



Australian Government

Department of Health and Ageing

Office of the Gene Technology Regulator

OPERATIONS OF THE GENE TECHNOLOGY REGULATOR

QUARTERLY REPORT

1 JANUARY–31 MARCH 2013

The object of the *Gene Technology Act 2000* is:

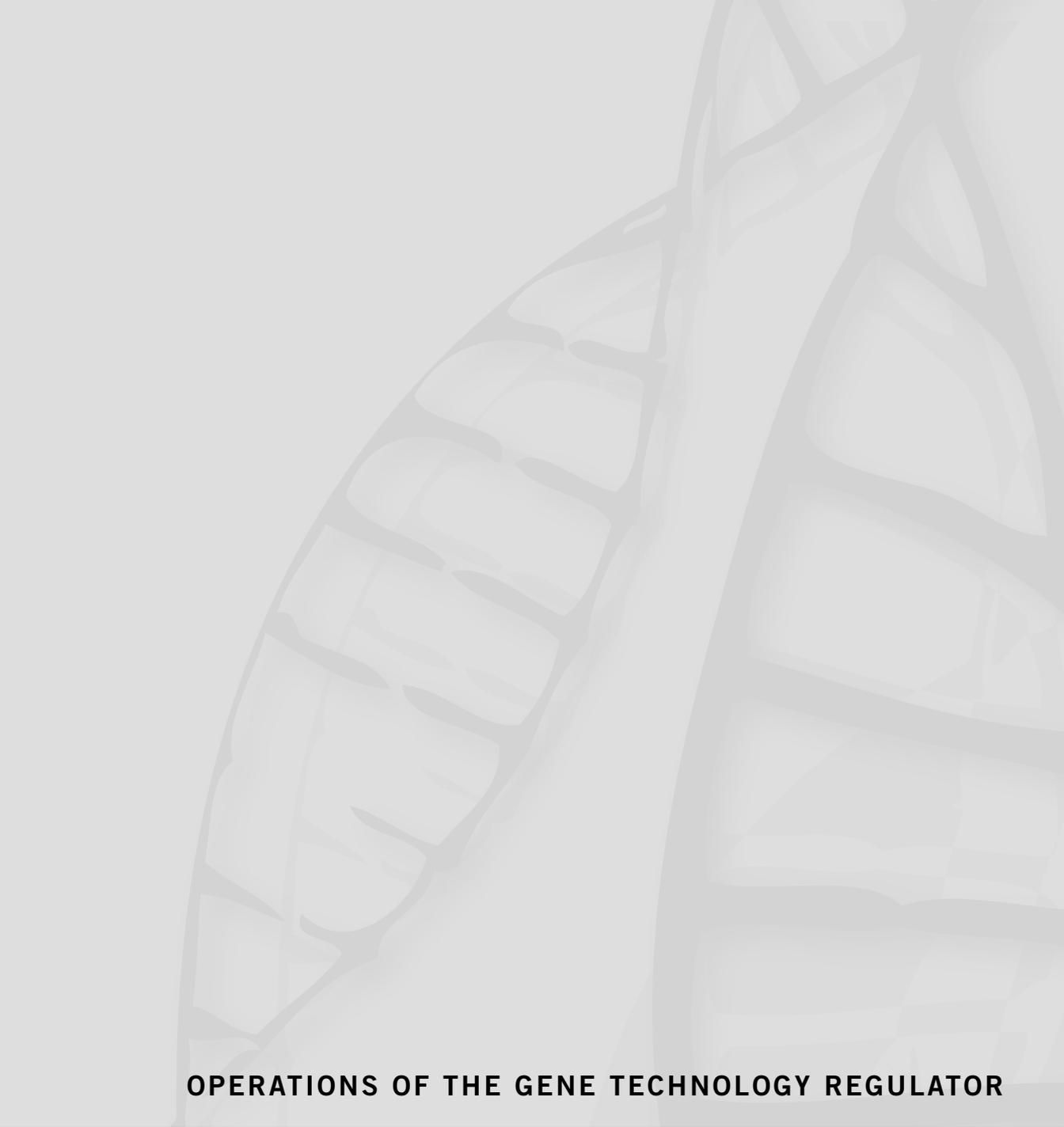
‘to protect the health and safety of people, and to protect

the environment, by identifying risks posed by or as a

result of gene technology, and by managing those risks through

regulating certain dealings with genetically

modified organisms’



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Inquiries about the content of this report may be directed to the Business Management and Communications Section, Regulatory Practice and Compliance Branch of the Office of the Gene Technology Regulator.

The Hon Shayne Neumann MP
Parliamentary Secretary for Health and Ageing
Parliament House
CANBERRA ACT 2600

Dear Parliamentary Secretary

In accordance with section 136A of the *Gene Technology Act 2000* (the Act), I am pleased to present to you the Quarterly Report of the Operations of the Gene Technology Regulator, covering the period 1 January to 31 March 2013.

During this period one licence for dealings involving intentional release of GMOs was issued and 43 physical containment facilities were certified.

Routine monitoring activities for this quarter exceeded the target rate and no significant risks to either human health or the environment were identified.

Yours sincerely



Dr Joe Smith
Gene Technology Regulator

29 May 2013

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ABOUT THIS REPORT

Sub-section 136A(1) of the *Gene Technology Act 2000* (the Act) requires the Gene Technology Regulator (the Regulator) to prepare and give to the Minister after each quarter a report on the operations of the Regulator during that quarter. Sub-section 136A(2) of the Act requires that the report include information on:

- GMO licences issued during the quarter
- breaches of conditions of a GMO licence that have come to the Regulator's attention during the quarter
- Emergency Dealing Determinations (EDDs) made by the Minister during the quarter
- any breaches of conditions of an EDD that have come to the Regulator's attention during the quarter
- auditing and monitoring of dealings with GMOs under the Act by the Regulator or an inspector during the quarter.

Its purpose is to inform the community of our roles and responsibilities and to provide a summary of our achievements over the past quarter.

This report has four key sections.

Gene technology regulatory system

Provides advice on the activities and outcomes achieved in relation to the implementation and management of the national regulatory system during the quarter.

