

Submission Cover Sheet

Review of the Moratorium on GM Canola

Submission Number: 25

**Name of Individual/Organisation: National Agricultural Commodities
Marketing Association Limited**

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Attachments Submitted with this Submission:

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(03) 9658 4874 or (03) 9658 4871

Sir/Madam,

Attached is a submission from National Agricultural Commodities Marketing Association in relation to the review of the above Act. Please contact me if we can be of further assistance.

Regards

Geoff Honey

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Review of the Control of GM Crops Act 2004

Submission from National Agricultural Commodities Marketing Association Ltd

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National Agricultural Commodities Marketing Association (NACMA)

National Agricultural Commodities Marketing Association Limited (NACMA) was formed in 1991, by state grain merchant associations, with the aim to standardise grain standards and trade rules/contracts across the Australian grain industry.

Over 95% of the Australian grain crop is stored in facilities operated by NACMA members, with 90% of the grain contracts executed in Australia each year referring to NACMA grain standards and/or trade rules. NACMA has over 300 member organisations from regional family businesses to large national and international trading companies.

The NACMA Membership List is attached.

Current NACMA GM Policy

The current NACMA GM Policy is attached. NACMA is responsible for ensuring facilitation of trade across the Australian grain supply chain both for domestic and export grain.

Therefore, NACMA will develop the required processes for any new varieties brought to market that have been developed by traditional breeding techniques or by GM and which have been approved by the Office of the Gene Technology Regulator (OGTR).

These processes would include but not be limited to:

1. grain standards – NACMA Standards Committee would develop any new standards for approved varieties. This Committee is responsible for development of the coarse grain and NACMA wheat standards. The Committee works in collaboration with other industry committees such as the Australian Oilseeds Federation Standards Committee who develop the oilseeds standards that are promulgated to NACMA' members.
2. grain contracts, trade rules – the NACMA Commerce Committee is responsible for development of the commercial instruments that allow trade to occur. This Committee would develop the appropriate tools to allow GM grain to be traded, if in fact any new processes are required.
3. dispute resolution – NACMA contracts require that in the event of a dispute that the issue will be referred to NACMA for determination. NACMA conducts around 6 arbitrations per year which considering the number of contracts executed across the Australian supply chain per year is minimal.

Delivering Market Choice with GM Canola

A project conducted under the aegis of Single Vision Grains Australia was to determine the industries acceptance of GM crops and the industries preparedness to handle and trade GM crops. There was two industry reports published as part of this process.

1. **Delivering market choice with GM canola** – this report gave an industry consensus position if there was to be commercial release of GM canola. NACMA was a signatory to this document. The current NACMA grain standards and commercial processes (contracts & trade rules) already address issues associated the commercial release of GM canola. NACMA believes that if GM canola was released then commercial trade would operate in an efficient and market orientated manner. There is no reason why GM canola would trade any differently to the current commercial trading/process patterns of wheat, barley, conventional canola etc.
2. **Principles for process management of the supply chain.** This document developed after consultation from all sectors of the supply chain details the grains industries preparedness from a physical handling perspective. NACMA members were represented across all sectors of this supply chain and were involved in the development of this document.

The above documents can be accessed at www.nacma.com.au under Industry News.

Market Choice & Access for future GM crops

NACMA believes that whilst the focus is on the moratoria for the GM canola varieties already approved by OGTR, the industry and public at large should also be considering implications for future GM crop releases.

NACMA has prepared a DRAFT position paper, "Delivering Market Choice & Access to markets with GM crops. A plan for the Australian grain industry." This document is currently being assessed by members and can be accessed at www.nacma.com.au under NACMA Activities.

The Market Choice & Access Plan (the Plan) – is a plan for the future that has been developed to enable the commercial adoption of GM crops in a harmonised manner between the technology proponents and the commercial grain supply chain.

The Plan:

- gives certainty and confidence to supply chain participants and consumers that GM crops and their products will co-exist with established and future grain products.
- addresses the reasons for the removal of moratoria on commercial production and will enable the Australian grain industry and reliant communities to capture the benefits of this globally proven and accepted agricultural innovation.
- details the process that NACMA will put in place to manage the commercial introduction of GM crops in a manner that maintains or enhances trade. This Plan builds on the comprehensive and world class protocols and processes that already operate in the Australian grains industry to enable grains and oilseeds to meet customer and regulatory market specifications.
- provides federal, state and territory governments with an Australian grains industry consultative decision making process that can give confidence that market choice issues have been addressed without the requirement for regulation. Government endorsement will be sought through Primary Industry Ministerial Council (PIMC) via PIMC ratification of this Plan.

