

# Conditions of licence - DIR 030/2002

## FLORIGENE LTD – COLOUR MODIFIED CARNATION

### PART 1

This instrument, including its attachments, is a licence authorising dealings involving the intentional release of GMOs into the environment. It is issued by the Gene Technology Regulator (the Regulator) pursuant to the *Gene Technology Act 2000* (Cth) and corresponding State law.

#### Holder of licence

1. The holder of this licence ('the licence holder') is Florigene Limited.

#### Project Supervisor

2. The Project Supervisor in respect of this licence is the person identified at 'Project Supervisor' at Attachment A.

#### Persons covered by licence

3. The persons covered by this licence are the licence holder, and all other persons who undertake any dealing in connection with the GMO authorised by Clause 5 of the licence.

(Explanatory Note: Each person covered by this licence is a 'person covered by a GMO licence' for the purposes of the *Gene Technology Act 2000* (Cth)).

#### Description of GMO covered

4. The GMO covered by this licence ('the GMO') is identified and described at 'GMO Description' at Attachment B.

#### Dealings authorised by licence

5. This licence authorises the licence holder and persons covered by the licence to conduct dealings with the GMO subject to the limitations on dealing with the GMO that are contained elsewhere in conditions in this licence.

#### Period covered by licence

6. This licence remains in force until it is cancelled or surrendered. No dealings with the GMO are authorised during any period of suspension.

## **PART 2 INTERPRETATION AND DEFINITIONS**

Words and phrases used in this licence have the same meanings as they do in *the Gene Technology Act 2000* (Cth) and the *Gene Technology Regulations 2001*.

Words importing a gender include any other gender.

Words in the singular include the plural and words in the plural include the singular.

Words importing persons include a partnership and a body whether corporate or otherwise.

References to any statute or other legislation (whether primary or subordinate) is to a statute or other legislation of the Commonwealth of Australia as amended or replaced from time to time unless the contrary intention appears.

Where any word or phrase is given a defined meaning, any other part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.

In this licence:

**‘Carnation’** means plants of the species *Dianthus caryophyllus*.

**‘GM’** means genetically modified.

**‘GMO’** means genetically modified organisms authorised for release by this licence.

**‘OGTR’** means the Office of the Gene Technology Regulator.

## **PART 3 LICENCE CONDITIONS**

The licence holder must comply with the conditions of this licence.

### **Section 1 General Conditions**

#### ***Additional information to be given to the Regulator***

1. It is a condition of a licence that the licence holder inform the Regulator if the licence holder:
  - (a) becomes aware of additional information as to any risks to the health and safety of people, or to the environment, associated with the dealings authorised by the licence; or
  - (b) becomes aware of any contraventions of the licence by a person covered by the licence; or
  - (c) becomes aware of any unintended effects of the dealings authorised by the licence.

*(Explanatory note: if the Licence holder observes or becomes aware of adverse effects these must be immediately reported to the Gene Technology Regulator, who will then vary the Licence conditions to protect the health and safety of people and the environment).*

#### ***Material Changes in circumstances***

2. The licence holder must immediately, by notice in writing, inform the Regulator of:
  - (a) any relevant conviction of the licence holder occurring after the commencement of this licence;
  - (b) any revocation or suspension of a licence or permit held by the licence holder under a law of the Commonwealth, a State or a foreign country, being a law relating to the health and safety of people or the environment;
  - (c) any event or circumstances occurring after the commencement of this licence that would affect the capacity of the holder of this licence to meet the conditions in it.

#### ***Remaining an Accredited organisation***

3. The licence holder must, at all times, remain an accredited organisation and comply with any conditions of accreditation set out in the Guidelines for Accreditation of Organisations.

#### ***Changes to details***

4. The licence holder must immediately notify the Regulator in writing if any of the contact details of the Project Supervisor change.

## **Section 2      Specific Conditions**

### ***Testing methodology***

1.      The licence holder must provide a written instrument to the Regulator describing an experimental method that is capable of reliably detecting the presence of the GMO and any transferred genetically modified material that might be present in a recipient organism. The instrument must be provided within 30 days of this licence being issued.

### ***Reporting***

- 2.1     In addition to the requirements under General Condition 1, the licence holder must provide the Regulator with a written report within 90 days of each anniversary of this licence, in accordance with any Guidelines issued by the Regulator in relation to annual reporting. This report must include information on any adverse impacts on human health and safety or the environment, caused as a result of the GMO or viable material from the GMO.
- 2.2     The licence holder must keep written records of:
  - (a)     the names, addresses and contact telephone numbers of all persons or organisations contracted by the licence holder to propagate and grow the GMO; and
  - (b)     the site co-ordinates of the locations where the GMO is, or will be, propagated and grown pursuant to contracts described in paragraph 2.2(a); and
  - (c)     the total number of GMO plants propagated and grown by growers pursuant to contracts described in paragraph 2.2(a).

These records must be included in the annual report and be made available to the Regulator on request.