Australian Organic Limited (AOL)

Proposed Amendments to the *Gene Technology Regulations 2001*

01/03/2026

Executive Summary

Australian Organic Limited (AOL) as the peak industry body for Australia's organic sectors, provides this submission on behalf of its 3,000 certified organic operators, covering some 53m hectares of Australia while contributing over $2.6bn to the national economy.

AOL and Australian organics support modern and efficient regulatory systems that are proportionate to risk, support innovation, and keep Australia internationally competitive. The organic industry is not anti-technology and it is not opposed to regulatory reform. Australia must remain a highly productive nation, and agricultural innovation, when responsibly governed, can contribute to productivity, resilience, and value creation.

However, certified organic production operates under a distinct legal-and-market compliance architecture that is not discretionary. Certified organic operators must comply with certification rules and audit requirements that underpin domestic consumer confidence and international market access. That system is fundamentally process- and integrity-based: it relies on prevention, traceability, and verified supply-chain controls to ensure prohibited inputs, including GMOs and GM-derived material, do not enter the certified organic system. Producers and businesses are audited against these requirements and face serious commercial consequences if integrity cannot be demonstrated (including loss of certification, contract failure, and export/customer rejection) – this risk extends to Australia internationally with respect to organic exports, where there are clear technical market access requirements stipulated for this trade.

AOL's core submission point is this:

- Regulatory reform is legitimate and can be positive, but it must not be designed in a way that offloads the practical burden of managing gene technology impacts onto non-adopting industries, particularly certified organic producers, without preserving the minimum transparency, traceability, and coexistence mechanisms required to manage that burden.

Many of the proposed changes shift authorisation settings toward streamlined pathways (e.g., permit, register, notifiable and non-notifiable classes). Those pathways may be defensible from a narrow biosafety lens. But from an integrity and trade lens, they risk creating situations where:

- gene technology dealings become less visible (or practically unverifiable) to adjacent producers and supply chains;
- organic operators are expected to identify, and then manage, coexistence and contamination risk without timely access to information needed to implement proportionate controls; and
- the cumulative cost of compliance (testing, segregation, clean-down, supplier verification, dispute management, rejected loads, certification risk) is shifted from the technology proponent and the regulatory system onto producers who are not using gene technology and who cannot contractually manage upstream decisions.

AOL provides these issues not as theoretical complaints. It is a governance problem: if government reforms reduce visibility and formal disclosure while expecting affected industries to manage it, then government is effectively shifting regulatory risk into private liability and private compliance systems without providing the enabling tools to do so.

AOL's submission therefore focuses on regulatory design features that keep the reform objectives intact while ensuring government meets its responsibility to support impacted industries. The essential elements are:

- A minimum transparency baseline for dealings that intersect with food and fibre supply chains (especially intentional release and field trials), regardless of pathway;
- No zero-visibility authorisation settings where downstream verification is realistically required to meet legal/contractual integrity systems (including certified organic);
- Rules and public records that support coexistence planning, not just biosafety decision-making; and
- Regulatory safeguards to prevent integrity gaps where no scheme takes responsibility for ensuring supply-chain visibility and verifiability.

In short, AOL supports reform and productivity, but the Government must not modernise the Scheme by transferring practical risk and cost to producers and sectors who must meet strict domestic and international organic integrity requirements. If reforms are to proceed, they must include mechanisms that allow impacted industries to comply.

Requested Design Principles

AOL rejects risk-tiered reform where the framework shifts unmanaged risk and cost onto non-adopting producers and supply chains. Any pathway change (licence/permit/notifiable/non-notifiable/Register) should be assessed against the following minimum principles:

1. **Minimum transparency baseline across all pathways**
   Any dealing with plausible interaction with food/fibre supply chains must have a baseline level of public visibility (what, where, when, who is responsible), regardless of whether it is authorised by licence, permit, class notification, NND class, or the GMO Register.

2. **Coexistence information must be operational, not merely scientific**
   Information disclosed must be sufficient for affected producers to implement proportionate coexistence controls (e.g., crop/species, trait category, general locality/region, relevant containment/isolation/handling conditions, and duration/timing where relevant). If the disclosure does not allow a producer to act, it is not fit for purpose.

3. **No "zero-visibility / no-conditions" settings where integrity systems rely on verification**
   Authorisation settings that have no conditions and no practical visibility are incompatible with integrity-based systems (including certified organic) where audit defensibility depends on documented prevention and one step back verification.

4. **Proponent responsibility and accountability must be preserved**
   Where dealings create externalities (coexistence management, commingling risk, verification/testing costs), reform settings must maintain clear lines of proponent responsibility (including recordkeeping and compliance with traceability/segregation conditions) rather than assuming downstream industries can absorb or self-manage the impacts.

5. **Government must provide enabling mechanisms for impacted sectors**
   If government streamlines assessments, it must correspondingly strengthen enabling mechanisms that allow impacted industries to comply, particularly robust public registers/notifications, clear Rules parameters, and stable records that can be used for audit and dispute resolution.

6. **Avoid integrity gaps created by overlap carve-outs**
   If certain risks are deemed handled under other schemes, reforms must still ensure there is no gap in supply-chain transparency/verification. "Covered elsewhere" must not mean "invisible to markets that require integrity-based exclusion".

Responses to consultation questions

Q1. Comments/concerns on proposed structural changes

Structural alignment and renumbering to improve usability must not reduce practical transparency for dealings that may affect agricultural supply chains (especially intentional release and field trials). The move to new authorisation pathways must not result in less accessible information for affected producers and supply-chain users.

