

South Australia

Genetically Modified Crops Management (Designated Area) Amendment Act 2020

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*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

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

- 4 Amendment of section 3—Interpretation
- 5 Amendment of section 5—Designation of areas
- 6 Insertion of section 5A
 - 5A Designation of council areas
- 7 Amendment of section 6—Exemptions
- 8 Amendment of Schedule 1—Transitional provisions

Schedule 1—Repeal and revocation

Part 1—Repeal

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

Part 2—Revocation

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

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

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.
- (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:
 - (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:

—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.
- (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

- (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.
- (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.
- (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.
- (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.
- (8) 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.
- (9) In relation to a part of the State that is not within the area of a council, a reference in this section to—
- (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
 - (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*).
- (10) In this section—
commencement day means the day on which section 5 of the *Genetically Modified Crops Management (Designated Area) Amendment Act 2020* comes into operation.

7—Amendment of section 6—Exemptions

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

or 5A

8—Amendment of Schedule 1—Transitional provisions

- (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

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.

Part 2—Revocation

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

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