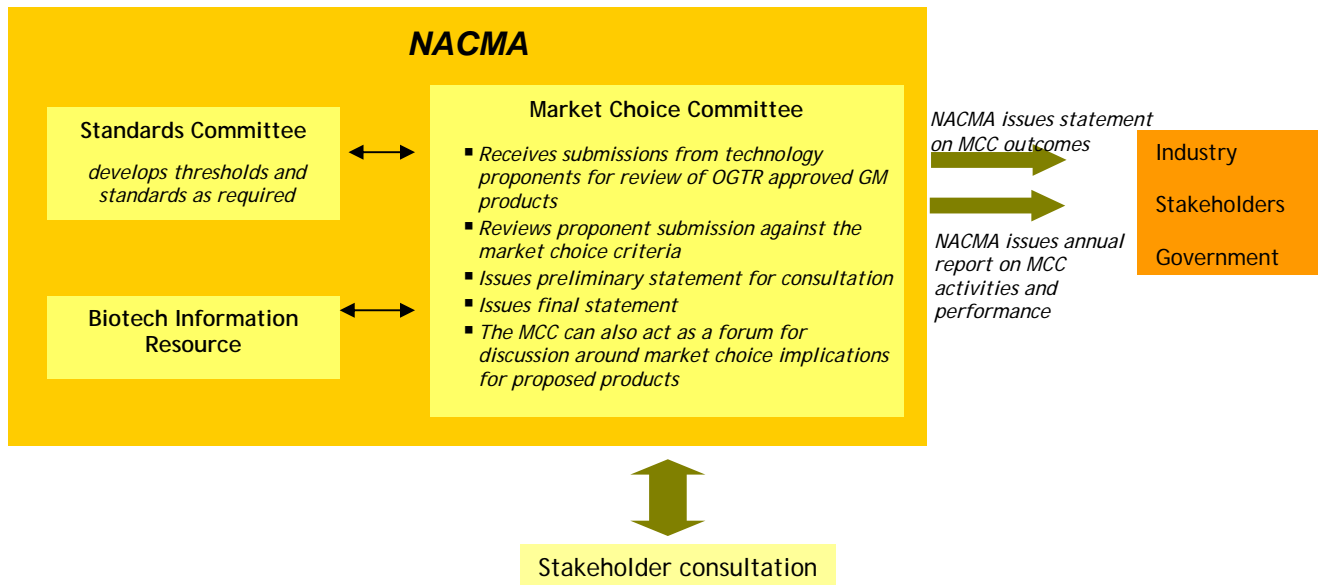
The market choice & access plan – the operation

The Plan is an industry managed process that:

- enables industry stakeholders to be confident that choice is provided and delivered through the grains supply chain and that market, customer and regulatory specifications are met; and
- provides certainty and confidence to supply chain participants and consumers that GM crops and their products will coexist with established and future grain products, without impediment to others.

The outcome of applying the Plan is a statement to the industry that the GM crop under consideration satisfies all the market choice criteria.

The plan will involve a number of processes within NACMA which are schematically detailed below.



The core implementation elements of the Plan are:

- The Market Choice Committee
- Tools to assist such as the standards setting process and information resource
- Reporting and review

The Market Choice Committee (MCC) is an independent expertise based committee established under NACMA with responsibility for the review of potential GM crops against the market choice criteria prior to commercial release. The specialist MCC will deliver decisions that are technically sound and objective. The MCC can also provide feedback to technology proponents and others as to possible market choice issues in relation to potential products.

The criteria that the MCC assess would include:

1. conduct of a market review to identify countries where approvals and standards are required
2. ascertaining that approval for food and feed importation and consumption in identified customer countries had been obtained
3. Adventitious presence (AP) thresholds established for the unintended presence of GM product, both in Australia and within importing countries
4. Supply chain ability to provide product traceability and verification; and contingency plans

The Tools

- Components of the market choice criteria require the establishment of standards and verification of approvals in agreed markets. NACMA has a standards setting process in place through the NACMA Standards Committee and this Committee would be the body responsible for establishing standards for GM crops in Australia.
- The plan also incorporates the development of an industry Biotech Information Resource managed by NACMA that contains a data base of information on approvals and AP thresholds in Australia and major overseas countries; labelling legislation; information on issues such as the Biosafety Protocol, etc.

NACMA would be responsible for reporting the outcomes of MCC and on reviewing and reporting on the performance of the Plan. NACMA would receive reports from MCC on outcomes of the GM crop reviews and performance of the Plan. NACMA would provide statements to its members and other stakeholders via its established Member Update process in regard to MCC outcomes.

NACMA would also provide comment on the performance and overall operations of the Plan in its annual report. This report would be made available to NACMA members, governments and other members of the public.

The industry managed Plan would be endorsed by governments via PIMC. This will allow a nationally consistent approach and provide unimpeded introduction of GM technology into the Australian grains industry. NACMA would provide its annual report covering performance and overall operations of the Market Choice & Market Access Plan to PIMC.

Alignment of the Market Choice & Access Plan to the BIO "Product Launch Stewardship Policy"

The key elements of the Plan are aligned to the principals contained in the BIO "Product Launch Stewardship Policy". BIO represents more than 1,100 biotechnology companies, academic institutions, state biotechnology centres and related organisations from 31 nations. BIO members are involved in the research and development of health-care, agricultural, industrial and environmental biotechnology products.

