



13th April 2007

Committee Secretary
Community Affairs Committee
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Dear Sir/Madam,

Inquiry into Gene Technology Amendment Bill 2007

Thank you for the opportunity to comment on the above Bill.

Bayer CropScience, a subsidiary of Bayer AG with annual sales internationally of about EUR 6.0 billion, is one of the world's leading innovative crop science companies in the areas of crop protection, non-agricultural pest control, seeds and plant biotechnology. The BioScience division within Bayer CropScience is focused on providing sustainable, high value plant-based solutions for agriculture, nutrition, health and biomaterials. Presently the, BioScience division of Bayer CropScience is involved mainly in the development of Genetically Modified (GM) canola and cotton suitable for the Australian agricultural environment.

Bayer CropScience welcomes the proposed Amendment Bill and believes that the amendments will enhance the effectiveness of the future Act.

In particular, Bayer CropScience supports the formation of the Ethics and Community Consultative Committee. The one committee to replace the previous two separate committees is viewed as a sensible proposal which would serve the same function as previously and accomplish this in a more efficient way. The one committee, in our opinion, is able to address the relevant issues as proposed in the description of functions.

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It is our preference and recommendation for an added sub-section 108, such that the Minister must **not** appoint to the committee a person who belongs to an organisation actively campaigning against gene technology.

Such persons cannot be said to be representative of the community and would not present objective considerations and balanced views. Experience shows that strong advocacy by such interest groups in committees lead to polarisation and subsequently hampers the

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effectiveness of the committee and weakens advice given to the Regulator. We recommend:

Addition of subsection 108 (7) - The Minister must not appoint to the committee a person who belongs to an organisation actively campaigning against gene technology.

Item 39 with reference to Section 50A

Subsection 50A (1) (a) refers to the purpose of the application "to conduct experiments."

We do not see the need for this section to refer only to the conduct of experiments. This section could and should include any kind of dealing that does not involve commercial sized releases and are carried out under contained conditions. Thus it would allow licence applications under this section to be considered for work such as seed increases on a small scale for future development or other purposes, even if that purpose may not be for experimental work. The purpose of a trial is varied and may or may not relate directly to experiments. It may be irrelevant to the risk assessment process and should not be required under the Act as a criteria for consideration. We recommend that:

Section 50 (1) (a) be amended so that the words "to conduct experiments" be changed to "to conduct dealings" (or similar appropriate words - eg limited and contained dealings) which is consistent with other sections of the Act.

Consequent upon the above reasoning section 50A (4) is irrelevant and should be deleted. Alternatively the words "to conduct experiments" should be changed to "to conduct dealings" (or similar appropriate words - eg limited and contained dealings).

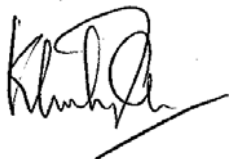
Item 48

The points made above regarding item 39 also applies to section 71 (2A) (a). We recommend that:

Subsection 71 (2A) (a) be amended so that the words "to conduct experiments" be changed to "to conduct dealings" (or similar appropriate words - eg limited and contained dealings) which is consistent with other sections of the Act.

I thank you for the opportunity to comment on the present Gene Technology Regulations. If you should have any further questions or require any clarifications please do not hesitate to contact me directly on 03 9248 6857.

Yours sincerely,
Bayer CropScience



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