

Ms Debra Kirk  
Manager  
Legislative Reform National Transport Commission  
National Transport Commission  
Level 2/600 Bourke St  
**MELBOURNE VIC 3000**

Via Email: [dkirk@ntc.gov.au](mailto:dkirk@ntc.gov.au)

13 December 2024

Dear Ms Kirk

**Re: Australian Code for the Transport of Dangerous Goods by Road & Rail (the Code) review**

As the peak industry organisation representing the agricultural chemical and biotechnology (plant science) sector in Australia, CropLife Australia represents the manufacturers, innovators, developers and formulators of crop protection and agricultural biotechnology products. CropLife's membership is made up of both large and small, patent holding and generic, Australian and international companies and accordingly CropLife advocates for policy positions that deliver whole-of-industry benefit in all outcomes. As such, CropLife provides the following comments on the Australian Dangerous Goods (ADG) review. Our comments are limited to the removal of Special Provisions AU06 – *currently assigned to UN 3245*

As indicated in previous submissions to the National Transport Commission (NTC), CropLife supports the proposed changes and updates to the ADG Code. Broadly, these proposed updates, simplifications and specifications are well thought out, workable and user-friendly. The proposed grouping of requirements in logical and consistent order makes it easier for duty holders to find requirements relevant to the tasks they perform and will significantly reduce the need to move back and forth to find scattered requirements.

**However, CropLife rejects the proposal to remove the AU06 Special Provision – currently assigned to UN 3245, and reiterates our concerns as below.**

Although arguably redundant when read in conjunction with 2.9.2.1, Special Provision AU06 provides clarity regarding the origin and operation of the GMO exemption. Together, they ensure that the Australian Dangerous Goods Code does not conflict with the Gene Technology Act 2000 (Cth), the Food Standards Australia New Zealand Act 1991 (Cth), the corresponding state legislation, the delegated regulations, or the decisions of either the Office of The Gene Technology Regulator or Food Standards Australia New Zealand.

We reiterate our recommendation that no changes should be made to 2.9.2.1 or AU6. The proposed changes are unclear, potentially conflict with existing Australian provisions and could complicate the transport of agricultural goods. We reject defining GMOs as inherently hazardous; this assertion is not supported by science.

While we recognise that the provisions do not apply if the product is exempt under the Gene Technology Act/Regs or is licenced/approved by OGTR or FSANZ, the proposed definition is not fit for purpose, potentially creates regulatory gaps and could have been better addressed after the ongoing implementation.

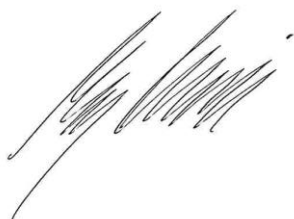
The draft provisions provide less clarity than those they are seeking to replace. Although UN3245 provides an agreed upon, albeit flawed, definition of GMOs / GMMOs for international transport, it is not fit for purpose when considering Australian road and rail transport. As such it should be not incorporated into National Code.

Given the enormous complexity and rapidly emerging technology, any definition of GM products runs the risk of capturing unregulated technology or missing what might be considered regulated technologies. For example, there could be considerable debate as to the definitions of changes that 'occur naturally' or pharmaceuticals that are 'ready to be administered'. Moreover, with reviews of the National Gene Technology Scheme and the FSANZ definitions of novel breeding techniques currently underway, the existing Australian regulatory landscape will change. Based on current discussions with relevant authorities, the new provisions run the risk of conflicting with changes introduced by these reviews. At minimum, CropLife recommends that the NTC consult with the Office of the Gene Technology Regulator to adopt a definition of and appropriate controls for genetically modified products which recognises the hazards proposed by organisms is unrelated to the mechanism of their development.

CropLife and our members have always striven to ensure world's best-practice in industry stewardship. As such CropLife, as a leader in industry stewardship, often implementing initiatives decades before any mandatory regulatory obligation on broader industry. Safeguarding the established world's best-practice labelling system for agvet chemical products and ensuring the best safety outcomes for farmers, transporters, distributors and users of these chemicals is therefore the top priority for CropLife and our members. Streamlining, simplifying and improving of safety regulations, such as the Australian Code for the Transport of Dangerous Goods, will generate both improved safety outcomes for both farmers and workers, while reducing unnecessary administrative burden on the manufacturers and distributors of crop protection products.

Please do not hesitate to contact me at [gregory.sekulic@croplife.org.au](mailto:gregory.sekulic@croplife.org.au) | 02 6273 2733) should you require any additional information with regard to any aspect of this submission.

Yours sincerely



Gregory Sekulic  
**Director, Agricultural Chemical Policy**