Regulation of genetically modified organisms

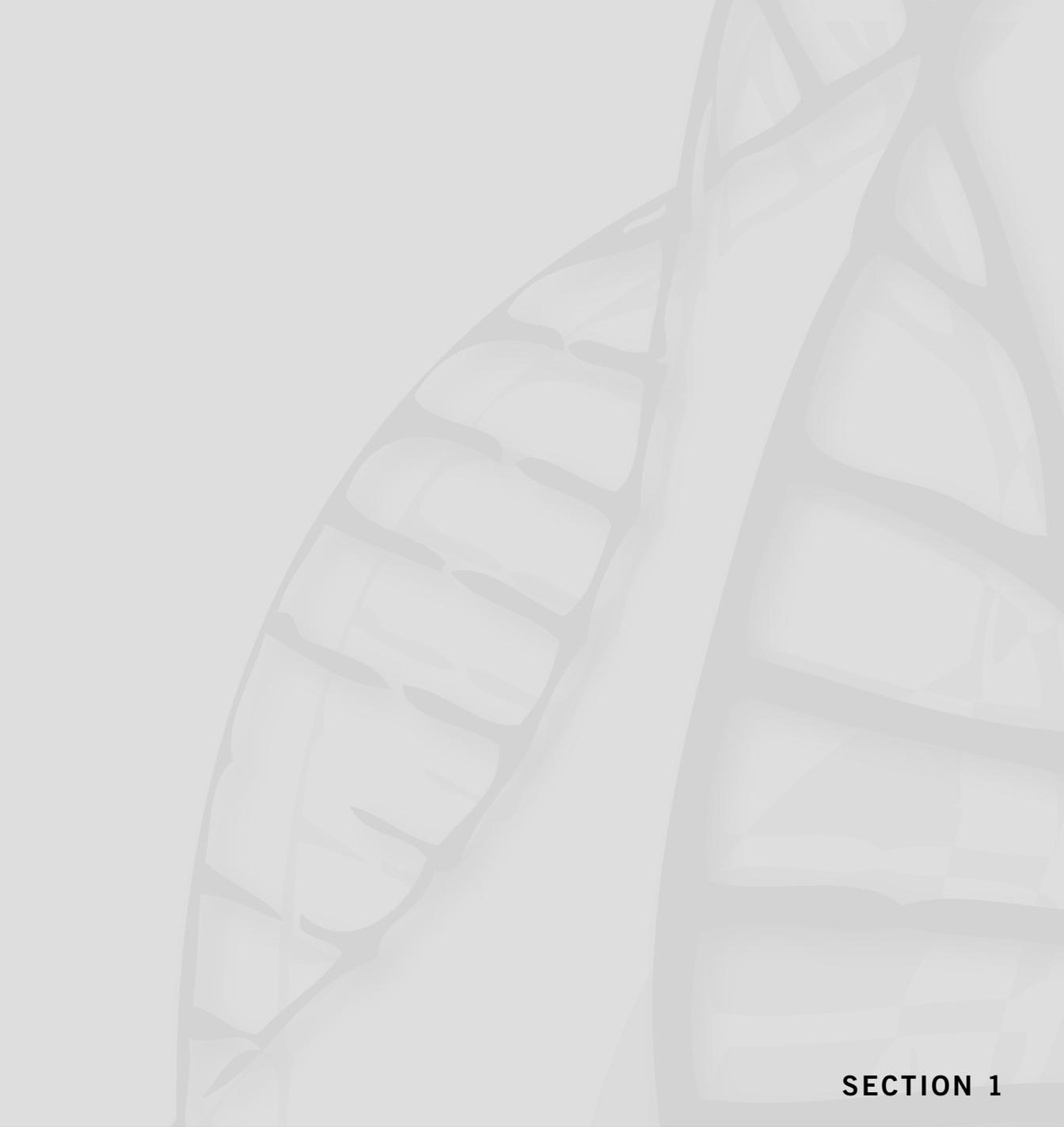
Provides details on the regulatory activity undertaken, including information about applications for, and action taken with respect to, GMO licences and other instruments under the Act. It also includes details of monitoring, auditing and compliance activities by the Regulator during this quarter.

Statutory committee operations

Reports on the activities of the two advisory committees established under the Act to assist the Regulator and the Legislative and Governance Forum on Gene Technology (formerly Gene Technology Ministerial Council).

Other activities of the Gene Technology Regulator

Describes other activities relating to the statutory functions of the Regulator that support the operations of the gene technology regulatory system.



SECTION 1



**NATIONAL GENE TECHNOLOGY
REGULATORY SYSTEM**

NATIONAL GENE TECHNOLOGY REGULATORY SYSTEM

Key achievements during this quarter

The key achievements of the 1 January to 31 March 2013 quarter were:

Licences and other instruments

- one organisation issued with accreditation
- one licence issued for Dealings involving the Intentional Release (DIR) of GMOs into the environment
- no licences issued for Dealings Not involving the Intentional Release (DNIR) of GMOs into the environment
- 43 physical containment facilities certified
- 26 instruments surrendered
- variation of 177 certifications and 22 DNIR licences.

Further information on licences and other instruments is contained in Section 2 of this report.

Monitoring and Compliance

Approximately 13 per cent of current field trial sites and nine per cent of post-harvest field trial sites were subjected to routine monitoring during the quarter. This exceeds the target minimum rate of five per cent per quarter.

Further information on monitoring and compliance is contained in Section 2 of this report.

Working collaboratively with States and Territories

Legislative and Governance Forum on Gene Technology

The Legislative and Governance Forum on Gene Technology (LGFGT) (formerly the Gene Technology Ministerial Council) oversees the implementation of the regulatory system and comprises one Minister from the Commonwealth and one Minister from each of the States and Territories. Currently, the LGFGT includes Ministers from a range of portfolios including health, agriculture and environment.

State and Territory consultation

The Regulator must consult with State and Territory Governments and appropriate local councils during the evaluation of applications for all DIR licences.

For each application for a DIR licence other than a limited and controlled release, the Regulator is required to seek advice on matters relevant to the preparation of the Risk Assessment and

Risk Management Plan (RARMP), and must also seek comment on the RARMP itself once it is prepared. For each application for a limited and controlled release, the Regulator is required to seek comment on the RARMP.

Further information is contained in Section 2 of this report.

Australian Government Agency liaison

The close relationship between the OGTR and other Australian Government authorities and agencies continued during this quarter.

Under the Act, the Regulator must seek advice from the Australian Government Environment Minister, and prescribed Australian Government authorities and agencies, on matters relevant to preparing the RARMP for each application for a DIR licence, except those that meet the criteria to be considered as a limited and controlled release.

The prescribed Australian Government authorities and agencies comprise:

- Australian Pesticides and Veterinary Medicines Authority
- Department of Agriculture, Fisheries and Forestry Biosecurity
- Food Standards Australia New Zealand
- National Industrial Chemicals Notification and Assessment Scheme
- Therapeutic Goods Administration.

Once a RARMP is prepared for any DIR licence application, the Regulator is required to seek comment on the RARMP from the same prescribed Australian Government authorities and agencies.

In addition, comment is sought on each DIR RARMP from a range of other Australian Government agencies which, while not prescribed in the legislation, have maintained a strong interest in its implementation including the:

- Department of Agriculture, Fisheries and Forestry
- Department of Sustainability, Environment, Water, Population and Communities
- Department of Foreign Affairs and Trade.

During the quarter the Regulator sought advice in respect of one DIR RARMP.

Further information on the processing of DIR applications is contained in Section 2 of this report.

Public participation

The Act requires the Regulator to consult the public on the RARMPs for all DIR licence applications. One invitation to the public to comment on a RARMP was issued during the quarter.

Further information on the processing of DIR applications is contained in Section 2 of this report.



SECTION 2

**REGULATION OF GENETICALLY
MODIFIED ORGANISMS**

REGULATION OF GENETICALLY MODIFIED ORGANISMS

Section 2 of the report outlines the regulatory activity undertaken during the 1 January to 31 March 2013 quarter. This includes information about applications for GMO licences and other instruments under the Act. This section details any EDDs made pursuant to the Act. It also includes details of monitoring activities and of alleged, admitted or self-reported non-compliances with the Act, or with the conditions imposed by the Regulator on GMO licences or other instruments issued pursuant to the Act. Summary reports on investigations completed during the quarter are supplied. Information on Confidential Commercial Information (CCI) applications has also been provided.

Types of Applications

Under the Act the Regulator is required to make decisions in relation to applications for the following instruments:

Dealings involving Intentional Release licences

DIR licences authorise dealings ranging from limited and controlled releases (e.g. field trials) through to more extensive general or commercial releases of GMOs. DIR licence applications have a statutory timeframe of 255 working days for processing unless the Regulator determines the application is a limited and controlled release application. Then the timeframe for making a decision is 150 working days, or 170 working days if the Regulator determines that the proposed dealings represent a significant risk to human health and the environment.

Dealings Not involving Intentional Release licences

DNIR licences authorise contained dealings with GMOs carried out in laboratories and other containment facilities that are designed to prevent release of the GMO(s) into the environment. These licence applications have a statutory timeframe of 90 working days for making a decision.

Accreditations of organisations

DIR and DNIR licences require organisations which conduct work with GMOs to be accredited. To achieve accreditation, the Regulator must be satisfied that the organisation has, or has access to, a properly constituted and resourced Institutional Biosafety Committee (IBC) and complies with the requirements of the Regulator's guidelines for accreditation. These applications have a statutory timeframe of 90 working days for making a decision.

Certifications of containment facilities

Certification is required to satisfy the Regulator that a facility which is proposed to be used to conduct dealings with a GMO meets the guideline requirements for the particular level of physical containment specified. These applications have a statutory timeframe of 90 working days for making a decision.