BIO members engaged in commercialising GM crop products have undertaken to consult with all sectors of the grain supply chain to ensure a smooth and efficient pathway to market. This consultative phase between the supply chain and the technology proponents will ensure that all sectors of the supply chain are able to trade new GM crops in a confident and timely manner.

NACMA supports BIO's approach to working with all sectors of the grain supply chain and looks forward to working with BIO member companies in Australia to ensure their products receive a smooth transition from seed to traded grain/oilseed.

The BIO "Product Launch Stewardship Policy" is attached.

Conclusion

NACMA encourages the Committee when they make their final determination to consider:

1. the science based issues associated with introduction of GM technology, approved by OGTR, into the Australian grain industry;
2. the economic imperatives for adoption of this technology for the supply chain from grain producers to domestic end users and exporters.
3. the grain industries demonstrated ability to store, transport, trade and process GM crops approved by the federal regulator.
4. the grain supply chains preparedness (via NACMA) to harmonise with the technical proponents the release of new GM crops such that trade can operate in a free and unfettered manner.

About NACMA

NACMA is the Australian grain industry body representing and servicing the commercial interests of the Australian grains industry.

NACMA is non political and is the only grain industry association that does not have a commercial bias in any aspect of the grains supply chain.

Vision

That membership of NACMA is seen as an essential part of doing business in the Australian grains industry.

That NACMA is recognised as being essential to the effective facilitation of commercial activity across the Australian grain industry supply chain.

Background

NACMA:

- was formed in 1991 to standardise grain standards, trade rules and grain contracts across the Australian grain industry to enable to efficient facilitation of trade across the grain supply chain
- has over 300 member organisations ranging from regional family businesses to large national and international trading/storage and handling companies. Members include the major companies / organisations operating in all the following sectors of the grain industry in Australia:
 - export grain trading,
 - grain production,
 - grain storage and handling,
 - domestic grain trading,
 - domestic end users of grain, and
 - organisations involved in related commercial activities such as financial (banking, stock exchanges etc), communications, grain advisory services, and professional services (eg solicitors and accountants)
- members are responsible for over 95% of all grain storage and freight movements made each year in Australia. Over 90% of the grain contracts executed in Australia each year refer to NACMA grain standards and/or trade rules.

NACMA Core Functions

The core functions of NACMA are to ensure the efficient facilitation of commercial activities across the grain supply chain.

1. Grain Standards
 - NACMA develops and distributes the coarse grain and birdseed standards and also distributes the standards for wheat (developed by AWB Ltd), oilseeds (developed by Australian Oilseeds Federation) and pulses (developed by Pulse Australia) across the entire Australian grain industry.
 - These grain standards are the basis of trade for domestic and export contracts.
2. Contracts
 - NACMA has developed four contracts for use within the Australian grain trade
 1. Contract No 1 For Grain and Oilseeds – this contract, endorsed by the Grains Council of Australia, was specifically developed for trade between grain producers and grain merchants.
 2. Contract No 2 For Grain and Oilseeds In Bulk Delivered Price Basing Point Or Port Terms (Basis Track) – this contract enables export traders and large domestic end users to aggregate large tonnages from merchants.
 3. Contract No 3 For Grain and Oilseeds In Bulk FOB Terms – contract for export shipments in bulk.
 4. Contract No 4 For Grain/Oilseeds/Birdseeds & Pulses In Containers Delivered Container Terminal (DCT) – contract for export shipments in containers.
3. Trade Rules
 - NACMA Trade Rules underpin the NACMA contracts and are the basis of trade for other specialty grain contracts.
4. Dispute Resolution Service
 - NACMA conducts an arbitration service for contract disputation. The four methods to resolve a dispute are:
 1. Mediation,
 2. Expert Opinion,
 3. Fast Track Arbitration, and
 4. Full Arbitration.

- The service is open to all participants of the grain trade, not just NACMA members. NACMA Awards are backed up by civil court precedent.

Legal authority of NACMA Contracts & Trade Rules

- NACMA Contracts and Trade Rules are backed by the Australian legal framework. The NACMA Trade Rules and Contracts have been challenged at the following jurisdictions:
 - Small Claims Tribunals,
 - Local Court, and
 - State Supreme Courts.
- In all cases the various jurisdictions upheld the NACMA Awards handed down as part of the NACMA Dispute Resolution Service or ordered the parties to refer their dispute to NACMA for arbitration.

NACMA Related Functions

NACMA related functions support the Core Functions and other aspects of a members business.

