

Legislative Council—No 26

As received from the House of Assembly and read a first time, 29 April 2020

South Australia

**Genetically Modified Crops Management
(Designated Area) Amendment Bill 2020**

A BILL FOR

An Act to amend the *Genetically Modified Crops Management Act 2004*, to repeal the *Genetically Modified Crops Management Regulations (Postponement of Expiry) Act 2017* and to revoke the *Genetically Modified Crops Management Regulations 2008*.

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Part 1—Repeal

- 1 Repeal of *Genetically Modified Crops Management Regulations (Postponement of Expiry) Act 2017*

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- 2 Revocation of *Genetically Modified Crops Management Regulations 2008*
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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

- 5 This Act may be cited as the *Genetically Modified Crops Management (Designated Area) Amendment Act 2020*.

2—Commencement

- (1) Subject to subsection (2), this Act comes into operation on the day on which it is assented to by the Governor.
- 10 (2) Sections 4, 5, 7, 8 and Schedule 1 come into operation 6 months after the day on which this Act is assented to by the Governor.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Genetically Modified Crops Management Act 2004*

4—Amendment of section 3—Interpretation

(1) Section 3(1), definition of *cultivate*—after paragraph (d) insert:

5 (da) to transport a genetically modified food crop or any plant or plant material that has formed, or is to form, part of a genetically modified food crop; or

(2) Section 3(1), definition of *designated area*—delete "means an area designated by regulation under section 5" and substitute:

10 —see sections 5 and 5A

5—Amendment of section 5—Designation of areas

(1) Section 5(1) to (11)—delete subsections (1) to (11) (inclusive) and substitute:

(1) Kangaroo Island is, by force of this subsection, designated as an area in which no genetically modified food crops may be cultivated.

15 (1a) A person who cultivates a genetically modified food crop on a limited scale under, and in accordance with, a GMO licence authorising the release of the relevant GMO into the environment for the purposes of an experiment is exempt from the operation of subsection (1).

20 (2) Section 5(12)(a)—delete "or (4)"

(3) Section 5(12)(b)—delete paragraph (b)

6—Insertion of section 5A

After section 5 insert:

5A—Designation of council areas

25 (1) The Minister may, on application by a council established under the *Local Government Act 1999*, by notice published in the Gazette, designate the area of the council as an area in which no genetically modified food crops may be cultivated.

30 (2) Before making an application under subsection (1), a council must consult with its community, including persons engaged in primary production activities and food processing or manufacturing activities in the area of the council.

35 (3) Before publishing a notice under subsection (1), the Minister must consult with the Advisory Committee and take into account any advice provided by the Advisory Committee in relation to the matter.

(4) A notice under subsection (1)—

(a) must be published before the commencement day (and a notice published on or after the commencement day is void and of no effect); and

(b) takes effect from the commencement day.

(5) The Minister may, by further notice in the Gazette, revoke a notice under subsection (1) on application by the council whose area the notice relates to.

5 (6) A notice under this section may include any provision of a saving or transitional nature.

(7) The Minister may vary a notice under this section in order to correct a minor error or remedy a defect.

10 (8) A person who cultivates a genetically modified food crop on a limited scale under, and in accordance with, a GMO licence authorising the release of the relevant GMO into the environment for the purposes of an experiment is exempt from the operation of subsection (1).

15 (9) A person is guilty of an offence if the person cultivates a crop in contravention of a notice under subsection (1).

Maximum penalty: \$200 000.

(10) In relation to a part of the State that is not within the area of a council, a reference in this section to—

20 (a) a council established under the *Local Government Act 1999* will be taken to be a reference to the Outback Communities Authority established under the *Outback Communities (Administration and Management) Act 2009*; and

25 (b) the area of a council will be taken to be a reference to the outback (within the meaning of the *Outback Communities (Administration and Management) Act 2009*).

(11) In this section—

commencement day means the day on which section 5 of the *Genetically Modified Crops Management (Designated Area) Amendment Bill 2020* comes into operation.

30 **7—Amendment of section 6—Exemptions**

(1) Section 6(1)—after "section 5" insert:

or 5A

(2) Section 6(2)(a)(i)—delete subparagraph (i)

8—Amendment of Schedule 1—Transitional provisions

35 (1) Schedule 1, clause 1(1) and (2)—delete subclauses (1) and (2)

(2) Schedule 1, clause 3(1)—after "Act" insert:

or the *Genetically Modified Crops Management (Designated Area) Amendment Act 2020* (as the case may be)

(3) Schedule 1, clause 3(2)—after "Act" insert:

or the *Genetically Modified Crops Management (Designated Area) Amendment Act 2020* (as the case requires)

Schedule 1—Repeal and revocation

5 **Part 1—Repeal**

1—Repeal of *Genetically Modified Crops Management Regulations (Postponement of Expiry) Act 2017*

The *Genetically Modified Crops Management Regulations (Postponement of Expiry) Act 2017* is repealed.

10 **Part 2—Revocation**

2—Revocation of *Genetically Modified Crops Management Regulations 2008*

The *Genetically Modified Crops Management Regulations 2008* are revoked.