

Dow AgroSciences Australia Limited
ACN 003 771 659
20 Rodborough Road
Frenchs Forest NSW 2086
Locked Bag 502
PO Frenchs Forest NSW 1640



13 April 2007

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

RE: Inquiry into Gene Technology Amendment Bill 2007

This letter is Dow AgroSciences' response to the invitation by the Community Affairs Committee for written submissions in relation to the "Inquiry into the Gene Technology amendment Bill 2007" (The Bill). Dow AgroSciences is a global provider of gene technology to farmers and holds a number of OGTR licences. Consequently we have considerable interest in this Bill

An independent panel has already reviewed the Gene Technology Act 2000, and extensive community consultation has occurred over a lengthy period. The Bill reflects the recommendations of the panel as accepted by the Gene Technology Ministerial Council, therefore we recommend the committee adopt it taking into account out concerns about some sections. Those concerns are listed below.

Items 24-35:

The Bill proposed to create a single Gene Technology Ethics and Community Consultative Committee to replace the two current committees that perform these functions. Dow AgroSciences strongly supports that proposal on the basis of improved efficiency of operation and removal of the duplication that occurs between the two current committees.

Dow AgroSciences has concerns about the potential for impartiality to occur within the committee. Hence, we consider that persons actively engaged in advocacy either for or against gene technology should not be considered as members. Such persons are not necessarily representative of the broader community and could bring bias to the committee leading to polarisation of committee members. This could reduce the effectiveness of the committee and diminish the value of the advice given to the Regulator. In our view advocates either for or against the technology have ample opportunity to

engage in the decisions of the Regulator under the extensive consultation avenues provided under the GT Act.

It is recommended that the committee add to section 108, criteria that exclude the appointment of individuals/organisational representatives who are actively involved in advocacy either for or against gene technology.

Item 39

Subsection 50A (1) (a) restricts a limited and controlled licence to the conduct of experiments. As limited and controlled licences impose strict controls on ensuring the restriction on the dissemination or persistence of the GMO and its genetic material in the environment, Dow AgroSciences believes that this type of licence need not be restricted to experiments and the broader purpose of “dealing” is appropriate. Thus, it would allow licence applications under this section to be considered for work such as seed increases on a small scale for use in other experimental or development purposes. The purpose of the GMO dealing under a limited and controlled release that is issued under strict containment conditions should be a secondary concern as the primary concern is containment of the GMO and its genetic material. Broadening the purpose to dealing is consistent with other sections of the GT Act. Hence, we recommend that:

Section 50A (1) (a) and 50A (4) be amended so that the words "to conduct experiments" be changed to "to conduct limited and controlled dealings".

Item 48

If the committee accepts the use of “limited and controlled dealings” as above then section 71 (2A) (a). should be similarly amended.

Thank you for the opportunity to comment on the Bill and should you have any further questions or require any clarifications I may be contacted on 02 97763430.

Yours sincerely



Colin Sharpe
Senior Regulatory Specialist

Phone 02 97763430
Fax 02 97763199