1. Advocacy

- NACMA is non political, however, there are numerous issues where there is common agreement amongst members and NACMA represents their interests.
- NACMA represents member's interests on the following Committees/organisations:
 - International Grain Trade Coalition (IGTC) – members are drawn from the major grain exporting countries. The IGTC represents their interests at world trade forums such as the UNEP Convention on Biological Diversity, better known as the Cartagena Protocol.
 - Australian Quarantine Inspection Service (AQIS) Grains Industry Consultative Committee
 - Food Chain Assurance Advisory Group – Committee to the Commonwealth Attorney General's Department.
 - Australian Securities Investment Commission (ASIC) in relation to Financial Services Reform Act (FSRA), Australian Financial Services Licence (AFSL) requirements and other ASIC issues relating to the grain industry.
 - Department of Foreign Affairs and Trade on issues such as the Cartagena Protocol Financial Industry Complaint Service (FICS) established to resolve disputes between parties to financial and derivative based products.

2. Professional Development

- A vigorous professional development program is conducted across Australia. Each year NACMA trains in excess of 300 grain industry personnel.
- Non Assessed Workshops are conducted on a range of topics including Contract Terms & Conditions, Trade Rules, Australian Financial Services Licence and Commodity Pricing.
- Professional Certificate in Grain Commodity Trading NACMA offers the Professional Certificate in Grain Commodity Trading which could be combined with a further modules leading to the Professional Diploma in Commodity Trading Management. The core subjects for the Certificate are:
 - Grain Commodity Trading,
 - NACMA Trade Rules, Contract and Dispute Resolution, and
 - NACMA Grain Standards.

3. Communication

- Website – the NACMA website has been developed to be the online reference library for all issues associated with the trading of grain in Australia.
- Member Updates – are emailed to members on an “as required” basis. These include information on changes to trade rules, contracts and grain standards, which must be conveyed to members in a timely manner. In the 2005/06 year there was over 32 Updates issued. Member Updates are also archived on the NACMA website.
- Common Interest Forum – Each August, NACMA conducts the Grains Common Interest Forum where members are able to canvas issues and make recommendations to core NACMA functions for the forthcoming year. The NACMA Committees are also able to give an overview of their activities from the preceding 12 months and proposed future strategies.

4. Conferences

- NACMA is one of the host organisations of the Agriculture Australia Conference which is held in August each year and is recognised as the pre-eminent grain industry conference attracting over 560 participants.
- Other host organisations include Australian Oilseeds Federation and Pulse Australia.

Resourcing

1 Financial

- NACMA derives its revenue from membership fees and the provision of services to the grain industry.
- Although NACMA is a not-for-profit organisation as defined by the Tax Act, the culture is that all services are offered on a profit basis. This attitude ensures that NACMA is attuned to the commercial imperatives of its members.
- NACMA does not apply for or seek government funding except on a purely commercially basis, such as sponsorship of Conferences.
- NACMA's approach to funding has ensured that over the last three years, NACMA has been able to accumulate two years of operating expenses as cash.
- NACMA is able to fund the challenges that may arise given the continuously evolving grain marketing arrangements in Australia.

1 Personnel

Secretariat

- NACMA has a fully resourced secretariat that ensures a timely response to the activities of NACMA and member needs.

Board of Directors

- The Board is responsible for the strategic direction of NACMA as detailed in the Business Plan and agreed by members, and adherence to ongoing compliance and statutory legislative obligations.
- The Board is composed of individuals from the membership classes as well as Directors with Special Qualifications.
- Board members reflect all sectors of the Australian grain trade and a geographical spread of production and trade.

	Positions	Member Organisation
Geoff Barker	Chairman & Member Audit & Finance Committee	Cargill Australia
Patrick Haire	Vice Chairman & Chair Commerce Committee	Woodside Rural Brokers P/L
Rob Parkes	Vice Chairman & Chair Standards Committee	Director – special qualifications Ridley AgriProducts
Neil Johns	Member Business Development Committee	GrainCorp Operations Limited
Steven Sloss	Member Business Development Committee	ABB Grain Limited
Mark Thiele	Chair Transport, Storage & Handling Committee	Elders International Aust Ltd
Chris Kelly	Member Audit & Finance Committee	KN & WM Kelly & Sons
Rod Wolski	Member Transport, Storage & Handling Committee	A & B Grain
Jim Riordan		Riordan Grain
Dennis Wise	Chair Corporate Governance Committee	Director – special qualifications
Geoff Farnsworth	Member Commerce Committee	Director – special qualifications Norton White Lawyers & Notaries
Rosemary Richards	Chair Business Development Committee	Director – special qualifications
Malcolm Finlayson	Chair Audit & Finance Committee	Director – special qualifications



