

Submission to the 2011 Review of the Gene Technology Act 2000.

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

We write as NASAA (National Association for Sustainable Agriculture Australia) certified organic producers in Western Australia. As such, our views of the effectiveness of the operation of the Act are informed by recent events in WA, and specifically the de-registration of a NASAA certified producer and exporter, Steve Marsh as a direct result of his property being contaminated by GM Canola.

The potential risk of this happening was drawn to the attention of the Minister for Agriculture when the moratorium on the planting of GM crops in WA, introduced by the Labor Government, was about to be lifted. Organisations such as NASAA-WA Inc met with the Minister to alert him of their concerns that growers could lose their organic certification if land was contaminated by GM crops on neighbouring properties. Businesses lobbied members of Parliament to point out the risks to export contracts, particularly with Japan and the European Union. Individuals such as ourselves raised concerns, such as the need for appropriate buffer zones, directly with the Minister at industry functions. Nevertheless, the requested buffer zones isolating GM crops were not required, the pollution occurred, the damage has commenced, but still nothing has been done to prevent it recurring.

This indicates quite clearly that the regulatory scheme, in its current form, is not effective. The Act has failed to achieve its object, namely “to protect the health and safety of people, and to protect the environment, by identifying risks posed by or as a result of gene technology, and by managing those risks through regulating certain dealings with GMOs.”

The *Gene Technology (Recognition of Designated Areas) Principle 2003* allows for the designation of non-GMO areas, and the protection of those areas. This has not occurred. Whilst the *Register of Sensitive Sites* recently introduced by the Department of Agriculture and Food in WA could prepare the way for the designation of non-GM sites, it stops far short of achieving this. Firstly it combines organic producers with other sectors of the industry, such as viticulturalists, who may or may not choose to use GM based products. Secondly, there are no associated obligations on any persons to respect those sites. Thirdly, there is no equivalent register of GM sites to communicate the other half of the picture with respect to the GM / non-GM distinction.

It is time for the precautionary principle, embedded in Section 4(aa) of the Act to be implemented. *Irreversible environmental damage* has occurred. It is time to restore the balance, to remove the ongoing threat to established organic properties and businesses which exists because of the lack of adequate regulation of GM expansion.

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