GMO Register

The GMO Register is a list of dealings with GMOs that the Regulator is satisfied pose minimal risks to human health and safety and the environment and can therefore be undertaken by anyone, subject to any specified conditions, without the oversight of a licence holder. Under section 78 of the Act the Regulator may determine that dealings with a GMO previously authorised by a licence are to be included on the GMO Register. Such determinations are disallowable instruments.

New licences and other instruments

The following table describes the number and type of applications received for new licences and other instruments, as well as the approvals made by the Regulator in the quarter.

Application type	Number received	Number approved*
Accreditation	2	1
DIR licence	0	1
DNIR licence	6	0
Certifications	32	43

*Approvals reported in the current quarter often relate to applications received in previous quarters.

Processing of applications for Dealings involving Intentional Release licences

The key steps the Regulator takes when considering an application for a DIR licence are:

- initial screening of the application for completeness
- determining whether or not the application is a limited and controlled release
- considering the applicant's suitability to hold a licence, having regard to relevant convictions, revocations and suspensions of related licences and permits, and ability to meet conditions of the licence
- seeking comments from prescribed experts, agencies and authorities on issues to consider in the RARMP for all DIR applications except limited and controlled releases
- preparing a consultation RARMP, including proposed licence conditions to manage risks to human health and safety and the environment, and determining whether the proposed dealings may pose a significant risk
- seeking comments on the RARMP from prescribed experts, agencies and authorities and the public

- considering all comments relating to the protection of human health and safety and the environment in finalising the RARMP
- confirming the applicant's suitability, including their capacity to meet licence conditions, and considering policy principles and any relevant policy guidelines.

Once these actions are completed, the Regulator can make a decision on whether or not to grant a licence and the conditions which are to be included in the licence if issued.

The statutory timeframes for making decisions on DIR licences effectively extend over approximately twelve months, and eight or nine months for limited and controlled releases, as they exclude weekends and public holidays observed in the Australian Capital Territory.

This time limit may be extended, that is, the clock may be stopped, if the decision-making process is unable to continue, for example, because of an unresolved application for declaration of CCI or because additional information is sought from the applicant.

The Act and the Gene Technology Regulations 2001 (the Regulations) mandate a minimum timeframe for public consultation on the RARMP of 30 days, or 50 days if the Regulator identifies a significant risk to people or the environment from the proposed dealings. However, consultation periods longer than minimum timeframes are usually allowed to facilitate the provision of information and promote involvement in the decision-making process, particularly by the community. The following table shows the progress of applications for DIR licences undergoing evaluation during the quarter. There were no DIR applications received in this quarter.

Notification of applications*	Consultation on application	Licences issued
DIR 120 DIR 121	DIR 119	DIR 117

* Although not required under the Act, all new limited and controlled release DIR applications are notified on the OGTR website under 'What's New' and notified to all individuals and organisations on the OGTR mailing list

Applications received for Dealings involving Intentional Release licences

The Regulator did not receive any applications for a DIR licence in the quarter.

Consultation on applications for Dealings involving Intentional Release licences

Although not required by the Act, the Regulator issued a 'Notification of Licence Application' for two DIR licence applications. These notifications were posted on the OGTR website and sent to people and organisations on the OGTR mailing list to advise receipt of the applications and indicate when the RARMP is expected to be released for public comment:

- DIR-120—Limited and controlled release of cotton genetically modified for insect resistance and herbicide tolerance—Monsanto Australia Limited
- DIR-121—Limited and controlled release of safflower genetically modified for increased levels of oleic acid—CSIRO.

There was one invitation to comment on a RARMP issued during the quarter:

- DIR-119—Limited and controlled release of narrow-leaved lupin genetically modified for herbicide tolerance—The University of Western Australia.

Full copies of DIR applications can be obtained by contacting the OGTR. Summary information on DIR applications and full consultation RARMPs, including proposed licence conditions, are available via the OGTR website or directly from the OGTR.

Withdrawn applications and surrendered licences for Dealings involving Intentional Release licences

No DIR licence applications were withdrawn during the quarter.

One DIR licence was surrendered during the quarter:

- DIR-070—Limited and controlled release of GM sugarcane with altered plant architecture, enhanced water or improved nitrogen use efficiency—BSES Limited.

Clock stopped on Dealings involving Intentional Release licence applications

The Regulations determine that a day on which the Regulator is unable to proceed with the decision-making process, or a related function, because information requested from the applicant has not been received, is not counted as part of the prescribed timeframe for making a decision on an application.

No requests for further information on any DIR applications were initiated in this quarter.

Decisions on applications for Dealings involving Intentional Release licences

One DIR licence was issued during the quarter:

- DIR-117—Limited and controlled release of wheat and barley genetically modified for altered grain composition or enhanced nutrient utilisation efficiency—CSIRO.

Information on DIR applications, finalised RARMPs, licences issued and copies of licences are available from the OGTR website or can be obtained by contacting the OGTR directly.

Decisions on applications for Dealings Not involving Intentional Release licences

These dealings must be conducted in appropriate containment facilities and the dealings must not involve intentional release of a GMO into the environment.

No DNIR licences were issued during the quarter.

A full listing of DNIR licences and their current status is available from the OGTR website.

Changes to existing licences and other instruments

The Regulator can, directly or upon application, vary an issued licence or other instrument. Variations involve changes to conditions applied to an instrument or a licence. For example, the Regulator can vary a licence to manage risks if new information or data comes to light. The Regulator must not vary the licence unless he is satisfied that any risks posed by the dealings, proposed to be authorised by the licence as varied, are able to be managed in such a way as to protect the health and safety of people and the environment.

Most variations are made at the request of the instrument/licence holder. Applications for variation to licences have a statutory timeframe of 90 days for making a decision. Additionally, the Regulator can make a decision in relation to an application to transfer a licence/instrument to another person or consent to the surrender of a licence/instrument on request by a licence/instrument holder.

The following table describes the number and type of applications for variation and surrender received in relation to existing licences and other instruments, as well as the number of variations and surrenders approved during the quarter.

Type	Number received	Number approved ^a
Surrender of accreditations	1	3
Surrender of certification	23	18
Surrender of DIR licence	2	1
Surrender of DNIR licence	4	4
Variation of accreditation	0	0
Variation of certification	205	177
Variation of DIR licence	10	0
Variation of DNIR licence	17	22

^a Numbers reported in this quarter often relate to applications received in previous quarters.

Emergency Dealing Determinations

During this quarter the Regulator did not receive any requests for advice in relation to the making of any Emergency Dealing Determinations (EDD) and no EDDs were in effect.

Confidential Commercial Information

Under section 184 of the Act a person may apply to the Regulator in accordance with section 185 for specified information to be declared confidential commercial information (CCI). Specified information awaiting a decision on an application for CCI is treated as if it were CCI until a decision is made. If the Regulator declares information to be CCI the information is protected from disclosure. More information on the protection of CCI is available on the OGTR website.

During the quarter, the Regulator received one CCI application in relation to a DIR application and one in relation to a DNIR application. The Regulator made three CCI declarations in relation to DIR applications and one in relation to a DNIR application during the quarter.

Monitoring and Compliance

The aim of OGTR monitoring and compliance activities is to ensure that dealings with GMOs comply with legislative obligations and are consistent with the object of the Act:

‘to protect the health and safety of people, and to protect the environment, by identifying risks posed by or as a result of gene technology, and by managing those risks through regulating certain dealings with GMOs’.

In particular, the Monitoring and Compliance Sections focus on management of dealings at field trial sites and within containment facilities certified by the Regulator to ensure:

- the dissemination of a GMO and its genetic material is restricted
- the persistence of a GMO in the environment is restricted
- the containment of GMOs for dealings not involving intentional release
- effective management of the GMO is maintained.

OGTR monitoring activities comprise the functions of routine monitoring including spot checks, assessment of monitoring findings and, where necessary, recommending corrective action and follow-up activities.

OGTR compliance activities comprise reviews of potential compliance risks, investigations, audits and related enforcement activities.

The Monitoring Section conducts routine monitoring visits of a minimum of 20 per cent of field trial sites each year. To achieve this goal a minimum of five per cent of current trial sites and five per cent of trial sites subject to post-harvest monitoring are monitored each quarter. In addition inspections are conducted on a minimum of 20 per cent of PC2 large-scale, PC3 and PC4 facilities per year.

