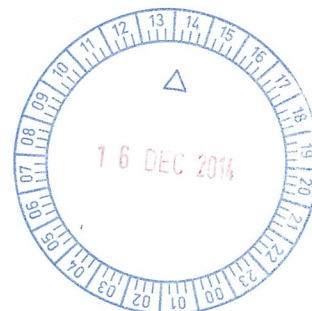


# WAFARMERS

9<sup>th</sup> December 2014

Committee Clerk  
Standing Committee on Uniform Legislation and Statutes Review  
Legislative Council  
Parliament House  
PERTH WA 6000  
E: [unileg@parliament.wa.gov.au](mailto:unileg@parliament.wa.gov.au)



Dear sir/madam,

**RE: Gene Technology (Western Australia) Bill 2014**

The Western Australian Farmers Federation (Inc.) (WAFarmers) welcomes the opportunity to comment on the *Gene Technology (Western Australia) Bill 2014*.

As background, WAFarmers is the state's largest and most influential rural lobby and service organisation. WAFarmers represents more than 4,000 Western Australian farmers from primary industries, with the majority being grain growers. Collectively our members are major contributors to the \$5.5 billion gross value of production that agriculture in its various forms contributes annually to the Western Australian economy. Additionally, through differing forms of land tenure, our members own, control and capably manage many millions of hectares of the State's land mass and are therefore responsible for maintaining the productive capacity and environmental wellbeing of that land.

WAFarmers welcomes the *Gene Technology (Western Australia) Act 2014*, as it applies the Commonwealth *Gene Technology Act 2000* and *Gene Technology (Licence Charges) Act 2000* as law. It removes the requirement for amendments of the current state legislation *Gene Technology Act 2006* following amendments of Commonwealth legislation *Gene Technology Act 2000*.

WAFarmers welcomes Clause 3, with the adoption of legislation to allow a uniform Australian approach to genetically modified organisms and gene technologies legislation. The legislation is in conjunction with the other States and Territories. The movement to a uniform basis of state law, as if constituted a single Commonwealth law, allows a more consistent, Australia-wide approach to gene technology regulation.

WAFarmers also acknowledges the similarities with the proposed *Gene Technology (Western Australia) Act 2014*, and other state gene technology legislation, including the *Gene Technology (Tasmania) Act 2012*, *Gene Technology (New South Wales) Act 2003*, and *Gene Technology (Northern Territory) Act 2004*.

Clause 7 provides the Parliament of Western Australia with the capacity to modify provisions of Commonwealth gene technology laws. These laws can be modified provided it is necessary or convenient to allow effective operation of the Commonwealth provisions as state laws. However, the determination of the necessary or convenient changes and the consultation process with industry, if any, is unclear. The sovereignty and law making powers of Parliament of Western Australia is primarily based around Clause 7. It allows the modification of Commonwealth provisions for more effective operation as laws of Western Australia.

A Commonwealth Regulator, including the authorities and officers, allows a uniform approach to Gene Technology regulation. The functions and powers described in part 3 and 4, provides Commonwealth authorities with the ability to prosecute violations against the state Act, as if they were against the Commonwealth Act. The Western Australian Government's capacity to regulate violations to the *Gene Technology (Western Australia) Act 2014* is no longer valid, unless directed by the Commonwealth Regulator.

WAFarmers suggests that the clauses of the *Gene Technology (Western Australia) Act 2014* do not limit the sovereignty and law making power of the Parliament of Western Australia. Specific clauses allow the modification of the Commonwealth *Gene Technology Act 2000* to better suit the provisions to state law. However, the movement of Australia to uniform legislation to regulate gene technologies, limits all state and territory power, and ensures that genetically modified organisms' remains a Commonwealth priority and issue.

The movement of Western Australian gene technology regulation to a Commonwealth level, suggests that legislation inhibiting the use of the technology, should be limited. WAFarmers recommends that the specific moratorium legislation of Western Australia, *Genetically Modified Crop Free Areas Act 2003*, should be repealed. The regulation is no longer necessary, as genetically modified organisms and gene technology are to be regulated by the Commonwealth Regulatory system.

Should you wish to discuss these matters any further, please do not hesitate to contact me.

Kind Regards,



Kim Simpson  
Grains Council President  
Western Australian Farmers Federation