



Gene Technology Amendment Act 2015

No. 121, 2015

**An Act to amend the *Gene Technology Act 2000*,
and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

Contents

1	Short title.....	1
2	Commencement.....	1
3	Schedules.....	2
Schedule 1—Gene Technology Act 2000		3
Part 1—Reporting requirements		3
	<i>Gene Technology Act 2000</i>	3
Part 2—Inadvertent dealings		5
	<i>Gene Technology Act 2000</i>	5
Part 3—Public notification of risk assessment etc.		6
	<i>Gene Technology Act 2000</i>	6
Part 4—GM products		7
	<i>Gene Technology Act 2000</i>	7
Part 5—Restrictions on licence variations		9
	<i>Gene Technology Act 2000</i>	9
Part 6—Technical amendments		10
	<i>Gene Technology Act 2000</i>	10



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No. 121, 2015

An Act to amend the *Gene Technology Act 2000*, and for related purposes

[Assented to 10 September 2015]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Gene Technology Amendment Act 2015*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with
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column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	10 September 2015
2. Schedule 1	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	10 March 2016

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Gene Technology Act 2000

Part 1—Reporting requirements

Gene Technology Act 2000

1 After subsection 136(1)

Insert:

- (1A) The report must include information about the following:
- (a) GMO licences issued during the financial year;
 - (b) any breaches of conditions of a GMO licence that have come to the Regulator's attention during the financial year;
 - (c) emergency dealing determinations made by the Minister during the financial year;
 - (d) any breaches of conditions of an emergency dealing determination that have come to the Regulator's attention during the financial year;
 - (e) auditing and monitoring of dealings with GMOs under this Act by the Regulator or an inspector during the financial year.

Note: Auditing and monitoring may include spot checks.

2 Section 136A

Repeal the section.

3 Transitional provision

- (1) If, when this item commences:
- (a) the Regulator has given a report to the Minister under subsection 136A(1) of the old Act; and
 - (b) the Minister has not yet caused a copy of the report to be laid before each House of the Parliament in accordance with subsection 136A(3) of the old Act;
- subsection 136A(3) of the old Act continues to have effect, in relation to the report, as if that subsection had not been repealed.
- (2) In this item:

Schedule 1 Gene Technology Act 2000
Part 1 Reporting requirements

old Act means the *Gene Technology Act 2000*, as in force immediately before the commencement of this item.

Part 2—Inadvertent dealings

Gene Technology Act 2000

4 Paragraph 46A(a)

Repeal the paragraph, substitute:

- (a) the dealings proposed to be authorised by the licence are limited to one or more of the following for purposes relating to disposing of a GMO:
 - (i) conducting experiments with the GMO;
 - (ii) propagating the GMO;
 - (iii) growing, raising or culturing the GMO;
 - (iv) transporting the GMO;
 - (v) any other dealings to be undertaken for the purposes of, or for purposes relating to, disposing of the GMO; and

5 Paragraph 49(a)

Repeal the paragraph, substitute:

- (a) the dealings proposed to be authorised by the licence are limited to one or more of the following for purposes relating to disposing of a GMO:
 - (i) conducting experiments with the GMO;
 - (ii) propagating the GMO;
 - (iii) growing, raising or culturing the GMO;
 - (iv) transporting the GMO;
 - (v) any other dealings to be undertaken for the purposes of, or for purposes relating to, disposing of the GMO; and

6 Application

The amendments of the *Gene Technology Act 2000* made by this Part apply in relation to:

- (a) an inadvertent dealings application made on or after the commencement of this item; and
- (b) an inadvertent dealings application made, but not decided, before that commencement.

Part 3—Public notification of risk assessment etc.

Gene Technology Act 2000

7 Paragraph 52(1)(b)

Repeal the paragraph, substitute:

- (b) in one or more newspapers that the Regulator considers appropriate, having regard to the geographic area in which the dealings proposed to be authorised by the licence may occur; and

8 Paragraph 52(1)(c)

Omit “(if any)”.

Part 4—GM products

Gene Technology Act 2000

9 Section 10(1) (definition of *Record*)

Omit “and GM Product”.

10 Subsection 17(5)

Omit “and GM Product”.

11 Paragraph 17(6)(b)

Omit “and GM Product”.

12 Section 117 (paragraph relating to Division 6)

Omit “GMOs and GM products”, substitute “GMO dealings”.

13 Division 6 of Part 9 (heading)

Repeal the heading, substitute:

Division 6—Record of GMO Dealings

14 Section 138 (heading)

Repeal the heading, substitute:

138 Record of GMO Dealings

15 Subsection 138(1)

Omit “and GM Product”.

16 Subsection 138(2)

Omit “or GM products”.

17 Subsection 138(5)

Repeal the subsection.

18 Subsection 138(8)

Omit “(4), (5)”, substitute “(3A), (4)”.

19 Transitional provision

After this item commences, the Regulator may remove information from the Record of GMO Dealings if the information:

- (a) was on the Record as at that commencement; and
- (b) was included on the Record because the information involved GM products.

Part 5—Restrictions on licence variations

Gene Technology Act 2000

20 Subsection 71(2B)

Repeal the subsection, substitute:

- (2B) If an application has been made for variation of a licence, the Regulator must not vary the licence unless the Regulator is satisfied that the risks posed by the dealings proposed to be authorised by the licence as varied are covered by:
- (a) the risk assessment and the risk management plan in respect of the original application for the licence; or
 - (b) the risk assessment and the risk management plan in respect of an application for another licence, but only if that other licence was issued.

21 Application

The amendment of the *Gene Technology Act 2000* made by this Part applies in relation to:

- (a) an application for variation of a licence made on or after the commencement of this item; and
- (b) an application for variation of a licence made, but not decided, before that commencement.

Part 6—Technical amendments

Gene Technology Act 2000

22 Paragraph 30(a)

Repeal the paragraph, substitute:

- (a) whether a GMO licence is issued or refused in relation to a particular application; or

23 Subsection 74(3)

Repeal the subsection, substitute:

- (3) Before the Governor-General makes regulations declaring a dealing with a GMO to be a notifiable low risk dealing, the Regulator must consider:
 - (a) whether the dealing with the GMO would involve any risk to the health and safety of people, or to the environment, taking into account:
 - (i) the properties of the GMO as a pathogen or pest; and
 - (ii) the toxicity of any proteins produced by the GMO; and
 - (b) if there is such a risk—whether one or more of the requirements prescribed in the regulations for the purposes of subsection 75(2) would be sufficient to manage that risk; and
 - (c) any other matter the Regulator considers appropriate.

*[Minister's second reading speech made in—
House of Representatives on 18 June 2015
Senate on 20 August 2015]*

(103/15)
