

Ms Claire Bleakley
GE Free NZ

Via email: claire@gefree.org.nz; p.bleakley@orcon.net.nz

Dear Ms Bleakley

I refer to your request dated 13 May 2023 under the *Freedom of Information Act 1982* (FOI Act) seeking documents relating to Application A1274 – *Food derived from disease-resistant banana line QCAV-4* (Application A1274). I am writing to advise you of the decision made in relation to that request.

Your request

Your request sought access to documents held by Food Standards Australia New Zealand (FSANZ) that refer or relate to –

1. the food consumption animal and human studies to assess long term safety testing results on Application A1274.
2. what vectors are present in the disease resistant banana line QCAV-4 (“A1274 banana”).
3. the full transgenic constructs that is present in the A1274 banana.
4. the full mineral and vitamin raw data for the A1274 banana.
5. the completed tests on the presence of the transgenic constructs re A1274 product when sent to landfill or composting.
6. the animal transgenes that are used to create the A1274 banana.
7. the animal transgenes present in the A1274 banana.
8. the gene edited CRISPA modifications if used re the A1274 banana.
9. studies showing Fusarium Wilt will not transfer through soil, banana peel to New Zealand environment.

For the purposes of the above, ‘*Documents*’ include but are not limited to Reports, Emails, Correspondence, Minutes or records of meetings, Memoranda, and Diary entries.

As agreed,

- your request excludes personal information (names, direct phone numbers and direct email address) of persons other than that of FSANZ senior executive staff (excluding direct phone) in any documents that may be relevant to your request.
- FSANZ will provide you with details of any relevant documents that are publicly and freely available and how you can locate them (ie, instead of FSANZ providing copies of these documents you).
- Duplicate copies of documents would also be excluded to save time and reduce costs.

You also agreed to copies of relevant documents being provided to you at the same time as as the A1274 Call for Submissions is released for public consultation and submissions (your email of 19 May 2023 1:38 PM refers).

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Timeframe for a decision

A decision on your request had to be made by close of business on or before 11 August 2023 (our advice to you dated 27 June 2023 refers).

Authority

I am an officer authorised under subsection 23(1) of the FOI Act to make decisions in relation to FOI requests, including the decision to grant access to documents.

Access Decision

Searches identified 6 documents that were relevant to your request. Details of each document is available in the Schedule of Documents attached to this email.

One of these documents is publicly and freely available online. Its details and a link to that document is included in the attachment to this email.

I have decided to grant access to the other 5 documents subject to redaction of irrelevant information in those documents.

In making my decision, I had regard to the following:

- the terms of your request
- relevant provisions of the [FOI Act](#)
- the [Guidelines published by the Office of the Australian Information Commissioner](#) under section 93A of the FOI Act (the Guidelines)
- advice received from FSANZ officers responsible for processing and assessing your request.

As previously explained, in processing your request we identified and consulted one third party who may have been potentially affected by the documents' release. I also took their comments into account when making my decision.

Reasons for decision and release

As explained in the Attached Schedule of Documents -

- Document 1 will be released with irrelevant content redacted (that is, content that does not refer or relate to any of points 1 to 6 of your FOI request). Section 22 of the FOI Act allows the redaction of irrelevant information prior to release.
- Documents 4 and 5 will be released in full.
- Documents 2 and 3 will be released with personal information redacted in accordance with your request. Section 22 of the FOI Act allows the redaction of irrelevant information prior to release.
- Document 6 is publicly available online.

As agreed, the above documents will be emailed to you at the same time as the A1274 Call for Submissions is released. This is currently expected to occur in September. The Documents will also be published on the FSANZ website at that time. As you also requested, I have also instructed that the documents be brought to the attention of FSANZ staff involved in the assessment of Application A1274.