National Agricultural Commodities Marketing Association

Membership List as at 08 March 2007

Organisation	Contact	Phone
Industry Association		
<i>Australian Lot Feeders' Association</i>	<i>Ms Annemarie Garrett</i>	<i>(02)-9241-6988</i>
<i>Grain Growers Association Ltd</i>	<i>Mr Damian Capp</i>	<i>(02)-9886-2207</i>
<i>Grains Council of Australia Limited</i>	<i>Mr David Ginns</i>	<i>(02)-6273-3000</i>
<i>NSW Farmers Association</i>	<i>Mr Nick Bryant</i>	<i>(02)-8251-1805</i>
4		
Ordinary - Level A		
<i>ABB Grain Limited</i>	<i>Mr Michael Reeves</i>	<i>(03)-9602-3377</i>
<i>AWB Services Limited</i>	<i>Mr Steve Burt</i>	<i>(03)-9209-2215</i>
<i>Co-operative Bulk Handling Limited</i>	<i>Mr Imre Mencshelyi</i>	<i>(08)-9237-9736</i>
<i>Graincorp Operations Ltd</i>	<i>Ms Carolyn Cefai</i>	<i>(02)-9325-9100</i>
4		
Ordinary - Level B1		
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1		
Ordinary - Level B2		
<i>Alfred C Toepfer International (Australia) Pty</i>	<i>Mr Hermann Thoeke</i>	<i>(08)-8444-1000</i>
<i>Australian Bulk Alliance</i>	<i>Mr Simon McNair</i>	<i>(03)-9687-9253</i>
<i>Cargill Australia Limited</i>	<i>Mr Geoff Barker</i>	<i>(03)-9268-7200</i>
<i>Elders International Australia Ltd</i>	<i>Ms Cindy Nespor</i>	<i>(08)-8425-4570</i>
<i>George Weston Foods Limited</i>	<i>Mr Mark O'Brien</i>	<i>(02)-6766-1733</i>
<i>Inghams Enterprises Pty Limited</i>	<i>Dr Ron MacAlpine</i>	<i>(02)-9606-5666</i>
<i>Louis Dreyfus Australia</i>	<i>Mr Alick Osborne</i>	<i>(03)-9828-6123</i>
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Ordinary - Level B3		
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<i>Riverina (Australia) Pty Ltd</i>	<i>Mr Jon Mulally</i>	<i>(02)-6953-5300</i>
3		
Ordinary - Level C		
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<i>Bunge Global Markets</i>	<i>Ms Margaret Coldrey</i>	<i>(03)-9686-0635</i>



National Agricultural Commodities Marketing Association

Membership List as at 08 March 2007

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<i>DA Hall and Co</i>	<i>Mr Bruce Holden</i>	<i>(07)-4695-5777</i>
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<i>Emerald Group Australia Pty Ltd</i>	<i>Mr Michael Chaseling</i>	<i>(03)-9882-4835</i>
<i>Global Grain Australia Pty Ltd</i>	<i>Mr P Lloyd</i>	<i>(03)-9372-5722</i>
<i>Golden Harvest Speciality Seeds (Aust) Pty Lt</i>	<i>Mr Peter Cory</i>	<i>(07)-3620-5900</i>
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<i>Harcorp Trading Pty Ltd</i>	<i>Mr Damian Corken</i>	<i>(03)-5480-3701</i>
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<i>James and Son (Australia) Pty Ltd</i>	<i>Mr Lachlan McKenzie</i>	<i>(03)-5339-4677</i>
<i>James Stock Feed and Fertilizer Pty Ltd</i>	<i>Mr Rex James</i>	<i>(03)-5866-2771</i>
<i>Jerilderie Grain Storage & Handling</i>	<i>Mr David Barlow</i>	<i>(03)-5886-0344</i>
<i>Kerwee Lot Feeders Pty Ltd</i>	<i>Mr Jim Cudmore</i>	<i>(07)-4692-2277</i>
<i>Lake Bolac Grain Storage Pty Ltd</i>	<i>Mr Robert Fraser</i>	<i>(03)-5350-2217</i>
<i>Laragon Almond Processors Pty Ltd</i>	<i>Mr Wayne Francis</i>	<i>(08)-8595-8080</i>
<i>Lempriere Grain Pty Ltd</i>	<i>Mr Marcus Currie</i>	<i>(02)-9310-5652</i>
<i>Masterfoods Australia and New Zealand</i>	<i>Mr Michael Weller</i>	<i>(02)-6055-5200</i>
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<i>Moore Bulk Storage</i>	<i>Mr Daryl Moore</i>	<i>(03)-5381-0940</i>
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<i>Pars Ram Brothers(Australia) Pty Ltd</i>	<i>Mr Pars Ram Punj</i>	<i>(07)-3632-7414</i>
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<i>Pentarch Farms Pty Ltd</i>	<i>Mr Bill Castlemain</i>	<i>(08)-9335-6533</i>
<i>Reid Stockfeeds Pty Ltd</i>	<i>Mr Ian Reid</i>	<i>(03)-5432-9273</i>
<i>Riverland Oilseeds Pty Ltd</i>	<i>Mr Clint Munro</i>	<i>(02)-9965-5994</i>
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National Agricultural Commodities Marketing Association

