gene Technology Regulator is essential to the successful operation of the Scheme. We support the Gene Technology Regulator leading communication activities on the topic of gene technology risk assessment. Communication activities can be extended to address community concerns about the safety of genetically modified organisms, in particular those found in foods.

We support any activity that increases public access to information and the transparency of gene technology regulations and processes of the Regulator. However, it is important that the effectiveness of this communication is assessed. It must be determined that the information is reaching the intended audiences and that the use and interpretation of this information does not cause public misunderstanding of GMOs, gene technology, the risk-assessment framework and the role of the Gene Technology Regulator.

GrainGrowers appreciates the opportunity for input into the various reviews associated with Gene Technology Scheme and Regulator over recent years. However, it is important that decisions are made so that stakeholders have greater certainty and clarity about the regulatory framework, and that there is alignment between this review and those undertaken by the Office of the Gene Technology Regulator and Food Standards Australia New Zealand. Should we be able to provide further assistance or there are enquiries relating to our submission, please contact me on (02) 9286 2000 or email ([fiona.mccredie@graingrowers.com.au](mailto:fiona.mccredie@graingrowers.com.au)).

Yours Sincerely



Fiona McCredie  
National Policy Manager  
GrainGrowers

