

Threat to Australia's Food and Agriculture: The Deregulation of Genetically Modified Organisms (GMOs)

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Image: Deregulation failure, Lacrosse Apartments, Melbourne (photo composite: J Paull).

The object of the *Gene Technology Act 2000* (Cth) is “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” (CoA, 2000, s 3). It was stated at the time that: “The definition of ‘genetically modified organism’ in the GT Act was intentionally cast very broadly to ensure that the definition did not become outdated and ineffectual in response to rapidly changing technology” (CoA, 2001).

Australia's Office of the Gene Technology Regulator (OGTR) is over-reaching its remit by pursuing changes to the definition of genetically modified organisms (GMOs). These changes would exclude many GMOs from regulation (CoA, 2019). In rewriting and narrow-casting the definition of GMOs, the OGTR is acting as a rogue regulator and is attempting to change the intent of the Act. The role of the OGTR is to regulate. To make the regulations as well as administer them is procedural misfeasance. It is an affront to the principle of the separation of powers.

The proposed redefinition of GMOs would send Australia out on a flimsy limb of go-it-alone GMO deregulation. Many GMOs would fall outside the proposed redefinition of GMOs and would thereby be unregulated. In the prevailing climate of failed deregulation, think London's Grenfell Tower, Melbourne's Lacrosse Apartments and Sydney's Opal Tower, the OGTR proposal is folly.

Globally, Australia's GMO crops are insignificant, accounting for just 0.4% of global GMO hectares (ABCA, 2019; Cotton Australia, 2019; ISAAA, 2018). In Australia, GMOs account for just 0.2% of agricultural hectares (ABCA, 2019; ABS, 2018; Cotton Australia, 2019). Special pleading for GMOs is entirely out of order given the failed track record of GMOs in Australia. There are only two GM crops, GM cotton (where the plantings fluctuate wildly from year to year, with a high of 599,000 hectares in 2010 to a low of 68,000 hectares in 2007) and GM canola (which attracts a price penalty of 7.2%) (Paull, 2019a).

There is no social licence for GMOs in the Australian foodscape. Australian supermarkets do not sell GMOs for that very reason. Since the Act was passed two decades ago, the rejection by the Australian public appears to have shifted not one jot. In research commissioned by the OGTR, only 10% of Australians agreed with the proposition that GMOs are safe (Cormick & Mercer, 2017).

Australia's food and agriculture sectors rely on the hard-won clean and green image of Australian produce. Unregulated GMOs are a threat to the good reputation of Australian food and agriculture. Passing-off GMOs as non-GMOs, or contamination by cryptic GMOs (that are unregulated, undeclared, and unlabelled), would be a costly folly. It would foster global distrust of Australian food and agriculture, both at home and abroad, and it would jeopardise the export of Australian food and agricultural products.

Organic agriculture has a zero tolerance for GMOs. Organics has been growing at 22% per annum in Australia for the past five years. Australia now accounts for 51% of the world's certified organic agriculture hectares. Organic agriculture produces premium products and attracts premium prices. Unregulated GMOs would be an existential threat to this important sector which is 8.8% of Australia's agriculture (Paull, 2019b) (compared to GM agriculture which is 0.2%).

The OGTR has received 167 GMO applications. The OGTR has yet to deny a single GMO application for Australia. Only GM cotton and GM canola are commercially grown in Australia. Most other applications are approved for "limited and controlled" release (OGTR, 2019). The motivation for making GM regulation more lax benefits those with a financial vested interest in GM patents. Those with the greatest interest in the release of GMOs in Australia are American and European multinationals (n=56 applications) and Australia's CSIRO (n=31 applications) (OGTR, 2019).

The proposal to deregulate many GMOs in Australia defeats the mandate of the OGTR which is to regulate GMOs and to assess each GMO on its merits for "health and safety". The proposal would give a free pass to GMO engineers to release GMOs into Australia without any oversight whatsoever, without public record, without safety testing, without even the assertion of safety from patent holders. I say patent holders because the drivers for GMOs are money and profit (which patent control can capture), not 'feeding the world' nor some other virtue-signalling posture.

Deregulating some GMOs in Australia would put us out of step with major trading partners including Europe, China and the Middle East who eschew GMOs. It would place our food and agriculture exports at risk of exclusion from markets, of rejection of GM-contaminated shipments at ports of entry, and, even if not rejected outright, would trigger GM price penalties.

The proposed changes to GMO regulation in Australia would water down the definition of GMOs, would have Australia pioneering GM-deregulation, would compromise Australia's valued image as a clean and green producer, would risk damaging Australian food and agriculture industries, and can jeopardise export markets.

If anything has been learned from the Grenfell Tower tragedy, the cladding fiasco in Australia, and the recent evacuations from shoddy high rise buildings, it is that deregulation can be a perilous path. In the case of Grenfell Tower, the deregulation failure was compounded by the wrong-headed advice of the experts who advised residents in the burning inferno to "stay put" (Shirbon, 2018). The tragedy of that expert advice was that those who listened paid with their lives, it was fatal advice.

In the prevailing climate of disastrous deregulation failures, it would only be a foolhardy politician who voted to deregulate GMOs. The present push by vested interests, to deregulate GMOs deserves to be binned. At the time of writing, the change of GM Regulations (CoA, 2019) is subject to a disallowance motion in the Senate.

References

- ABCA. (2019). *Statistics: GM Canola Uptake*. Melbourne: Agricultural Biotechnology Council of Australia (ABCA).
- ABS. (2018). *4627.0 - Land Management and Farming in Australia, 2016-17*. Canberra: Australian Bureau of Statistics (ABS), 26 June.
- CoA. (2000). *Gene Technology Act 2000*. Canberra: Commonwealth of Australia (CoA).
- CoA. (2001). *Gene Technology Regulations 2001 2001 No. 106 Explanatory Statement*. Canberra: Commonwealth of Australia (CoA).
- CoA. (2019). *Gene Technology Amendment (2019 Measures No. 1) Regulations 2019*. Canberra: Commonwealth of Australia (CoA), Federal Register of Legislation. F2019L00573. 4 April.
- Cormick, C., & Mercer, R. (2017). *Community Attitudes to Gene Technology*. Prepared for The Office of the Gene Technology Regulator, Canberra, (OGTR). Sydney: Instinct and Reason.
- Cotton Australia. (2019). *Cotton to Market: Statistics*. Sydney: Cotton Australia.
- ISAAA. (2018). *Pocket K No.16: Biotech Crop Highlights in 2017*. Manila: International Service for the Acquisition of Agri-biotech Applications (ISAAA).
- OGTR. (2019). *Table of applications and authorisations for Dealings involving Intentional Release (DIR) into the environment*. Canberra: Office of the Gene Technology Regulator (OGTR). <www.ogtr.gov.au>.
- Paull, J. (2019a). Genetically modified (GM) canola: Price penalties and contaminations. *Biomedical Journal of Scientific & Technical Research*, 17(2), 1-4.
- Paull, J. (2019b). Organic Agriculture in Australia: Attaining the global majority (51%). *Journal of Environment Protection and Sustainable Development*, 5(2), 70-74.
- Shirbon, E. (2018). 'Stay put' policy failed in London's deadly Grenfell fire, inquiry hears. London: Reuters, World News, 5 June.



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