



Our ref: CORP F2020/000534

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14 January 2021

Ms Elisa Rose
C/- The Courier
46 Hutchinson Street
MOUNT BARKER SA 5251

Dear Ms Rose

Determination under the *Freedom of Information Act 1991*

I refer to your application made under the *Freedom of Information Act 1991* which was received by the Department of Primary Industries and Regions (PIRSA) on 24 November 2020, seeking access to the following:

"All documents relating to the decision by the GM Crops Advisory Committee to recommend that 11 SA councils not be granted exemptions when the State's GM moratorium was lifted. Documents including but not limited to:

- Meeting minutes*
- Any thresholds or standards against which the councils' applications were assessed*
- Guidelines the committee used to assess the applications*
- Any correspondence with the Minister for Primary Industries"*

On 25 November 2020, contact was made with you by PIRSA's Freedom of Information and Privacy Officer and your application was revised as follows:

"All documents relating to the decision by the GM Crops Advisory Committee to recommend that 11 SA councils not be granted exemptions when the State's GM moratorium was lifted. Documents limited to:

- Meeting minutes*
- Any thresholds or standards against which the councils' applications were assessed*
- Guidelines the committee used to assess the applications*
- Any correspondence with (to or from) the Minister for Primary Industries"*

Pursuant to Section 14A of the Freedom of Information Act, the legislative timeframe in which to provide a determination was extended until 14 January 2021.

Accordingly, the following determination has been finalised.

I have located twenty-three documents that are captured within the scope of your request.

Determination 1

I have determined that access to the following documents is **granted in full**:

Doc No.	Description of document	No. of Pages
1	Meeting Minutes – Genetically Modified Crop Advisory Committee – 2/10/2020	1
2	Meeting Minutes – Genetically Modified Crop Advisory Committee – 9/10/2020	2
4	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 19/10/2020 re Local council applications – designation as areas where cultivation of GM food crops is prohibited	3
4a	Attachment to Doc 4 – Summary of Council applications	12
5	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 21/10/2020 re Cabinet Note	3
5b	Attachment to Doc 5 - Letter from Presiding Member, Genetically Modified Crops Advisory Committee dated 16/10/2020	2
6	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 22/10/2020 re Correspondence from GM Crop Advisory Committee	4
7	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 30/10/2020 re Genetically Modified Food Crops Reform - Implementation	21
9	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 2/10/2020 re Correspondence – City of Playford application to remain non-GM	3
10	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 9/10/2020 re Correspondence – Adelaide Hills Council application to be designated non-GM	3
12	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 9/10/2020 re Correspondence – Town of Gawler application to remain non-GM	3
13	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 9/10/2020 re Correspondence – City of Onkaparinga application to remain non-GM	3
14	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 9/10/2020 re Correspondence – District Council of Yankalilla application to remain non-GM	3

15	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 10/10/2020 re Correspondence – Mount Barker District Council application to remain non-GM	3
16	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 12/10/2020 re Correspondence – Alexandrina Council application to be designated non-GM	3
17	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 12/10/2020 re Correspondence – City of Victor Harbor application to be designated non-GM	3
18	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 28/10/2020 re City of Tea Tree Gully application to be designated as a no GM food crop area and GM Crop Advisory Committee advice	4
19	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 21/9/2020 re GM Policy Reform Implementation – Local Council Application Progress and Next Steps	10

The information removed from Document 19 is outside of the scope of your request.

Determination 2

I have determined that access to the following document is **granted in part**:

Doc No.	Description of document	No. of Pages
3	Meeting Minutes – Genetically Modified Crop Advisory Committee – 16/10/2020	2

The information removed from the above document is pursuant to Clause 6(1) of Schedule 1 of the Freedom of Information Act which states:

“6 - Documents affecting personal affairs

(1) A document is an exempt document if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).”

The information removed consists of the names of some of the members of the Genetically Modified Crop Advisory Committee and corresponding information that may identify these members. It is considered that a member can provide comment without fear that they are individually named in public. Accordingly, it is considered that disclosure of this information would be an unreasonable intrusion into the privacy rights of the individuals concerned.

Determination 3

I have determined that access to the following documents is **granted in part**:

Doc No.	Description of document	No. of Pages
8	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 30/9/2020 re Correspondence from District Council of Berri Barmera – Public Consultation responses on Genetically Modified Crops Policy Reform Implementation – Local Council Application	4
11	Minute from Chief Executive, PIRSA to Minister for Primary Industries and Regional Development dated 9/10/2020 re Correspondence – The Barossa Council application to remain GM free	4

The information removed from the above documents is pursuant to Clause 10(1) of Schedule 1 of the Freedom of Information Act which states:

“10 – Documents subject to legal professional privilege

(1) A document is an exempt document if it contains matter that would be privileged from production in legal proceedings on the ground of legal professional privilege.”