Monitoring and Compliance Strategy

The purpose of routine inspections is to ensure compliance with licence conditions and includes spot checks.

The OGTR strategy for conducting monitoring draws on accumulated operational experience of risk profiling in relation to compliance.

For example, OGTR field trial monitoring coincides, where possible, with periods or circumstances when non-compliance with licence conditions designed to restrict the spread and persistence of the GMOs is more likely to occur (for example, during flowering and harvest of GM crops).

The monitoring program for contained dealings involves inspecting DNIRs and the facilities that those dealings are conducted in. These inspections focus on the integrity of the physical structure of the facility and on the general laboratory practices followed in that facility, including those practices followed for DNIRs and Notifiable Low Risk Dealings (NLRD).

Total field trial sites monitored: During the quarter, nine GM plant field trial sites under DIR licences were subjected to monitoring visits.

- **Current field trial sites:** Of the 32 sites current in the quarter, four were monitored. This represents a monitoring rate of 13 per cent of all current sites for the quarter.
- **Post-harvest field trial sites:** Of the 58 sites subject to post-harvest monitoring in the quarter, five were monitored. This represents a monitoring rate of nine per cent of all sites subject to post-harvest monitoring in this quarter.

Monitoring of certified facilities: Monitoring in connection with contained dealings covered 11 organisations and 21 certified facilities. Monitoring of certified facilities encompassed ten PC2 laboratories, one PC2 animal facility, two PC3 laboratories, four PC 2 large scale facilities, three PC1 facilities and one PC3 insectary.

Monitoring of contained dealings: During the quarter, the monitoring of the 21 certified facilities mentioned above included monitoring for compliance with the general practices that must be followed when undertaking dealings (e.g. DNIRs) that are required to be conducted within contained facilities.

Ten DNIRs were monitored during the quarter.

Monitoring of Dealings involving Intentional Releases

The following table summarises monitoring activities for field trials with GM crop plants for the quarter.

Licensed Organisation Name / Location of trial site	Licence Number	No. sites visited	Site status	Crop type
Monsanto Australia Limited, Queensland	DIR 101	1	Current	Cotton
Monsanto Australia Limited, New South Wales	DIR 101	3	2 Current 1 PHM	Cotton
	DIR 074	1	PHM	
Department of Primary Industries, Victoria	DIR 047	1	PHM	White Clover
	DIR 082	1	Current	Perennial Rye Grass and Tall Fescue
	DIR 103	2	PHM	Canola
Total		9	Current = 4 PHM* = 5	

* PHM = post-harvest monitoring.

Monitoring of Dealing Not involving Intentional Releases

The following table summarises monitoring activities for DNIRs for the quarter.

Licensed Organisation Name	Licence Number
Murdoch Children's Research Institute, Victoria	DNIR 476
The University of Melbourne, Victoria	DNIRs 351, 473 and 474
CSL Limited, Victoria	DNIRs 352 and 425
The University of Adelaide, South Australia	DNIRs 37, 477 and 505
Flinders University, South Australia	DNIR 435
Total	10

Monitoring of Physical Containment Facilities

The organisations and the facility types that the OGTR visited during the quarter are detailed in the following table.

Organisation	Physical Containment (PC) facility	No. facilities visited
Bioproperties Pty Ltd, New South Wales	PC2 large scale	2
Murdoch Children's Research Institute, Victoria	PC1 facility	1
Monash University, Victoria	PC3 insectary	1
	PC3 laboratory	1
The University of Melbourne, Victoria	PC2 animal facility	1
	PC2 laboratory	1
Zoetis Australia Research & Manufacturing Pty Ltd, Victoria	PC2 large scale	1
CSL Limited, Victoria	PC2 laboratory	4
The Queen Elizabeth Hospital, South Australia	PC2 laboratory	2
The University of Adelaide, South Australia	PC2 laboratory	1
Flinders University, South Australia	PC1 facility	2
	PC2 laboratory	2
Biota Scientific Management Pty Ltd, Victoria	PC3 laboratory	1
CSIRO Molecular and Health Technologies, Victoria	PC2 large scale	1
Total		21

Monitoring Findings

Dealings involving Intentional Release

The monitoring findings listed below indicate both the monitoring activities of the OGTR with respect to dealings with GMOs under this Act, in accordance with paragraph 136A(2)(c) of the Act, and the Regulator's response to those findings.

Findings by inspectors of inconsistencies between an event or state of affairs and the requirements imposed by licence or certification conditions are called non-compliances in this report. However, non-compliances are not regarded as breaches of licence conditions unless proven to be so after investigation. Non-compliances with licence conditions are assessed against a number of considerations before determining the OGTR response. The following aspects of the findings are taken into account as relevant:

- the extent of risk to the health and safety of people and the environment
- the severity of the issue or event involved in the finding
- the culpability of the licence holder or other relevant persons in bringing about the issue or event e.g. whether there was a bona fide mistake involved
- the types of mechanisms available to address the issue or event
- the compliance history of the licence holder or other relevant persons
- mitigating factors such as self-reporting or steps taken voluntarily by the licence holder to address the issue or event
- the need for deterrence.

After having regard to those matters, the OGTR has a range of options including additional investigation to determine if further action is warranted e.g. a recommendation of prosecution for an alleged breach of a licence condition or that a licence be suspended or cancelled. A proven breach of a licence condition will be reported in accordance with paragraph 136A (2)(b) of the Act.

In the case of all matters reported below it was decided that the findings of non-compliances with licence conditions were minor in nature, involved negligible or nil culpability, and could be resolved by reminders, education and/or cooperative compliance.

Findings for Dealings involving Intentional Release

There were two non-compliance issues observed for DIRs in the quarter.

Organisation	Monsanto Australia Ltd
Licence number and site	DIR 101 Site 4
Summary of dealing	Limited and controlled release of cotton genetically modified for insect resistance and herbicide tolerance
Findings	<p>Monsanto self-reported an accidental planting of commercial GM cotton by the land owner over a GM post-harvest trial site. Monsanto notified the OGTR as soon as they became aware of this incident and measures were put in place to destroy the crop.</p> <p>Following a site visit, and discussions with Monsanto, OGTR inspectors concluded that this accidental planting was a direct result of miscommunication between the grower and Monsanto. OGTR is satisfied that Monsanto have taken appropriate steps in bringing the site into compliance.</p>
Assessment	Commercial GM cotton is not permitted to be grown at a location or pollen trap over a post-harvest trial site. The cotton has already been assessed and released under various commercial licences and was destroyed prior to flowering. The incident posed negligible risk to human health and safety and the environment.
Compliance management	<p>Following the incident, Monsanto has taken steps to slash and cultivate the trial site. Additionally, Monsanto streamlined the communication channels between the organisation and the grower, and intends to conduct refresher training to all relevant staff including the grower.</p> <p>Monsanto was reminded that any crop sown on a post-harvest trial site must be a permitted crop according to OGTR policy on post-harvest crops.</p>

