

**Senate Community Affairs Committee**

**ANSWERS TO ESTIMATES QUESTIONS ON NOTICE**

**HEALTH PORTFOLIO**

**Additional Estimates 2016 - 2017, 1 March 2017**

**Ref No:** SQ17-000441

**OUTCOME:** 5 - Regulation, Safety and Protection

**Topic:** Office of Gene Technology Regulator

**Type of Question:** Written Question on Notice

**Senator:** Rice, Janet

**Question:**

The OGTR has also advised Dow AgroSciences 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.

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: Would you agree that these companies would be entitled to market products of this technology in Australia as if they are not GMOs?

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:**

a. The Gene Technology Regulator did not and does not provide legal advice. The letter provided to Dow AgroSciences included that “If Dow AgroSciences are intending to proceed with activities in Australia involving plants developed using EXZACT technologies you may wish to seek your own legal advice on the status of such activity under the Act”.

b. Not applicable.