The information removed refers to consultation between PIRSA and the Crown Solicitor's Office referring to advices given, and is considered legally privileged.

Determination 4

I have determined that access to the following document is **refused**:

Doc No.	Description of document	No. of Pages
5a	Attachment to Doc 5 – Draft version of Cabinet Note	4

Access to the above document is refused pursuant to Clause 1(1)(b) of Schedule 1 of the Freedom of Information Act which states:

“1 – Cabinet documents

*(1) A document is an exempt document –
(b) if it is a preliminary draft of a document referred to in paragraph (a);”*

The information removed consists of a draft Cabinet Note intended for submission to Cabinet.

Determination 5

I have determined that access to the following document is **refused**:

Doc No.	Description of document	No. of Pages
5c	Attachment to Doc 5 – Draft version of Speech Notes for Cabinet Note	1

Access to the above document is refused pursuant to Clause 1(1)(f) of Schedule 1 of the Freedom of Information Act which states:

“1 – Cabinet documents

(1) A document is an exempt document –

(f) if it is a briefing paper specifically prepared for the use of a Minister in relation to a matter submitted, or proposed to be submitted to Cabinet.”

The information removed consists of a draft briefing paper prepared for the use of the Minister in relation to a Cabinet Note.

With regard to the second dot point of your application, I am advised that the Genetically Modified Crops Advisory Committee made its decision as specified under Section 5A of the *Genetically Modified Crops Management Act 2004*.

With regard to the third dot point of your application, Document 5b includes the guidance provided to the Genetically Modified Crops Advisory Committee for its discussions and decision-making.

As your request is not seeking copies of the Council applications, all attachments to documents consisting of the applications and supporting documentation are considered to be outside of the scope of your request and are therefore not attached.

If you are dissatisfied with this determination, you are entitled to exercise your right of review and appeal as outlined in the attached documentation <https://archives.sa.gov.au/finding-information/information-held-sa-government/making-freedom-information-application#Review>, by completing the “FOI Application Form for Internal Review of a Determination” and returning the completed form to:

Freedom of Information Principal Officer
Department of Primary Industries and Regions
GPO Box 1671
ADELAIDE SA 5001

or via email PIRSA.FOI@sa.gov.au

Should you require further information or clarification with respect to this matter, please contact Ms Lisa Farley, Freedom of Information and Privacy Officer on 8429 0422 or email PIRSA.FOI@sa.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Michelle Griffiths', with a stylized flourish at the end.

Michelle Griffiths
Accredited Freedom of Information Officer
DEPARTMENT OF PRIMARY INDUSTRIES AND REGIONS

Meeting Minutes



Friday 2nd October 2020 10.30am
Microsoft Teams Meeting

Confidential

Genetically Modified Crop Advisory Committee

Discussion of Local Council Application Process for consideration for designation as a no GM crop area

Endorsed by Committee

Participants: Committee Members: Hon Anne Levy (Presiding Member), Andrew Hannon, Rachel Ankeny, Geoffrey Annison, Neil Pontifex, Heather Baldock, Kathy Ophel Keller, Peter Gibbs.

PIRSA: Elena Anear, Ben Timmis, Cameron May

Apologies: Prue McMichael

- PIRSA has provided the GM Crop Advisory Committee (the Committee) with copies of the ten formal applications received by the Minister for Primary Industries and Regional Development by the 30 September 2020 deadline. A high-level summary document, key references and repeat submissions identified have also been provided.
- Process timeframes were confirmed with the 15 November statutory deadline explained and agreement that advice to the Minister by 16 October was important to provide sufficient time for his consideration.
- It was confirmed that advice from the Committee need not be unanimous.
- The Committee agreed that there was no requirement to request external advice at this stage.
- The Committee agreed that the provided draft evaluation template is a useful internal assessment tool for individual Committee members to inform in session discussion.
- Final Committee advice to the Minister (due Close of business Friday 16 October) will be provided at a high level.

PIRSA Support

- As requested by the Committee PIRSA will provide:
 - supplementary information on certified organic/biodynamic wineries and any issues of co-existence in states where GM food crops are permitted – WA, NSW and Victoria; and
 - a map highlighting local council areas which have formally applied.