Membership List as at 08 March 2007

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Ordinary - Level C1

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<i>AGRIGRAIN</i>	<i>Mr Peter Pritchard</i>	<i>(02)-6889-2200</i>
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<i>Dakin Grains Pty Ltd</i>	<i>Mr Bob Baker</i>	<i>(08)-9885-1234</i>
<i>Deacon Seeds Company</i>	<i>Mr Terry Deacon</i>	<i>(07)-4662-3217</i>
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<i>Estate Commodities Pty Ltd</i>	<i>Mr Adrian McDonald</i>	<i>(03)-5480-7344</i>
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National Agricultural Commodities Marketing Association

Membership List as at 08 March 2007

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<i>J K Milling Pty Ltd</i>	<i>Mr Andrew Saunders</i>	<i>(03)-5382-0044</i>
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<i>M C Croker Pty Limited</i>	<i>Mr Gregg Carroll</i>	<i>(02)-6927-4300</i>
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National Agricultural Commodities Marketing Association

Membership List as at 08 March 2007

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<i>Summer Hill Grains</i>	<i>Mr Barney Hughes</i>	
<i>Tamma Grains</i>	<i>Mr Kim Packer</i>	<i>(08)-9888-7026</i>
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<i>The Wimmera Grain Company</i>	<i>Mr David Matthews</i>	<i>(03)-5385-5344</i>
<i>Touton Australia</i>	<i>Mr Jon Bucknall</i>	<i>(03)-9863-7560</i>
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<i>Unigrain Pty Ltd</i>	<i>Mr Ervin Leong</i>	<i>(03)-5223-6688</i>
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<i>Ward McKenzie Pty Ltd</i>	<i>Mr Steve Ward</i>	
<i>Western Grains</i>	<i>Mr John Fitzgerald</i>	<i>(02)-6967-2604</i>
<i>Wimpak Export Company Pty Ltd</i>	<i>Mr Michael Finnigan</i>	<i>(03)-5385-7055</i>

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Broker - Large

<i>Australian Grain Accumulation Services Pty Lt</i>	<i>Mr Brian Twedde</i>	<i>(03)-9258-2233</i>
<i>Fox Commodities</i>	<i>Mr Paul Cochrane</i>	<i>(07)-4688-9889</i>
<i>Man Financial Australia Ltd</i>	<i>Mr Garry Hopper</i>	<i>(02)-8273-8881</i>

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Broker - Sole Operator

<i>Pallett Dawson Pty Ltd</i>	<i>Mr Michael Pallett</i>	<i>(03)-9598-6999</i>
<i>Shearwater International Pty Ltd</i>	<i>Mr Don Cattanach</i>	<i>(07)-3324-9088</i>
<i>Woodside Commodities Pty Ltd</i>	<i>Mr Hamish Steele-Park</i>	<i>(02)-6851-6566</i>
<i>Woodside Rural Brokers Pty Limited</i>	<i>Mr Patrick Haire</i>	<i>(02)-9415-6444</i>
<i>Zuelzer Grain & Seed Pty Ltd</i>	<i>Mrs Helen Harvey</i>	<i>(08)-8357-7860</i>

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Corporate - Large

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National Agricultural Commodities Marketing Association

Membership List as at 08 March 2007

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<i>Australian Grain Exchange Pty Ltd</i>	<i>Mr Constantine Galtos</i>	<i>(07)-3871-2144</i>
<i>Australian Superintendence Company</i>	<i>Mr Andrew Parry</i>	<i>(07)-3391-8640</i>
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<i>Farm Horizons</i>	<i>Mr Lloyd George</i>	<i>(03)-9598-1980</i>
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<i>MG Agrilink Pty Ltd</i>	<i>Mr David Earle</i>	<i>(03)-5831-2100</i>
<i>NAMLOC Design Pty Limited</i>	<i>Mr David Coleman</i>	<i>(02)-9489-1676</i>
<i>Norton White Lawyers and Notaries</i>	<i>Mr Geoff Farnsworth</i>	<i>(02)-8298-9580</i>
<i>RMB Australia Ltd</i>	<i>Mr Peter Rizzo</i>	<i>(02)-9908-7411</i>
<i>SGS Australia Pty Ltd</i>	<i>Mr Geoffrey Moore</i>	<i>(07)-3246-1302</i>
<i>Strategic design + Development Pty Limited</i>	<i>Mr Neil Matthews</i>	<i>(02)-9868-2590</i>
14		
Merchant Association		
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<i>NACMA South Australia</i>	<i>Mr Tim Mee</i>	<i>(08)-8300-0115</i>
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<i>Rural Marketing Supply Association</i>	<i>Mr Reg Kidd</i>	<i>(02)-6361-7061</i>

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Commercialisation of GM crops

NACMA has a responsibility to the Australian grain industry to develop the tools required by the grain trade to enable commercial activity to occur as seamlessly and as efficiently as possible. This approach is one of the factors in ensuring that the Australian grain industry remains globally competitive.

Another factor that has the potential to enhance the competitiveness of the Australian grain industry is the utilisation of new technologies, such as genetically modified (GM) crops derived from biotechnology.

