



For Immediate Release: 28 December 2010

Gene Regulator determined Monsanto a 'suitable company'

The Gene Technology Regulator has approved the release of an experimental GM canola owned by the company Monsanto¹. This canola has been designed to tolerate higher rates of glyphosate herbicide, and has not been tested for human food (or pollen) safety.

MADGE would like to know how the Regulator determined that Monsanto was a "suitable company" to hold a licence for this release, as required in Section 58 (2) of the Gene Technology Act².

Companies applying for a licence are required to list relevant convictions or those of significant shareholders over the last 10 years.

"Many people are aware of Monsanto's record of human and environmental harm caused by products it claimed to be safe" said Madeleine Love of the grass-roots group MADGE Australia.

"And in the last 10 years Monsanto has been charged with violating the foreign corrupt practices act and making false entries into its books and records³. It has been fined for misleading the public over the safety of its glyphosate herbicide⁴ and for misbranding genetically engineered pesticides⁵."

"As the Regulator had expressed an intention to approve the planting of this experimental GM product in earlier advice, MADGE assumed the Regulator had determined that Monsanto's record was not important."

"On inquiry to the Office of the Gene Technology Regulator (OGTR) we received Monsanto's application, but with pages related to the declaration of convictions missing."

"We requested and received these pages, but the response to the question on convictions had been blanked out."

"When we asked to know the convictions Monsanto had declared, the OGTR replied that Monsanto had not necessarily reported any convictions and that they cannot provide any information about convictions, declared or otherwise."

"In response we asked what bodies have the power to apply scrutiny to the information provided by the applicant and to the decision made by the Regulator. "

"We received information that the OGTR may only be subject to scrutiny under the general principles of administrative law, and we were advised to seek our own legal advice."

“The Gene Technology Regulator knew little about this particular GM canola at the time of approval. The novel code had not been characterised by Monsanto.”

“This GM canola is certain to contaminate commercial canola crops, given the conditions applied to planting. It has a novel chimeric (man made) promoter constructed from viral and brassica material.”

“There are many aspects of risk to this release which the GTR has decided to accept on behalf of Australians, in practical effect without their informed consent.”

“The Regulator has placed full trust in the hands of Monsanto, which seems to be out of line with community expectations and values.”

MADGE had put in a submission in the public review stage.

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¹ [http://www.ogtr.gov.au/internet/ogtr/publishing.nsf/Content/dir105-3/\\$FILE/dir105notific.pdf](http://www.ogtr.gov.au/internet/ogtr/publishing.nsf/Content/dir105-3/$FILE/dir105notific.pdf)

² [http://www.frli.gov.au/ComLaw/Legislation/ActCompilation1.nsf/0/15067A4059EB4337CA257475001F9FEF/\\$file/GeneTechnology2000_WD02.pdf](http://www.frli.gov.au/ComLaw/Legislation/ActCompilation1.nsf/0/15067A4059EB4337CA257475001F9FEF/$file/GeneTechnology2000_WD02.pdf)

³ <http://www.law.virginia.edu/pdf/faculty/garrett/monsanto.pdf>;
http://www.usdoj.gov/opa/pr/2005/January/05_crm_008.htm;

⁴ http://en.wikipedia.org/wiki/Roundup#False_advertising_and_scientific_fraud

⁵ <http://yosemite.epa.gov/opa/admpress.nsf/0/6754B55AAEC2AEE18525775A0061F90B>