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Your review rights

If you are dissatisfied with my decision or the searches we did to locate any documents related to your request, you may apply for an internal review or for an Information Commissioner review of the decision. I encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

Internal review

Under section 54 of the FOI Act, you may apply in writing to the FSANZ Chief Executive Officer for an internal review of my decision. You should send your request by email to FOI@foodstandards.gov.au. The internal review application must be made within 30 days of the date of this advice.

Where possible, any internal review application should provide reasons why you believe review of the decision is necessary. The internal review will be carried out by another officer and be completed within 30 days.

Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this email, and be lodged in one of the following ways:

online: https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICR_10

email: foidr@oaic.gov.au

post: GPO Box 5218 Sydney NSW 2001

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website. Go to <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review/>.

FOI Complaints

If you are unhappy with the way we have handled your FOI request, please let us know what we could have done better. We may be able to rectify the problem. If you are not satisfied with our response, you can make a complaint to the Australian Information Commissioner. A complaint to the Information Commissioner must be made in writing. Complaints can be lodged in one of the following ways:

online: https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICCA_1

email: foidr@oaic.gov.au

post: GPO Box 5218 Sydney 2001

More information about complaints is available on the Office of the Australian Information Commissioner at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/make-an-foi-complaint/>.

If you are not sure whether to lodge an Information Commissioner review or an Information Commissioner complaint, the Office of the Australian Information Commissioner has more information at: <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/>.

Documents

As previously advised under the provisions of the FOI Act, the documents that will be released to you will also be uploaded to our [FOI Disclosure log](#). The disclosure log provides everyone with access to the documents being released.

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Further information

Please contact Ms MacArthur, FOI co-ordinator, if you require further information.

Sarah MacArthur
FOI Coordinator
Ph: (02) 6271 2222

Email: FOI@foodstandards.gov.au

Yours sincerely



Christel Leemhuis
General Manager
Delegate under the FOI Act

11 August 2023

Attachment

- Schedule of Documents

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SCHEDULE OF DOCUMENTS FOIA1274

Applicant: Ms Claire Bleakley Documents relating to: Application A1274 – Food derived from disease-resistant banana line QCAV-4

Period: 11 April to 15 May 2023 inclusive

Date received: 15 May 2023 Due: 11 August 2023

No.	Name of Document	Date	No. of Pages	Description	Third Party	Other remarks
Eg:	<i>Email communication; internal or external</i>	<i>02/03/19</i>	<i>3 page email plus 5 page attachment</i>	<i>email with attachment of draft report</i>	<i>Dept of Health</i>	
1	A1274_SD1_V15052023	15/05/2023	10 pages	Risk assessment draft		Incomplete document – work in progress. Content that does not refer or relate to any of point 1 to 6 of the FOI request was redacted as irrelevant under the section 22 of the FOI Act
2	Event QCAV-4-QUT Application to FSANZ	11/04/2023	56 pages	Main application dossier with information relating to section 3.5.1 of the Application Handbook.	QUT	The request excluded personal information. Personal information was redacted as irrelevant under section 22 of the FOI Act.

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No.	Name of Document	Date	No. of Pages	Description	Third Party	Other remarks
3	Event QCAV-4-Compilation of Study Reports	11/04/2023	88 pages	Compilation of detailed study reports summarised in the main application dossier.	QUT	The request excluded personal information. Personal information was redacted as irrelevant under section 22 of the FOI Act.
4	Event QCAV-4 Collection of nucleotide and amino acid sequences	11/04/2023	22 pages	Sequence information of all inserted genes and proteins in Event QCAV-4.	QUT	
5	Composition analysis summary	11/04/2023	1 page	Summary of raw data for composition analysis of event QCAV-4.	QUT	
6	Dale et al., 2017 _published reference	11/04/2023	8 pages	Published journal article titled "Transgenic Cavendish bananas with resistance to Fusarium wilt tropical race 4.	Prof. James Dale/Nature communications	This is an open access journal article. It is available online at https://www.nature.com/articles/s41467-017-01670-6
TOTAL	PAGES reviewed		185			