

## Legislation, Uniform

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**From:** Shirley Collins <scollin5@bigpond.net.au>  
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**Subject:** Submission from FOODwatch to The Uniform Legislation and Statutes Review Committee - Legislative Council

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### **Submission from FOODwatch to The Uniform Legislation and Statutes Review Committee – Legislative Council**

#### **Gene Technology (Western Australia) Bill 2014**

Terms of Reference: “To examine the provisions of any treaty that the Commonwealth has entered into or presented to the Commonwealth Parliament, and determine whether the treaty may impact upon the sovereignty and law-making powers of the Parliament of Western Australia.”

FOODwatch is a broad-based consumer group in Western Australia. We say that this Bill risks the sovereignty and law-making powers of the State. Clause 22 repeals the WA Gene Technology Act 2006 and Gene Technology regulations 2007. Although independent of this Bill, the Minister for Agriculture and Food Ken Baston has pre-announced his want to repeal the GM Crops Free Areas Act 2003. To repeal two State Acts removes two crucial legislative safeguards that protect the interests of the people of Western Australia, the 2006 Act safeguarding health and environment, the 2003 Act safeguarding economics and markets.

This Bill applies the Commonwealth Gene Technology Act as a law of the State. We understand the advantages of uniform legislation, streamlining approval processes and cutting red tape. In a favourable political environment, industry can fast-track products to market and deliver economic returns more quickly to shareholders. This position is argued in two recent reports by the Grains Industry Association of Western Australia, the *WA Grains Industry Strategy 2025+* and the *Commodity Specific Strategies*. However, these two reports ignore some key interest groups in gene technology, such as GM-free farmers and consumers.

In 2012, The Department of Agriculture and Food presented a report titled *The Step-Wise Approach to the Adoption of Genetically Modified (GM) Canola in Western Australia*. We flag that this is out of step with the rest of the world as human health and environmental issues escalate, and people take a closer interest in what they are eating, breathing, and drinking. Quality of food, air and water is increasingly relevant. But again this report ignores key interest groups in gene technology, such as GM-free farmers and consumers.

A primary responsibility of government is to keep the community safe. Cascading legislation has its merits if tested and validated at the top level. However, gene technology is new science, an evolving science, it can create new organisms by combining genes from unrelated species, long term effects are largely unknown, and unintended consequences are invariably not tested for. The novel organisms can be patented to control returns on investment but when it comes to GM food and feed, they can be waved through regulatory approval on the ill-defined notion of “substantial equivalence”, without toxicity testing and without human clinical trials ever being done anywhere in the world, ever. Loopholes in Commonwealth regulations allow them in the food chain unlabelled, denying traceability, recallability and the public’s right to know.

The Commonwealth Act and this Bill is broad-reaching. It applies to medical and pharmaceutical, as well as GM crops and food. It not only applies to research and development, but commercial release into the

environment and food system. Consequently, regulation is more broad-reaching than the Office of the Gene Technology Regulator (OGTR), also involving Food Standards Australia New Zealand (FSANZ), the Therapeutic Goods Administration (TGA), and the Australian Pesticides and Veterinary Medicines Authority (APVMA). It involves responsibilities of the Minister for Agriculture and Food as well as the Minister for Health.

The 2011 Calcutt review of the Gene Technology Act 2006 found that there would be merit in reviewing together all the interrelated components of the national legislative scheme for gene technology, rather than the individual Acts in isolation. The review also found that more public information was required. We have asked the Minister Ken Baston for a public briefing with Q&A session. We would like the opportunity to address the Committee after that.

Shirley Collins

FOODwatch spokesperson

Ph: 0438389095

Email: [Scollin5@bigpond.net.au](mailto:Scollin5@bigpond.net.au)

Facebook: <https://www.facebook.com/foodwatchwa>



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