

Gene Technology (GM Crop Moratorium) Bill 2004

Government Amendments

Explanatory Statement

Amendment 1

New Clause 8 (1A) to 1C - Exemptions

Amendment 1 outlines responsibilities of the Minister in liaising with the Advisory Council and granting exemptions. Under this Clause, the Minister must seek the written advice of the Advisory council in making a determination about whether to grant an exemption. The Advisory Council has 28 days to respond. Further, as an accountability mechanism, where the Minister decides to grant an exemption, against the advise of the Advisory Council, the Minister must provide the written reasons for the decision to the Council and make those available to the public.

Amendment 2

New Clause 10A – Advisory Council

Amendment 2 establishes an Advisory Council. The Advisory Council will be comprised of 8 members from academic, scientific, community, marketing and agricultural fields. The purpose of the Council is to ensure input from key stakeholders in decisions made by the Minister concerning exemptions.

Amendment 3

Clause 14 – Offence – failing to report contravention of moratorium order

Clause 14 of the Bill imposes an obligation for persons to report the cultivation of a GM food crop. Amendment 3 changes the standard for a person to be found to have committed an offence under Clause 14 as being 'reasonable grounds'. Previously the standard was 'knows or suspects'. The standard as set by this amendment is an objective one, determined by what a reasonable person in such circumstances would have concluded.

Amendment 4

Clause 16 – Appointment of inspectors

Amendment 4 is technical and involves omitting the word 'person' and substituting 'public servant'.

Amendment 5
Clause 39

Amendment 5 concerns a consequential amendment to the *Administrative Decisions (Judicial Review) Act 1989*. The amendment requires a change in the new clause to be inserted into this Act from Clause 7 to Clause 8.

Amendment 6
Clause 39

Amendment 6 further actions Amendment 5.

Amendment 7
Dictionary

Amendment 7 inserts into the Bill a definition for the Advisory Council established under Amendment 2 – Clause 10A.