Organisation	Pioneer
Licence number and site	DIR 114 Site 5 (Post Harvest phase)
Summary of dealing	The purpose of the release is to evaluate the agronomic performance of GM canola line under field conditions.
Findings	<p>Pioneer self-reported an incident where sheep were allowed to graze wheat stubble within a large fenced paddock surrounding a post-harvest trial site. The stubble of GM canola was also present within the paddock.</p> <p>Grazing of the Site is not in accordance with licence condition 44, where plant material and GM plant products must not be used for any purpose that would result in its use as feed for animals.</p> <p>An internal review conducted by Pioneer identified a miscommunication that resulted in the non-compliance. Pioneer has implemented relevant training and amendments to procedures to ensure such incidents do not occur.</p>
Assessment	<p>Potential toxicity/allergenicity of the GMO was assessed as part of the OGTR's Risk Assessment and Risk Management Plan for DIR 114. The OGTR has concluded that there were negligible risks associated with the ingestion of canola stubble by animals.</p> <p>The potential for dissemination of canola seed off-site is highly unlikely given that seed harvest occurred prior to introduction of the animals to the site. Although ingestion of canola seed by sheep is likely to render the seed non-viable, Pioneer took voluntary steps to confine the animals within the fenced paddock for a period of one week to allow passage of seed that may have been ingested.</p> <p>There is a negligible risk posed to the health and safety of people and the environment by this non-compliance.</p>
Compliance management	<p>Once Pioneer became aware of the incident, they immediately notified the OGTR and erected a fence to prevent the sheep grazing the canola stubble within the Location and the Pollen Trap. Pioneer also implemented steps to ensure similar occurrences could not occur at other trial sites.</p> <p>The voluntary steps taken by Pioneer, in consultation with the OGTR, addressed the non-compliance. Pioneer proposed and implemented additional training for persons covered under the licence. Pioneer has also undertaken to extend the area requiring inspection for GM canola volunteers to include the fenced paddock within the Isolation Zone.</p> <p>Pioneer has been reminded that the use of the GM canola as feed is not permitted, and that this must be reflected in training of persons covered by the licence.</p>

Findings for Dealings Not Involving Intentional Release

There was one non-compliance issue observed for a DNIR that was finalised in the quarter.

Organisation	The University of Melbourne
Licence number(s)	DNIR 474
Summary of dealing	The purpose of this dealing is to determine the mechanisms by which the protein PB1 F2 contributes to the virulence of Influenza A virus.
Findings	At the time of inspection the licence holder notified inspectors that dealings with GMOs had been undertaken in a facility that had not been authorised by the licence.
Assessment	Although not authorised by the licence, the facility in question was certified by OGTR to PC2 level and was appropriate for the dealings that were undertaken in it. The use of the facility was assessed as not posing any additional risks to human health and safety or the environment.
Compliance management	The licence holder has been reminded of the requirement to only undertake dealings with GMOs in facilities authorised by the licence. As a result, the licence holder has requested that licence DNIR 474 be varied to enable work to be undertaken in the facility in question.

Findings for Physical Containment Facilities

The OGTR's monitoring of certified PC facilities in the quarter found two minor non-compliances with certification conditions in relation to work practices and structure. All were found to pose negligible risks to human health and safety and the environment.

Number of PC Facilities inspected	Non-Compliance Issue					
	Structure	PPE ¹	Equipment	Waste disposal	Work practices ²	Transport
21	1	0	0	0	1	0

¹ PPE = Personal Protective Equipment.

² Work practices include personnel training, record keeping, or other actions affecting compliance with certification instruments.

Practice Reviews

The OGTR may initiate Practice Reviews in response to observations made during monitoring activities, or to follow up incident reports that may relate to non-compliance with licence conditions by accredited organisations. Their objective is to determine if licence conditions can be, and are being, effectively implemented.

An accredited organisation may request a Practice Review to assess the effectiveness of systems used by its IBC(s) to ensure that dealings are being conducted in accordance with the Act.

The primary focus of the review process is to determine whether or not practices being used pose potential human health or environmental risks that require management actions to be implemented. In certain instances, where a suspected non-compliance with the Act is identified, the issue may be referred for investigation.

There were no practice reviews completed in the quarter.

Audits

Audits can be initiated by the OGTR or an accredited organisation. An audit can entail:

- documentary evidence
- observations
- assessments of procedures and practices.

These activities are conducted to:

- verify that an accredited organisation has relevant and effective management procedures and practices to meet requirements under the Act, including accreditation requirements, guidelines and any licence conditions applicable to a dealing under the Act
- assess whether or not procedures and practices provide mechanisms to identify and resolve emerging risks
- where appropriate suggest improvements to procedures and practices.

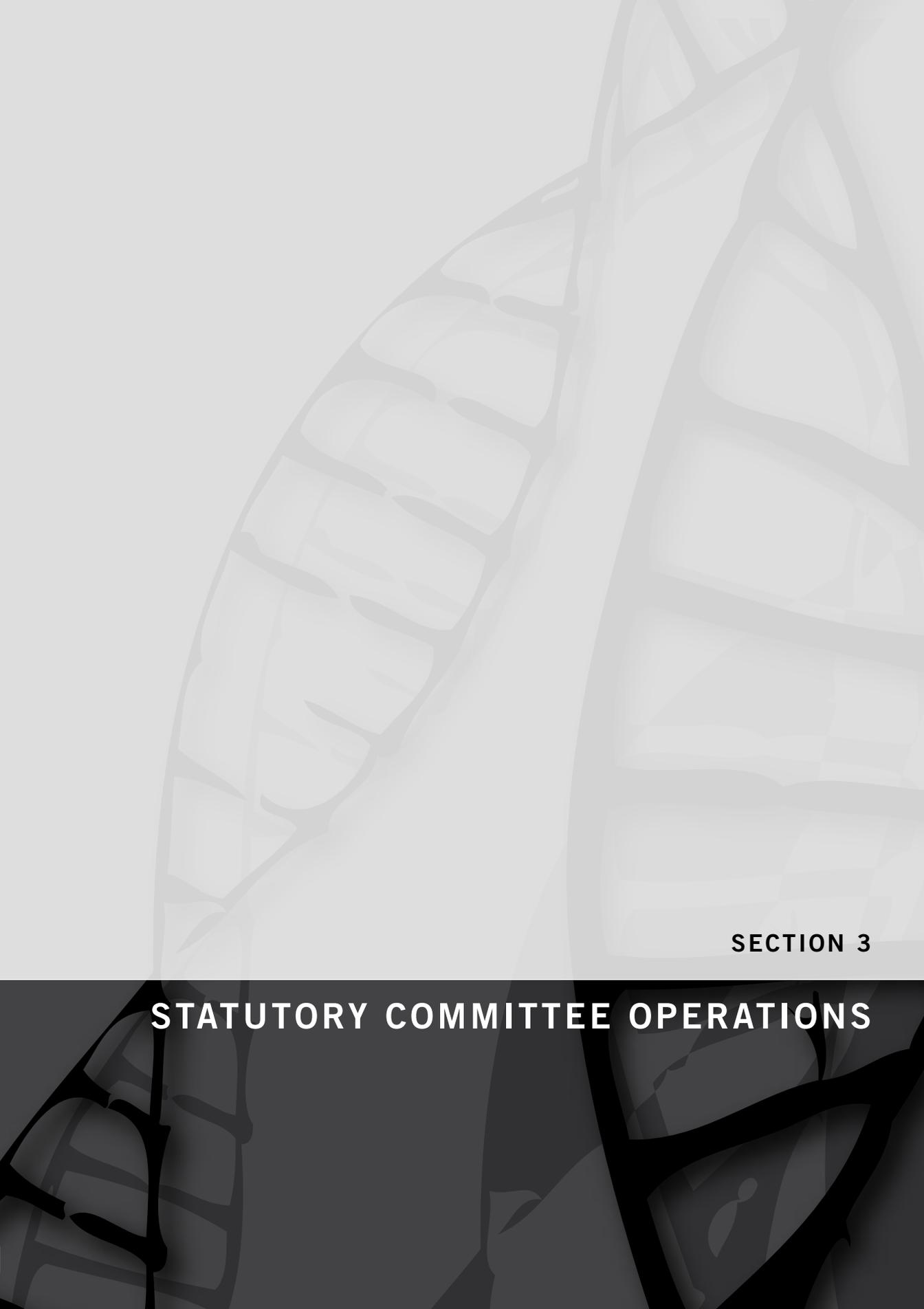
Audits are an opportunity for accredited organisations and the OGTR to share information to improve the risk management of dealings with GMOs under the Act. Audits may focus on a single dealing, a range of dealings (e.g. dealings with a common host organism or dealings within a common climatic zone), the activity of an organisation across a range of dealings, or an activity common to a range of organisations.

There were no audits completed in the quarter.

