



10th August 2009

Vern Lim
Assistant Manager
Enabling Technologies Policy Section
Department of Innovation, Health Industries and Enabling Technologies Branch

vern.lim@innovation.gov.au

Submission regarding the National Enabling Technologies Strategy

The National Toxics Network (NTN) welcomes the opportunity to make a submission regarding the new National Enabling Technologies Strategy (NETS). However, we are deeply concerned about the process of community engagement on this important strategy.

We believe Australia's approach to funding, governance, oversight and management of nanotechnology, biotechnology and other emerging technologies requires a new approach. Our experience over many decades with the regulation of agricultural and industrial chemicals has demonstrated the failure of these schemes and current policy and management regimes.

Ultimately for the NETS to be successful it needs widespread support from all stakeholders and the broader community.

We note the discussion paper's comments regarding community engagement and respond by stating that once again, the government has decided on an *ad hoc* and inequitable approach to community engagement.

The time frames provided for the consultations are unrealistic and the lack of information on resources available to public interest NGOs to allow them to effectively participate means the process lacks equity. How do you expect NGO groups to effectively participate without basic consideration of these issues?

It is the disregard for these basic equalities that gives the impression you are not even sincere in your engagement with NGOs and the broader community on these issues of significance to the entire community.

Prior to holding public meetings and drafting discussion documents, community engagement processes require clear *principles* to guide the process, a *protocol* on which to measure both the commitment and the effectiveness of the process and a comprehensive *plan of action*.

For further details on effective community engagement, we recommend that you visit our website under Community Engagement www.ntn.org.au.

Sound and equitable community engagement principles are fundamental to any effective consultative, participatory, or consensus process. Principles must address issues of accountability, procedural fairness, conflict of interest, equitable access to information including consideration of commercial in confidence data, the degree of influence participants have on the outcome, access to resources, feedback and monitoring.

Effective community engagement also requires protocols based on the community engagement principles, and providing the commitments against which participants can measure the effectiveness of the process. Finally, a clear plan of action is essential for an effective community engagement process. These are basic requirements which no doubt you already apply to other processes.

From the communities' perspective the three principle reasons to support a genuine, robust program of public participation in development of and decision making in relation to the National Enabling Technologies Strategy are:

1. The public has a right to participate in decision-making about a technologies predicted to drive such widespread and disruptive change.
2. Public participation in government decision-making improves outcomes.
3. If industry and government do not effectively involve the public in decision-making, they risk serious backlash, such as occurred with genetically engineered food.

Establishment of a NETS oversight committee

We, like our other NGO colleagues, emphasise that development of the NETS must be informed by community preferences and priorities which should be identified during a robust program of public participation.

We support a key recommendation that a NETS oversight committee be established, with balanced representation of government, industry, research and public-interest stakeholders (NGOs nominated by the broader NGO community). This committee should oversee the design and conduct of the public participation program to inform development of the NETS, as well as the development and/or approval of public communications.

We are concerned that the NETS has been developed so far without any input from public interest non-government organisations, unions or community groups. We are also unhappy at the very limited timeframe given for public interest stakeholders to provide comments or to organise attendance at the upcoming consultations.

For this reason, we think it important that rather than informal or *ad hoc* communication between the Enabling Technologies Policy Section and Public Awareness Section and other stakeholders, a formal NETS oversight committee should be established. This committee, which should have responsibility for advising NETS and overseeing its activities, should contain balanced numbers of government, research and industry stakeholders, and also those who represent community interests (labour, public health, environment, civil liberties etc). NGOs should select their own representatives so that all have confidence in the committee participants. These representatives should be expected and allowed to report back to other NGOs, and to speak publicly about NETS work. This committee should play a key role in designing and overseeing the public participation program.

Regulatory reform

Regulatory reform is proposed by the NETS but must be based on a precautionary and life-cycle approach, rather than the blind adherence to the risk management paradigm that has so far failed to adequately protect the Australian community.

The four core principles of chemical/technology reform needed to underpin future decision-making are: Right to Know; No data/No market; Precautionary Principle; and, the Substitution Principle.

The precautionary principle means that where there is credible preliminary evidence of the potential for serious environmental or health risk, proponents of new technologies should be required to demonstrate their safety prior to commercialisation.

In relation to nanotechnology, as recommended by the United Kingdom's Royal Society, all new nanomaterials must be treated as new chemicals, and be subject to new safety assessments before being permitted for use in commercial products. This is not happening in Australia.

All too often, the extent of scientific uncertainty is trivialised, preliminary evidence of harm is ignored, and non-science issues of public concern are excluded. This appears to be the route you are currently taking in relation to new technologies.

The community is already aware that there are serious health and environmental risks associated with manufactured nanomaterials already used in over 800 hundred commercial products. You only bring more distrust towards the government by doggedly proceeding down this path and ignoring genuine concerns.

NETS and any subsequent regulatory body must also recognise the public's right to reject particular technologies or applications as well as prioritising public funding for public interest science.

The discussion paper circulated for the NETS fails to address the issue of funding for public interest science. Instead, the focus appears to be on ways to build support in the community for new technologies that will maximise private sector opportunities for wealth creation. Science and technology development should not only reflect commercial but also community needs.

Similarly, it should not be assumed that emerging technologies such as biotechnology or nanotechnology offer the most successful or cost-effective way of addressing ecological and social needs as in many instances they introduce their own costs and challenges while overlooking genuine solutions. Investment in nanotechnology or biotechnology should be weighed against investment in other technology or non-technology options.

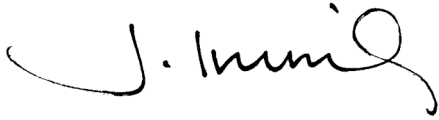
Claims made regarding the capacity of nanotechnology or biotechnology to meet ecological and social needs must be carefully scrutinised. All too often there is a discrepancy between evidentiary standards applied to claimed 'benefits' compared to claimed 'risks'.

The NETS discussion paper includes sweeping claims and generalisations about the capacity of nanotechnology and biotechnology to deliver social and environmental benefits. And while it expects evidence-based regulation of environment or health risks, it requires no such evidence or assessment in relation to claimed economic or social benefits.

Furthermore, there is little recognition or assessment of the potential for social and environmental costs. Surely this is a basic requirement. These double standards are unacceptable to the public interest NGOs who work on these issues and it only serves to undermine your strategy.

To conclude, NTN calls on the government to address the *ad hoc* nature of the current consultations and urgently develop appropriate principles and protocols to guide the NETS and to establish, as a matter of priority, a NETS oversight committee.

Yours sincerely,

A handwritten signature in black ink, appearing to read "J. Immig". The signature is fluid and cursive, with a large loop at the end.

Jo Immig
National Coordinator