Further Committee meetings

- A two hour meeting (in person or virtual) has been confirmed for **Friday 9 October 2020** (10am-12pm ACDT)
- Subject to confirmation, a final one hour meeting has been requested for **Friday 16 October 2020** (10am – 11am ACDT)

Meeting Minutes



Friday 9 October 2020 – 10:00am – 12:00pm
Microsoft Teams Meeting

Confidential

Genetically Modified Crop Advisory Committee

Discussion of Local Council Applications for consideration for designation as a no GM crop area

Endorsed by Committee

Participants: Committee Members: Hon Anne Levy (Presiding Member), Andrew Hannon, Rachel Ankeny, Geoffrey Annison, Neil Pontifex, Heather Baldock, Prue McMichael, Peter Gibbs.

PIRSA Secretariat Support: Elena Anear, Ben Timmis, Cameron May

Apologies: Kathy Ophel Keller

- The Committee agreed that it requires applications to provide economic evidence based on trade and marketing which would support a recommendation for designation as a no Genetically Modified (GM) food crop area. It was noted that some applications included health and sustainability as grounds for the views expressed, which are beyond the scope of the Committee's current remit.
- The Committee gave consideration to the information provided on the PIRSA website and approved by the Minister as a guide to its discussions and decision making i.e. that applications should:
 - relate to risks to marketing and trade only;
 - not include matters of human health or environmental impacts, as these are managed under Commonwealth legislation;
 - demonstrate that stakeholders in their area are currently receiving a marketing or trade advantage as a result of being no GM food crop area;
 - show evidence of market and trade advantages, including any price premiums, that could not be achieved without being declared a no GM food crop area; and
 - include a summary of all views expressed during consultation (in favour or against declaration).
- The Committee agreed that the following seven Council submissions:
 - The Town of Gawler;
 - City of Victor Harbor;
 - Berri Barmera Council;
 - District Council of Yankalilla;
 - Mount Barker District Council;
 - City of Playford; and
 - Alexandrina Council

had not presented sufficient evidence for the Committee to recommend being designated as areas where no GM food crops may be cultivated.

- The Committee noted that none of these seven councils had provided any information regarding potential changes in costs (increases or decreases) for non-GM businesses within their respective local council areas if they are not declared a non-GM area - e.g. for producers from the segregation of GM and non-GM crops or costs for organic certification and impacts on premiums. No evidence was also provided regarding current price premiums nor of any "GM-free" focus in their current marketing.
- The Committee noted that participating primary producers in the Alexandrina Council submission were in the majority in favour of lifting the moratorium, and that the benefits from the currently available GM canola varieties would outweigh the perceived impacts.
- The Committee noted that submissions made by primary producers were in the minority through the councils' stakeholder consultation.
- The Committee agreed to a draft Ministerial recommendation that through this reform process, the appropriate role for Government is offer assistance to all sectors through implementation of the changes to the Act by providing advice - across the state and in all council areas, similar to the approach taken in Western Australia when the moratorium was lifted in that state.

Next steps

- The Committee agreed to consider the remaining three submissions:
 - Adelaide Hills Council;
 - Barossa Council; and
 - City of Onkaparinga
 at the meeting now confirmed for **Friday 16 October 2020** (10am – 11am ACDT). It was agreed that any committee member who will be an apology would provide comments for consideration out of session prior to the meeting date.
- It was agreed that Secretariat would provide a draft letter for Ministerial advice based on this meeting's discussion for the Committee's consideration and sign off at the Friday 16 October meeting, following consideration of the remaining three submissions.
- Following signature by the Presiding Member, the final advice to the Minister will be delivered on that day as per the specified timeframes.



Government of South Australia
Department of Primary Industries
and Regions

Minute to
Minister for Primary Industries and Regional Development

Ref: A4667242

For	Noting
Critical Date	To be reviewed in parallel with advice from the GM Crop Advisory Committee that was provided on 16 October 2020
Subject	Local council applications - designation as areas where cultivation of GM food crops is prohibited



Synopsis

Ten local councils have applied to be designated as areas where the cultivation of Genetically Modified (GM) food crops is prohibited under the *Genetically Modified Crops Management Act 2004* (the Act) prior to 15 November 2020. The ten applications are being assessed by the Genetically Modified Crops Advisory Committee and the Committee's written advice will be provided to you directly by 16 October 2020. The applications and high level summaries are attached for your information. The Department of Primary Industries and Regions is following the workplan and communications activities attached to A4604016 to facilitate this process. These documents are attached for your reference.