Investigations

An investigation is an inquiry into a suspected non-compliance with the Act and corresponding state laws with the aim of gathering evidence. Such investigations are not restricted to purely criminal aspects—in the wider context they may include advice on detected flaws and vulnerability in policies, practices and procedures. An investigation may be initiated as a consequence of monitoring by the OGTR, self-reporting by an accredited organisation or by third party reporting.

There were no investigations completed in the quarter.



SECTION 3

STATUTORY COMMITTEE OPERATIONS

STATUTORY COMMITTEE OPERATIONS

The Act establishes two committees to provide advice to the Regulator and the Gene Technology Ministerial Council:

- Gene Technology Technical Advisory Committee
- Gene Technology Ethics and Community Consultative Committee.

New committee appointments

Two new appointments to the Gene Technology Ethics and Community Consultative Committee (GTECCC) were made in March 2013 by the Hon Catherine King MP, then Parliamentary Secretary to the Minister for Health and Ageing. Professor Susan Dodds has been appointed as the cross-member with the Australian Health Ethics Committee, and Ms Judy Jones has been appointed as an Expert Adviser.

Call for nominations 2014–17

Current memberships of the Gene Technology Technical Advisory Committee (GTTAC) and GTECCC will expire on 31 January 2014. A public call for nominations for members to GTTAC and GTECCC for the 2014–17 triennium was sent to over 520 relevant organisations, posted on the OGTR website and advertised in all major metropolitan newspapers. Nominations opened on 22 February and closed on 28 March 2013. The selection and appointment process is ongoing.

Gene Technology Technical Advisory Committee

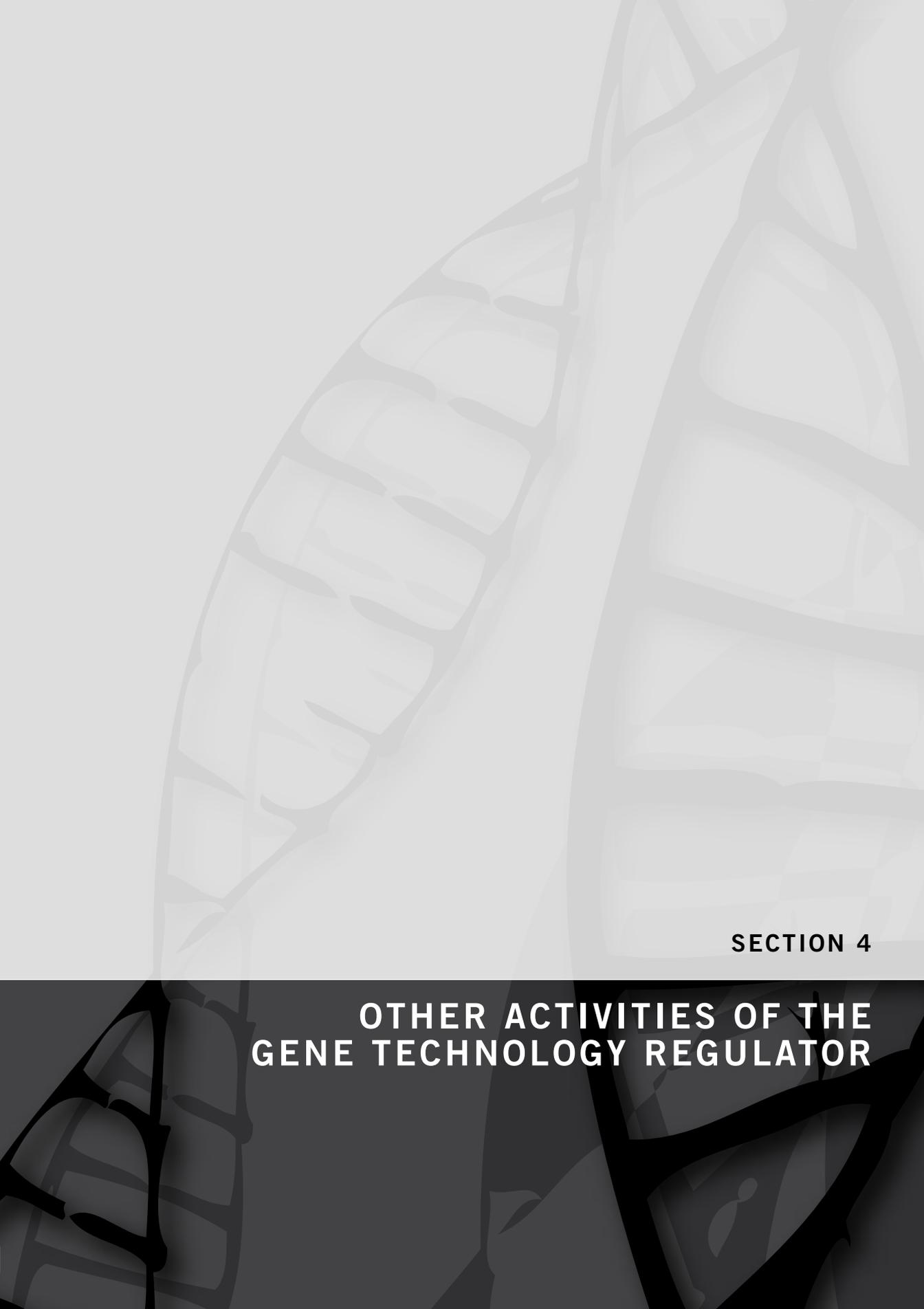
The function of the Gene Technology Technical Advisory Committee (GTTAC) under the Act is to provide scientific and technical advice, on the request of the Regulator or the Legislative and Governance Forum on Gene Technology (LGFGT) on gene technology, GMOs, GM products, applications made under the Act, the biosafety aspects of gene technology and the need for policy principles, policy guidelines, codes of practice, technical and procedural guidelines in relation to GMOs and GM products and the content of such principles and codes.

GTTAC met once by video conference during the quarter on 21 March 2013. The Communique for the 19 December 2012 meeting is at Appendix 1.

Further information about the work of GTTAC is available from the OGTR website www.ogtr.gov.au/internet/ogtr/publishing.nsf/Content/gttac-2

Gene Technology Ethics and Community Consultative Committee

The function of GTECCC under the Act is to provide advice, on the request of the Regulator or the LGFGT on: ethical issues relating to gene technology; the need for and content of policy principles, policy guidelines, codes of practice; community consultation processes and risk communication for environmental release of GMOs; and matters of general concern in relation to GMOs. GTECCC met once by video conference during the quarter on 24 January 2013. Further information about the work of GTECCC is available from the OGTR website www.ogtr.gov.au/internet/ogtr/publishing.nsf/Content/gteccc-2



SECTION 4

**OTHER ACTIVITIES OF THE
GENE TECHNOLOGY REGULATOR**

OTHER ACTIVITIES OF THE GENE TECHNOLOGY REGULATOR

International collaboration and coordination

Under the Act the Regulator's functions include:

- monitoring international practice in relation to regulation of GMOs
- maintaining links with international organisations that deal with the regulation of gene technology and with agencies that regulate GMOs in countries outside Australia
- promoting the harmonisation of risk assessments relating to GMOs and GM products by regulatory agencies.

International collaboration and coordination activities undertaken during the quarter included:

- Visit by delegation from the Mizuho Information & Research Institute, Inc, Japan, 19 February
- Visit by delegation from the Ministry of Agriculture and Forests, Royal Government of Bhutan, 19–20 March
- Participation in a meeting on Risk Assessment of Genetically Modified Organisms (GMOs) with the Advisory Committee on Releases to the Environment (ACRE), UK Department for Environment, Food and Rural Affairs (DEFRA), London, UK, 19–24 March.

The Regulator and the OGTR endeavour to participate in events that inform stakeholders, the Australian community and/or users about the regulatory system.

The OGTR provided a presentation to the following:

- Agricultural Biotechnology Council of Australia, March, Canberra.

OGTR officers also participated in the following meetings/conferences:

- Regulatory Science Network, February, Canberra
- Future Policy for Future Technologies meeting, February, Canberra
- Community Attitudes Towards Emerging Technology Issues Survey results presentation, March, Canberra
- National Enabling Technologies Strategy Health Safety and Environment (NETS HSE) working group meeting, March, Canberra.