NACMA, with membership across all sectors of the grain supply chain from grain producers to domestic end-users and grain export trading companies, recognises that the introduction of GM technology has the potential for economic benefits for all sectors of the grain supply chain due to increased production capabilities as well as enhanced environmental benefits.

In the event that GM crops are commercially released, the Australian grain industry must be able to demonstrate that it has a documented self-regulatory pathway to market that includes a process to manage issues that may arise. To that end, NACMA will work within the industry to resolve commercial aspects of trading GM crops which will ensure that members have access to the appropriate tools to allow trading activities to operate smoothly.

Production and Trade in GM Grains continues to increase

Commercial GM grain and oilseeds were first commercialised over a decade ago and are now widely grown in the major grain producing countries of North and South America and are therefore extensively traded throughout the world.

Most of the major canola importing countries already accept GM canola varieties and the rapid expansion of biodiesel production in Europe in the last two years has increased the commercial pressure on the European Commission to remove restrictions on GM canola imports into the EU.

GM soybeans are widely traded, with Australia already importing substantial quantities of soybean meal for the intensive livestock industries (between 350 and 400,000 tonnes over recent years). By the end of 2005, approximately 90 million hectares of GM crops were planted throughout the world. GM varieties now account for approximately:

- 60% of the global soybean crop, mainly USA, Argentina and Brazil. World soybean production in 2005 was 220 million tonnes.
- 24% of global corn crop, mainly grown in USA and Argentina. World corn production in 2005 was 712 million tonnes.
- 80% of canola produced in Canada. World canola production in 2005 was 48 million tonnes with Canada being the major exporter.
- 80% of the Australian cotton crop.

GM crops are widely exported and as a result, the major importing countries have significant exposure to GM varieties and are widely accepted with the exception of the European Union. The rapid increase in biodiesel production in the EU has increased pressure on the EU to allow imports of GM seeds.

Australian Regulatory Framework

Biotechnology is regulated by a number of different bodies depending on the intended use of the GM product.

The use of GM crops in Australia is regulated by the Office of the Gene Technology Regulator (OGTR), which is responsible for assessing applications to release GM crops at a national level. OGTR is a federal statutory organisation that operates under the auspices of the Department of Health and Aging.

Specifically, OGTR assesses the risks to human health and the environment associated with the release of GM technology. In 2003 after an exhaustive science based review the OGTR approved the commercial release of two varieties of GM canola in Australia.

State Governments have also enacted legislation governing the use of gene technology at the state level. With the exception of Queensland, state governments have adopted moratoria on the commercial release of GM canola in NSW, Victoria, South Australia and Western Australia due to public concerns about the potential release on state markets and trade.

The various state Governments are due to review their legislation in the next 12 to 18 months which may result in these moratoria being lifted. This will mean decisions will need to be made by late 2007 to ensure the various legislations can be enacted.

State	Legislation	Introduced	Sunset
NSW	Gene Technology (GM Moratorium) Act 2003	25/6/2003	March 2008
Vic	Control of Genetically Modified Crops Act 2004	12/5/2004	2008
SA	Genetically Modified Crops Management Act 2004	29/4/2004	2007
WA	Genetically Modified Crops Free Areas Act 2003	21/12/2003	2008
Tas	Genetically Modified Organisms Control Act 2004	16/11/2004	2008

NACMA Role in Preparation for potential commercial releases

Following consultations with members, NACMA has recognised the need to play a proactive role in the development of protocols to manage the potential introduction of GM crops into the Australia grain supply chain. Therefore NACMA will work with members and industry to facilitate the development of the necessary tools and mechanisms to ensure that trade in GM crops continues to operate smoothly and effectively with the commercial release GM crops.

In assuming this responsibility, NACMA recognises that in the event of the commercial release of GM crops in Australia, many non-GM markets would need to be satisfied that mechanisms exist to ensure grain supplies are adequately separated from other grains.

Sensitivities surrounding the use of GM varieties mean that a range of integrated industry processes and systems would need to be developed and implemented to ensure the separation of GM and non-GM varieties to satisfy market requirements where required.

Approach

NACMA will work with members through our Committees (Grain Standards, Commerce and Transport, Storage and Handling) and other sectors of the industry where necessary to assist in the development of processes and systems that would allow commercial activities to continue to operate efficiently in a coexistence environment.

1. Impact on NACMA Key Services

NACMA will assess what changes need to occur to its core services to industry of grain contracts, grain standards and the dispute resolution process. This will be done through the NACMA committee structures by requesting each Committee to assess the potential impacts and the likely changes that may need to occur in order to protect our existing services as well as enhance them so they could operate in a coexistence environment.

2. Development of integrated industry processes and systems

NACMA will liaise with areas of industry and government to proactively assist in the development of processes and systems to manage GM varieties in a coexistence environment. This will include liaison with other grain industry associations and the regulatory bodies such as the OGTR, and Federal and State Governments.

