

P.O. Box 303,

Highfields, Queensland, 4350

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**Submission re: Draft Report of Productivity Commission Inquiry into Regulation of Australian Agriculture**

Regarding genetically-modified (GM) food/feed, I note that a recent review of relevant literature reaches the following conclusion:

long-term animal feeding studies should be included in risk assessments of GM crops, together with thorough histopathological investigations using a variety of methods to better detect subtle changes or the beginning or presence of pathologies. Such robust and detailed studies will then make it possible to put evidence-based guidelines in place, which will substantially help to determine the safety of GM crops for human and animal consumption (Zdziarski, et al. 2014, 432).

I understand that the effect of GMOs on human health and safety and the environment is assessed at a national level by the Office of the Gene Technology Regulator. However, given the analysis by Zdziarski, et al., public concerns about GM content in food are not unfounded. I would argue that the way to allay public fears about the safety of human or animal consumption of GM food/feed is to impose a tighter regulatory environment, not a relaxation. Interested consumers in Australia and overseas are entitled to know whether there is GM content, such as GM canola oil, in food.

The Draft Report (Productivity Commission 2016, 21) notes that, despite OGTR approval of GM cotton and canola, state moratoria on the cultivation of GM crops have been justified on the basis of economic concerns (market access and trade benefits such as price premiums for non-GM crops). The Draft Report suggests removing the moratoria and “providing accurate information to the community about the actual risks and benefits of GM technology, and the gene technology regulatory framework in Australia” to “build confidence in Australia’s regulation of GM technology”. The recommendation appears to comprise: handing regulation over to a small bureaucracy; a science communication propaganda exercise; and a negligible role for the states and territories and public opinion. Can we expect citations of “long-term animal feeding studies... [and] thorough histopathological investigations using a variety of methods to better detect subtle changes or the beginning or presence of pathologies” in this confidence-building mission?

In WA, the moratorium was lifted on canola in 2010. The Draft Report's presentation (in Box 6.7) of the case of Marsh v Baxter notes that, as a result of the release of GM canola:

organic farmers Stephen and Susan Marsh lost their organic certification because their crop was contaminated by genetically modified canola grown in the neighbouring farm owned by Michael Baxter. The Marshes brought proceedings in the Supreme Court of Western Australia, alleging private nuisance and common law negligence, seeking a permanent injunction and damages for economic losses of \$85 000 (Productivity Commission 2016, 234).

However, the summary neglects to acknowledge that in the subsequent appeal case:

Appeals Court president Justice Carmel McLure decided in favour of Mr Marsh and his wife.... She found the interference with the appellants' use and enjoyment of their property was both substantial and unreasonable and constituted a private nuisance. Justice McLure said Mr Baxter "had actual knowledge of the risk of decertification when he engaged in the conduct which caused the harm to the appellants" (Weber and McConnon 2015).

As one analyst concludes: "this case has provided no assurance that organic farming and GMO farming can happily coexist under the current legal framework" (Paull 2015, 13). Therefore, the assertion in Finding 6.1 of the *Draft Report* that "the successful coexistence of GM and non-GM crops... has been demonstrated both in Australia and overseas" is clearly ridiculous.

It is curious that the question irradiation of food (and labelling of irradiated food) is not mentioned once in the Draft Report. Irradiation of food (and associated labelling) has economic implications for primary producers and ought to be considered a matter of regulation of the agricultural sector.

Thankyou for considering my comments on the Draft Report.

Nathan Laurent, B. Gen. St., B. A. (Hons)

## References.

Paull, J. 2015. 'GMOs and Organic Agriculture: Six Lessons From Australia.' *Agriculture & Forestry*, 61 (1): 7-14.

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Weber, D and T. McConnon. 2015. 'Organic farmer Steve Marsh loses GM appeal for compensation from neighbour Michael Baxter.' Accessed 16 August 2016 at: <http://www.abc.net.au/news/2015-09-03/organic-farmer-steve-marsh-loses-gm-appeal/6746108>

Zdziarski, I.M., J.W. Edwards, J.A. Carman, and J.I. Haynes. 2014. GM crops and the rat digestive tract: A critical review. *Environment International*.73: 423-433.