Q2. Other unclear terms requiring definition

Yes. AOL's priority is that the amended framework does not inadvertently widen the gap between regulatory classification and trade/assurance classification. AOL recommends that definitions and associated Rules:

- clearly articulate how "novel dealing/trait" is determined in a way that does not ignore traceability and coexistence consequences; and
- ensure terminology supports consistent disclosure of gene-technology status for agricultural contexts where definitional divergence is already evident (for example, where certain genome editing outcomes fall outside the Scheme).

Q3. Satisfied with excluding certain risks from Minister/Regulator consideration if covered under another scheme?

AOL is not satisfied as proposed. AOL's concern is not double regulation of safety. It is that an overlap carve-out can create an integrity gap where no scheme ensures the minimum transparency and verification needed for organic supply chains - particularly where other schemes are outcome-triggered and can treat gene-edited products as non-GM for their purposes.

AOL requests an explicit safeguard: when an overlap carve-out applies, the Regulations and Rules should still preserve baseline transparency for agricultural supply chains (including disclosure of gene-technology status for relevant releases and field trials and adequate information for coexistence planning).

Q4. Is the concept of a designated dealing clear?

The concept is clear. AOL's issue is whether the designation threshold will reliably capture dealings that, while potentially lower risk in a biosafety sense, are high consequence for supply-chain integrity if they occur without practical visibility.

AOL does not argue that every genome-edited organism must automatically be a designated dealing. AOL's submission is narrower, we wish to ensure that the framework guarantees appropriate scrutiny

and public visibility for categories with heightened spread risk (such as gene drive releases) and for intentional releases and field trials where coexistence management depends on location and crop/trait information.

Q5. Concerns with the proposed consultation process for RARMPs?

Yes. AOL's concern is that consultation triggers focused on novelty and hazard can miss a distinct class of material impact: coexistence and trade assurance impacts for certified organic operators. For organics, the practical issue is not just whether a RARMP had public consultation; it is whether the system provides timely, accessible information enabling segregation and verification.

AOL therefore requests: irrespective of whether public consultation is triggered, there should be mandatory public notice and stable register information for all intentional releases and plant field trials.

Q6. Concerns with revised timeframes?

AOL's concern is not the number of business days per se. It is that shorter, more streamlined pathways must not reduce the time and visibility needed for coexistence planning. AOL's position: efficiency is acceptable only if transparency settings are strengthened in the Rules and Registers.

Q7. Concerns around the proposed range of dealings required to be licensed (including shift toward GMO Register for gene-edited plants)

Yes. AOL's concern is that moving plant dealings into lower-touch pathways can reduce case-by-case scrutiny and reduce geographic transparency unless the Rules and Registers are designed to preserve it. For certified organics, coexistence management depends on timely location and trait awareness to implement proportionate controls.

AOL requests: if gene-edited plants are to be authorised via the GMO Register, the Register and Rules must include a practical public information baseline (species, trait category, and locality/region sufficient for coexistence planning).

Q8. Concerns with dealings proposed to be authorised by a GMO permit (including plant field trials)

Yes. AOL supports streamlining where appropriate (for example, where parent species and conditions are well characterised), but only if the permit pathway includes mandatory public notification and a stable public record of trial locations at a practical level, so organic operators can manage coexistence risk.

Q9. Concerns in relation to proposed notifiable dealings classes (including ND5 import of bulk grain for processing)

Yes, particularly for import of bulk grain for processing. AOL's concern is that the pathway is premised on containment and standard conditions, but can still intersect with shared storage, transport, and processing infrastructure.

AOL requests that ND5 notification and conditions include explicit chain-of-custody and segregation/clean-down documentation expectations for shared infrastructure. The risk to organics is that commingling in shared systems can make traceability and audit defensibility impractical.

Q10. Concerns in relation to proposed non-notifiable dealings (NND) classes

Yes - substantial concerns. A "no conditions / low visibility" pathway is a poor fit for supply chains that require downstream verification. AOL requests that any NND class with potential intersection

with agricultural inputs and processing is accompanied by minimum transparency safeguards (for example, clearer Rules parameters and a mechanism enabling purchasers to verify gene-technology status where required for certification and export assurance).

Q11. Is the language "not involving intentional release into the environment" appropriate for NNDs?

Not on its own. AOL recognises this is a biosafety demarcation, but it does not solve the supply-chain verifiability problem for integrity-based certification systems. Organic operators must demonstrate prevention and traceability, including supplier declarations and records.

AOL therefore requests supplementary transparency measures for contained NNDs that may intersect with food and fibre supply chains.

4. Summary of AOL's asks

AOL requests that the final Regulations and Rules:

1. do not push government and GMO industry regulatory costs downstream onto certified organic producers to manage the impact of the proposed amendments;
2. guarantee public visibility and stable public records for all intentional releases and plant field trials, regardless of pathway;
3. ensure the GMO Register pathway for gene-edited plants preserves practical transparency (species, trait category, locality/region);
4. strengthen notifiable import/processing settings with explicit traceability and segregation documentation requirements for shared infrastructure;
5. avoid "no conditions / low visibility" settings for NNDs where there is plausible agricultural supply-chain intersection; and
6. include an explicit safeguard so that regulatory-overlap carve-outs do not create integrity gaps in supply-chain transparency.