Product Launch Stewardship Policy

Introduction

An increasing number of biotechnology-derived plant products¹ intended for food or feed use are authorized for commercial production in many countries throughout the world; however, authorizations in importing countries vary depending on the timing of submissions for import authorization as well as the duration of the authorization process in each country. As a consequence of these asynchronous authorizations, low levels of recombinant-DNA plant materials that have completed full safety assessments, in accordance with national and international standards, in one or more countries may, on occasion, be present in food or feed in countries in which the authorization process of the relevant recombinant-DNA plant material has not been completed.

Asynchronous authorizations combined with importing countries maintaining “zero tolerance” for recombinant-DNA products not yet authorized results in the potential for major trade disruptions. The potential occurrences of trade disruptions will only increase given the substantial amount of research that will bring many new products and combinations of products to market. The problem could be further compounded as countries that currently have no regulatory authorization systems for biotechnology-derived plant products establish them in the future. The potential for trade disruption could be significantly reduced if all countries provided authorizations simultaneously or if there were international governmental consensus eliminating zero tolerance policies.

BIO’s Food and Agriculture Section is committed and seeks the commitment of the value chain to continue to actively engage in ongoing concerted efforts to harmonize science-based agricultural biotechnology regulatory approaches to achieve synchronous authorizations and to eliminate zero tolerance policies. As a beginning, work in Codex is underway to develop an international food safety standard for the low level presence of recombinant-DNA plant material in food. Such an international standard will help address the problem when completed, but it is not a substitute for full safety authorizations. In the interim, one pragmatic approach is to minimize the number of

¹ Biotechnology-derived plant products or plant products derived from modern biotechnology means the application of 1) *in vitro* nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) and direct injection of nucleic acid into cells or organelles or 2) fusion of cells beyond the taxonomic family, that overcome natural physiological reproductive or recombinant barriers and that are not techniques used in traditional breeding and selection. This definition of modern biotechnology has been adopted by the Cartagena Biosafety Protocol under the Convention on Biological Diversity and the Codex Alimentarius Commission.

asynchronous authorizations in key markets. This can be achieved by BIO Food and Agriculture Section member companies commercializing their new biotechnology-derived plant products after meeting applicable regulatory requirements from the key countries most likely to produce or import the seed or products derived from those new biotechnology-derived plant products.

BIO's Food and Agriculture Section establishes the following policy to address these matters.²

General Policy

To help ensure the continued adoption of agricultural biotechnology globally and to continue to have products of agricultural biotechnology bring value to the marketplace, BIO's Food and Agriculture Section supports actions that facilitate the flow of goods in commerce and minimize trade disruptions. BIO's Food and Agriculture Section believes that henceforth individual member companies should, prior to commercialization,³ meet applicable regulatory requirements in key countries identified in a market and trade assessment that have functioning regulatory systems⁴ and are likely to import the new biotechnology-derived plant products.

Specific Policy Objectives

Consistent with this general policy, BIO's Food and Agriculture Section believes that henceforth individual member companies commercializing biotechnology-derived plant products should, and encourages them to:

1. Conduct a market and trade assessment to identify key import markets, including those with functioning regulatory systems, prior to the commercialization of any new biotechnology product (crop by event) in any country of commercial launch. In that market and trade assessment, consult at an early stage with the value chain for the specific crop. Manage the product's introductions so that choice of production methods (i.e., facilitate coexistence) and markets (e.g., specialty, identity preservation, and global) for that crop are available and preserved.

² Under BIO's bylaws and applicable antitrust laws, individual member companies are not bound by this Association policy.

³ Commercialization for this document is defined as the first planting of seed sold into commerce for the production of a crop.

⁴ A "functioning" regulatory system is science-based, with clearly defined timelines and processes for regulatory review and decision-making, and appropriate protection for proprietary information and data. The regulatory and decision-making processes must be predictable, completed in a timely manner, and not subject to undue political influence.

2. Meet applicable regulatory requirements in key markets (which at a minimum shall include the United States, Canada, and Japan⁵) prior to commercialization of a new biotechnology product in commodity corn, soybeans, and canola in the United States or Canada, unless determined otherwise in the consultation with the value chain for the crop.
3. Follow generally accepted best seed quality practices designed to prevent adventitious presence of unauthorized products and minimize unintended incidental presence of products authorized in the country of production pending full implementation of BIO's Food and Agriculture Section Quality Management Program.
4. Make available prior to commercialization a reliable detection method or test for use by growers, processors and buyers that enables crop identity verification for intended use.
5. Promptly communicate broadly and in a transparent manner with stakeholders as to its company-specific product launch stewardship policies and their implementation.

In light of the constantly changing regulatory and trade environment, the Food and Agriculture Section Governing Body will keep this policy current.

Policy approved: May 21, 2007

Policy Revised:

Document Owner: Phillips/Bomer

⁵ Mexico will be added to this group of countries when it has developed overtime a record of systematic authorizations with defined timelines and processes.