



2011 Review of the Western Australian  
*Gene Technology Act 2006*

Submission to  
Mr Greg Calcutt AM SC  
The Department of Agriculture and Food  
Western Australia

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AusBiotech Ltd (AusBiotech) welcomes the opportunity to contribute to the 2011 Review of the Western Australian *Gene Technology Act 2006* that was announced on 22 November 2011 by the Department of Agriculture and Food Western Australia.

AusBiotech is Australia's biotechnology industry organisation, which represents over 3,000 members, covering the human health, agricultural, medical device and diagnostic, food technology, environmental and industrial sectors in biotechnology. AusBiotech represents its members by providing expertise as industry advocates and committee members on many selected steering committees; as well as providing industry perspectives to policy review panels.

AusBiotech consulted with its agricultural, environmental and industrial biotechnology members from the public and private sectors, and have presented in this submission the key issue AusBiotech members believe should be considered by the Department of Agriculture and Food in Western Australia.

AusBiotech supports the continuance of the Western Australian *Gene Technology Act 2006* (the Act) and recommends that the Act reflects the *Gene Technology Act 2000* (the Commonwealth Act). This will ensure that a national, uniform and predictable gene technology regulatory scheme is established.

Australia, despite being a small market, holds a leading position within the global agricultural export market due to the quality and volume of its crop and animal-based exports.

At present, uniformity between the Commonwealth Act and state-based legislation that regulates gene technology in Australia is deficient. While these inconsistencies remain, Australia will continue to fall behind in developments and adoption of biotechnology innovations, due to the lack of inward R&D investment and international partnerships to support innovation.

The ability of the states to impose bans on genetically modified organisms (GMOs) approved by the Office of Gene Technology Regulator act as a veto on the Federal body and means that there is no predictability for industry to commercialise GMOs - providing a significant disincentive for the investment and development of biotechnology in this country.

AusBiotech recommends that the Act mirror completely the Commonwealth Act. At present there are significant differences between the two Acts, and many of the amendments to the Commonwealth Act are not reflected in the Act. AusBiotech recommends that Western Australia refers to and adopts the Commonwealth Act in enacting its own state-based legislation. This will ensure the Act is consistent and current with the Commonwealth Act, even when significant changes to the later are made.

AusBiotech recommends that all states move to uniformity and that Western Australian Government reconfirm its commitment to the Commonwealth thereby providing support for a nationally consistent scheme for gene technology regulation, which provides a consistent path-to-market for Federally-approved GMO traits. This will be achieved by renewing the Act and ensuring it reflects completely the Commonwealth Act.