OGTR website usage and statistics

The OGTR website is a comprehensive source of information on activities of the office. The tables below provide information on the number of hits on the OGTR website and the number of visitor sessions by month during the quarter.

MONTH	HITS ¹	VISITS ²
January	209,492	28,981
February	260,162	28,574
March	300,105	33,262

¹ A hit is a request made to the server. Each file that is requested is counted as a hit

² Visits is the number of times the OGTR website has been visited.

The most popular pages viewed on the OGTR website during the period were:

- What's New
- List of applications and licences for Dealings involving Intentional Release (DIR) of GMOs into the environment
- Maps of Trial Sites
- Guidelines and forms for Certification of Physical Containment Facilities
- About the OGTR
- List of Genetically Modified Product approvals
- List of International Release Licence Applications under Evaluation
- Guidelines/Forms
- Record of GMOs and GM Product Dealings
- What are Notifiable Low Risk Dealings (NLRDs)?

The most popular downloaded documents were:

- *Risk Analysis Framework*
- The Biology of *Saccharum spp* (Sugarcane)
- The Biology and Ecology of Rice (*Oryza sativa* L.) in Australia
- The Biology of *Carica papaya* L. (Papaya, pawpaw, paw paw)
- PC2 Laboratory guidelines
- The Biology of *Gossypium hirsutum* L. and *Gossypium barbadeuse* L. (Cotton)

- The Biology of *Ananas comosus* var. *comosus* (Pineapple)
- The Biology of *Triticum aestivum* L. em *Theil.* (Bread Wheat)
- The Biology of Hybrid Tea Rose (*Rosa x hybrida*)
- The Biology of *Musa* L. (banana)

The OGTR welcomes feedback on ways to improve the provision of information on gene technology regulation.

Internet contacts and freecall number

OGTR email address and freecall number

The OGTR's 1800 number and email address are points of contact for members of the public and other interested parties to obtain information about the regulation of GMOs. Assistance with specific questions and additional mechanisms for public feedback are among some of the services provided by the 1800 line and email facilities. The table below describes the activity of these facilities throughout the quarter.

MONTH	EMAILS	OGTR 1800 NUMBER
January	79	49
February	74	100
March	93	66

Monitoring and compliance email inbox

The OGTR maintains an email inbox to provide a central point for accredited organisations to contact the OGTR regarding monitoring and compliance matters, such as queries, notifications required under licences, and self reporting of non-compliances. The email inbox ensures that all communications are answered efficiently while monitoring staff are away from the office. The inbox received 157 emails during the quarter.

Statutory Committee email inbox

The Regulatory Practice and Secretariat Section maintain an email inbox to facilitate efficient communication between committee members and secretariat staff.

The inbox ensures that all communications are answered in a timely manner by secretariat staff. The inbox received 499 emails during the quarter.

Application and Licence Management email inbox

This electronic mail inbox provides a central, shared communication point to allow efficient coordination of responses for correspondence and queries about applications received by the Application and Licence Management Section. The inbox received 888 emails during the quarter.

Contained Dealings Evaluation Section email inbox

This email inbox provides a central common point for efficient coordination of responses to queries relating to classification of GMO dealings, certification requirements for higher level containment facilities and GMO licences accessed by the contained dealings evaluation section. The inbox received 79 emails during the quarter.



APPENDIX

APPENDIX 1:

Gene Technology Technical Advisory Committee Meeting 19 December 2012, Canberra COMMUNIQUÉ

This communiqué covers matters considered at the 42nd meeting of the Gene Technology Technical Advisory Committee (GTTAC) (19 December 2012)

GTTAC is a statutory advisory committee established under the *Gene Technology Act 2000* (the Act) to provide scientific and technical advice to the Gene Technology Regulator (the Regulator) and the Legislative and Governance Forum on Gene Technology (formerly the Gene Technology Ministerial Council). All Committee members and expert advisers hold office on a part-time basis.

The Regulator seeks advice from GTTAC on Risk Assessment and Risk Management Plans (RARMPs) prepared in respect of applications for licences to conduct dealings with genetically modified organisms (GMOs). The purpose of this Communiqué is to provide a brief overview of GTTAC's consideration of applications and RARMPs and, in accordance with Regulation 29 of the Gene Technology Regulations 2001, any Committee resolutions provided to the Regulator regarding those applications and RARMPs. The Communiqué also provides an overview of any other major issues discussed by GTTAC.

DEALINGS INVOLVING THE INTENTIONAL RELEASE OF GENETICALLY MODIFIED ORGANISMS

Dealings Involving the Intentional Release of GMOs (DIRs) involve the limited and controlled release (field trial) of a GMO or a commercial (general) release of a GMO.

The RARMP for every DIR licence application is released for public comment as part of the consultation process. Information on how to obtain copies of applications and RARMPs for DIRs is provided at the end of this document.

The Regulator must seek GTTAC advice on RARMPs prepared in respect of all DIR applications. The Regulator must also seek GTTAC advice during the preparation of the RARMP for all DIR applications which are not assessed as 'limited and controlled' under Section 50A of the Act.

1. ADVICE ON LICENCE APPLICATION—COMMERCIAL RELEASE

GTTAC considered the following commercial release application:

DIR 118—Commercial release of herbicide tolerant (Roundup Ready Flex® MON 88913) pima cotton in Australia.

Monsanto Australia Ltd has applied for a licence for the commercial release of a herbicide tolerant genetically modified (GM) cotton. The species of cotton that has been modified is *Gossypium barbadense*, also known as pima cotton. GTTAC noted that the GM pima cotton proposed for release was produced

using conventional breeding to transfer the genetic modification from approved Roundup Ready Flex® *G. hirsutum* cotton to non-GM pima cotton. GTTAC also noted that GM cotton and GM cotton-derived products from Roundup Ready Flex® pima cotton would enter general commerce, including use in human food and animal feed.

RESOLUTION:

GTTAC advised the Regulator that:

- When preparing the RARMP, the Regulator should consider the differences between *G. barbadense* and *G. hirsutum* where relevant.

2. ADVICE ON CONSULTATION RARMP—LIMITED AND CONTROLLED RELEASE

GTTAC considered the consultation RARMP prepared in response to the following application for a limited and controlled release:

DIR 117—Limited and controlled release of wheat and barley genetically modified for altered grain composition or nutrient utilisation efficiency

GTTAC noted that the application from the Commonwealth Scientific and Industrial Research Organisation (CSIRO) was for a limited and controlled release of GM wheat and barley lines, modified for altered grain composition or nutrient utilisation efficiency. The trial is proposed to take place at one site in the shire of Narrabri, New South Wales.

The primary purpose of the trial is to assess the agronomic performance and grain composition of the GMOs under field conditions. The GM wheat and barley would not be permitted for use in human food or animal feed.

GTTAC noted the key points in the consultation RARMP including that the risk assessment concludes that this release poses negligible risks to the health and safety of people and to the environment. GTTAC also noted the draft licence conditions, which are similar to those used for other recent wheat and barley licences.

RESOLUTION:

GTTAC advised the Regulator that:

1. The Committee agrees with the overall conclusions of the RARMP; and
2. The Regulator should consider reviewing information on rodent activity from previous trials.

3. OTHER ADVICE

3.1 Draft revised Risk Analysis Framework

GTTAC considered a draft revised version of the *Risk Analysis Framework* (RAF). The RAF describes the Regulator's rationale and approach to risk analysis of genetically modified organisms. GTTAC noted that the primary audience of the RAF is OGTR staff, but that it is also intended to provide transparency on the use of risk analysis for decision-making on licence applications.

GTTAC also noted that the risk communication chapter was developed taking into account consultation with the Gene Technology Ethics and Community Consultative Committee (GTECCC) Risk Communication Working Group that also includes a GTTAC member.

RESOLUTION:

GTTAC advised the Regulator that:

1. The Regulator should consider means of improving the readability and accessibility of the document; and
2. The Regulator should consider pre-meeting comments provided by members.

