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

13 April 2007

re: Invitation by the Community Affairs Committee for written submissions in relation to the "Inquiry into Gene Technology Amendment Bill 2007"

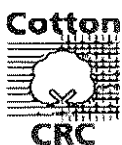
Dear Sir

Cotton Seed Distributors Ltd (CSD) is a non-profit distributing cotton planting seed company based in Wee Waa NSW. The operations of the company are conducted in collaboration with the Commonwealth Scientific and Industrial Research Organisation (CSIRO) who maintain a cotton breeding program nearby at Narrabri NSW.

CSD wishes to respond to the recent invitation by the Community Affairs Committee for written submissions in relation to the "Inquiry into Gene Technology Amendment Bill 2007" (herein referred to in this submission as "the Bill").

We note that this invitation is further to the recommendations of an independent panel that has reviewed the Gene Technology Act 2000, involving extensive community consultation over a lengthy period in which we participated. It appears that the Bill reflects the recommendations of the review panel as accepted by the Gene Technology Ministerial Council. Whilst we therefore urge the committee to recommend adoption of the bill largely as presented, we do have some specific concerns in relation to item 39 of the Bill as set out below.

Item 39 creates a new category of licence application, to be known as 'limited and controlled release' applications. This will allow a streamlined process for the assessment of such applications, that by their very nature of being limited and controlled, present lower risks. CSD strongly supports the creation of this category as it should improve process efficiency, and allow the Regulators' resources to be focused on assessing less controlled releases.



"A partner in the Australian Cotton Co-operative Research Centre"

We consider the definitions of limits of controls as put forward in subsections 50A(2) and 50A(3) appropriate and useful for applicants and the Regulator in deciding the categorisation of an application. We also consider the criteria given in subsections 50A(1)(b) and 50A(1)(c) appropriate.

However, we do have concerns regarding criteria listed in subsection 50A(1)(a) that requires such applications to have the principal purpose of enabling the licence holder "to conduct experiments". We consider in protecting the health and safety of people and the environment (which under section 3, is the object of the *Gene Technology Act*), the limits and controls on the proposed dealing are far more important than the purpose of the dealing.

To illustrate this, during the consideration by the Regulator of Monsanto's application for commercial use of Roundup Ready Flex cotton (DIR 059/2005), CSD was able to produce limited quantities of seed under the limited and controlled release conditions of DIR 055/2004. This enabled the produced seed to be stored and be subsequently made available for use by cotton growers when DIR059/2005 was issued.

However these production activities do not fit within the criteria of experiments as defined under subsection 50A(4), and thus in the future would be not allowed under a limited and controlled release.

Excluding such activities from this category only delays access to the environmental and agronomic benefit of technology to growers, yet provided the release fits within the meanings of 'controls' and 'limits', there is no difference in protection of the health and safety of people or the environment.

Other examples of limited and controlled release that may not fit the definition of experiment but are of concern to CSD are seed breeding activities, seed production for export, seed production for shipment to areas in Australia where commercial use of a GMO is allowed (noting that licences on commercial release could contain geographical restrictions due to differing environments in Australia) and plantings of genetically modified cottons to demonstrate use of the technology to growers.

We urge the committee to recommend removal of subsections 50A(1)(a) and 50A(4) from the Bill.

We thank the committee for the opportunity to provide a submission to their enquiry into the *Gene Technology Amendment Bill 2007*. Should the committee have any questions in relation to the comments provided above, please do not hesitate to contact myself or one of my colleagues.

Yours sincerely
Cotton Seed Distributors Ltd

A handwritten signature in black ink, appearing to read 'P. Steel', written over the company name.

Philip Steel
Manager: Seed, Product & QA