

Senate Community Affairs Committee

ANSWERS TO ESTIMATES QUESTIONS ON NOTICE

HEALTH PORTFOLIO

Budget Estimates 2017 - 2018, 29 & 30 May 2017

Ref No: SQ17-000802

OUTCOME: 5 - Regulation, Safety and Protection

Topic: Gene Technology

Type of Question: Written Question on Notice

Senator: Rice, Janet

Question:

In March I asked you about advice that the OGTR issued to Dow AgroSciences (SQ17-000441). This stated that crops developed using its ZFN based EXZACT Delete technology, where the ZFN genes are purportedly no longer present, would not be considered a GMO and therefore would not be regulated under the Gene Tech Act. You failed to answer my question so I ask again:

- a) Would you agree that in the absence of any formal decision or decision-making process, the interpretation of the OGTR and the advice provided entitle Dow and other companies to act on that advice?
- b) If yes to a), would you agree that these companies would be entitled to market products of this technology in Australia as if they are not GMOs?
- c) Would you agree then, that the OGTR has effectively made a decision that deprives the public – and Ministerial Council – of any right of review?

Answer:

The current Gene Technology Regulator takes a different view of the regulatory status of the technique referred to in the letter to Dow AgroSciences of 7 May 2012.