3.2 Draft application form for limited and controlled releases

GTTAC considered a draft DIR licence application form for limited and controlled releases of GM plants. GTTAC noted the rationale behind revising this application form and the major changes that are proposed. The new form aims to provide a clear link between the information requirements, the risk analysis process as described in the RAF, and the RARMPs prepared in response to licence applications. GTTAC also noted that a separate form for commercial release applications is also being developed by the OGTR.

RESOLUTION:

GTTAC advised the Regulator that:

1. The Regulator should consider specific suggestions for changes to a number of questions; and
2. Where appropriate, the Regulator should consider a requirement for further information where 'no' is answered.

ENQUIRIES AND RISK ASSESSMENT AND RISK MANAGEMENT PLANS

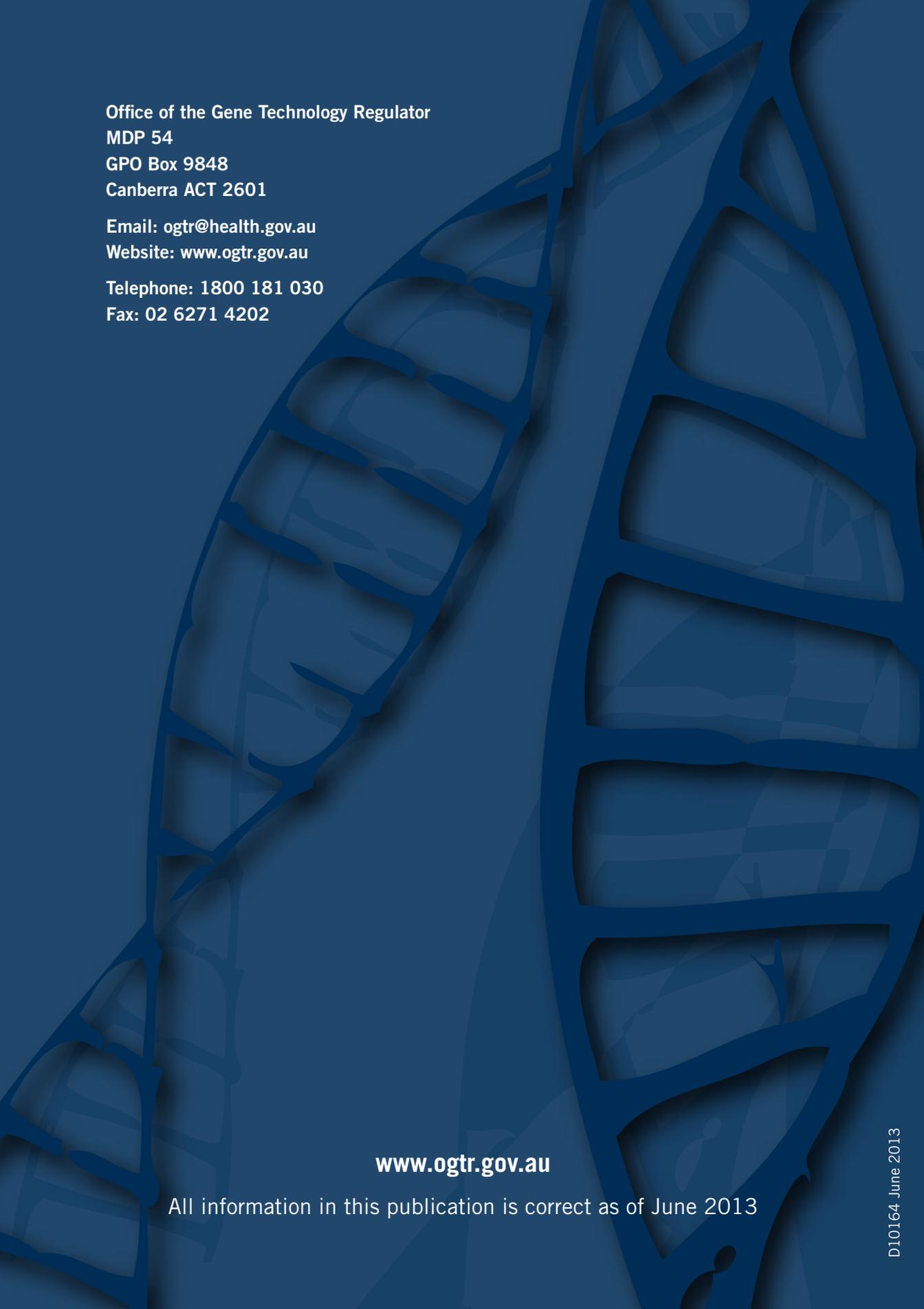
For all enquiries and to obtain copies of applications or RARMPs for dealings involving the intentional release of GMOs into the environment, please phone the Office of the Gene Technology Regulator (OGTR) on 1800 181 030. RARMPs are also available electronically from our website at www.ogtr.gov.au.

GLOSSARY

This section contains a brief description of terms relevant to an understanding of this quarterly report. They do not substitute for definitions of terms relevant to the operation of the gene technology regulatory system that are contained in section 10 of the *Gene Technology Act 2000*.

Accredited organisation	An organisation that is accredited under section 92 of the Act
Act	<i>Gene Technology Act 2000</i>
APVMA	Australian Pesticides and Veterinary Medicines Authority
BSG	Biosecurity Services Group of the Department of Agriculture, Fisheries and Forestry
Breach of a licence condition	A breach of a licence condition which has been proven either in court or by way of admission following investigation
CCI	Confidential commercial information
Certified facility	A building or place certified by the Regulator to a specified containment level under section 84 of the Act
Clock stop	The period during which days are not counted for purposes of the statutory time limit for making a decision—usually because evaluation cannot proceed until additional information requested from the applicant is received
CSIRO	Commonwealth Scientific and Industrial Research Organisation
DIR	A dealing involving intentional release of a GMO into the environment (e.g. field trial or commercial release)
DNIR	A contained dealing with a GMO not involving intentional release of the GMO into the environment (e.g. experiments in a certified facility such as a laboratory)
Expert advisers	Advisers appointed by the Minister to give expert advice to either GTTAC or GTECCC to assist them in the performance of their functions (expert advisers are not committee members)
EDD	Emergency Dealing Determination
FSANZ	Food Standards Australia New Zealand
GM	Genetically modified
GM product	A thing (other than a GMO) derived or produced from a GMO

GMO	Genetically modified organism
GTECCC	Gene Technology Ethics and Community Consultative Committee
GTMC	Gene Technology Ministerial Council
GTSC	Gene Technology Standing Committee
GTTAC	Gene Technology Technical Advisory Committee
IBC	Institutional Biosafety Committee
Incident	A self-reported event which may constitute a non-compliance with regulatory requirements and a public health or environment risk
LGFGT	Legislative and Governance Forum on Gene Technology
Limited and controlled release	A type of DIR which meets certain criteria relating to limiting and controlling the dealings with the GMO (e.g. a field trial)
NLRD	Notifiable low risk dealing (work with transgenic plants, animals or microorganisms undertaken in certified containment facilities)
Non-compliance	An inconsistency between an event or state of affairs and the requirements imposed by licence accreditation or certification conditions, or any of the requirements of the Act or Regulations
OGTR	Office of the Gene Technology Regulator
PC1, PC2, PC3, PC4	Physical containment levels of facilities as certified by the Regulator
RARMP	Risk assessment and risk management plan
Regulations	Gene Technology Regulations 2001
Regulator	Gene Technology Regulator
Spot checks	Unannounced visits by the OGTR Monitoring and Compliance Section
Volunteer	Regrowth of plants from seed that has remained on a site after a trial has been completed

The background of the page is a dark blue color with a large, stylized, light blue leaf pattern. The leaf pattern is composed of several large, overlapping leaf shapes, each with a prominent central vein and smaller veins branching off. The leaves are arranged in a way that they appear to be part of a larger plant structure, possibly a stem or a cluster of leaves. The overall effect is a textured, organic background.

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All information in this publication is correct as of June 2013