Recommendations

That you:

1. Note the information contained in this brief and attachments provided for your information in parallel with GM Crop Advisory Committee advice.
2. Note the forward work plan and communications activities at Attachment M.

Hon David Basham MP

**Minister for Primary Industries
and Regional Development**

22/10/2020

Ministerial Comments -

Background

- The recent changes to the *Genetically Modified Crops Management Act 2004* provide a six month period for local councils to apply to you as Minister for Primary Industries and Regional Development to be declared an area where no GM food crops may be cultivated, expiring on 15 November 2020.
- Before declaring a local council as a designated area, you are required to consult with the GM Crop Advisory Committee (the Committee) on the application and take into account any advice provided by the Committee in relation to the matter.
- The applications are currently being assessed by the Committee. A letter from the Presiding Member with the Committee's advice will be forwarded to you directly on 16 October 2020 following meeting of the Committee.
- The Department of Primary Industries and Regions (PIRSA) has facilitated the application process in consultation with the Local Government Association and provided Secretariat support to the Committee.

Discussion

- The following ten local councils have submitted applications to be designated areas under the Act:
 - Adelaide Hills Council
 - Alexandrina Council
 - Barossa Council
 - Berri Barmora Council (formal clarification was received from the Council Chief Executive Officer to confirm their submission as a formal application)
 - City of Onkaparinga
 - City of Playford
 - District Council of Yankalilla
 - Mount Barker District Council
 - Town of Gawler
 - City of Victor Harbor
- Copies of applications are included at Attachments A-J for your consideration.
- The applications have been summarised at Attachment K providing you with a brief overview and relevant elements of each application.
- Many applications feature submissions from individual contributors that have provided identical submissions to multiple councils. For ease of review, these repeat contributions have been provided separately (Attachments L), and subsequently removed from all applications to avoid duplication.
- The City of Tea Tree Gully has informed PIRSA it began community consultation after the 30 September deadline. In response, PIRSA has informed the council that it cannot be guaranteed that the requirements under the Act (including advice from the Committee and due Ministerial consideration) will be able to be fulfilled before the legislated cut off for designation via gazettal of 15 November 2020.
- On 1 October 2020, Tea Tree Gully Council informed PIRSA that if there are no submissions opposing an application, an application will be provided to PIRSA on 21 October 2020.

- The process and timelines being following by PIRSA are in line with the workplan and communication activities previous provided in briefing A4604016 and attached for your reference at Attachment M.

Attachments

- A. Adelaide Hills Council Application
- B. Alexandrina Council Application
- C. The Barossa Council Application
- D. Berri Barmera Council Application
- E. City of Onkaparinga Application
- F. City of Playford Application
- G. District Council of Yankalilla Application
- H. Mount Barker District Council Application
- I. Town of Gawler Application
- J. City of Victor Harbor Application
- K. Summary of council applications and repeat submissions
- L. Repeat Submissions (01-12)
- M. PIRSA workplan and communications activities



CHIEF EXECUTIVE

Department of Primary Industries and Regions

19 /10 / 2020

CONTACT	Jo Collins
POSITION	Executive Director
DIVISION	Agriculture, Food and Wine
MOBILE and LANDLINE	0477 729 897
PREPARED BY	Cameron May/Elena Anear/Ben Timmis

Local Council	Responses from community consultation provided (Y/N)	Correspondence provided from impacted businesses/producers (Y/N)	Correspondence/testimonials provided from customers/key markets (Y/N)
Berri Barmera Council	Y	N	N
City of Onkaparinga	N	Y	Y
Mount Barker District Council	Y	Y	N
City of Playford	Y	Y	N
District Council of Yankalilla	Y	Y	N
The Barossa Council	N	Y	N
Adelaide Hills Council	N	Y	N
Alexandrina Council	Y	Y	N
Town of Gawler	N	Y	Y
City of Victor Harbor	N	N	N

Repeat Contributors Summary – Repeat submissions that have been included in multiple council's applications

Local Council	Crop Science Society	Dean Lines	Donella Peters	Graham Brookman	Grain Producers SA	Jamie Wilson	Kendall Bird	Mark Gower NASAA Organic	Monika's Organics
Berri Barmera Council		Y	Y	Y	Y	Y	Y		Y
City of Onkaparinga									
Mount Barker District Council									
City of Playford			Y	Y	Y	Y	Y		
District Council of Yankalilla			Y	Y	Y	Y			Y
The Barossa Council	Y		Y	Y	Y	Y			Y
Adelaide Hills Council					Y				
Alexandrina Council			Y	Y	Y	Y	Y	Y	Y
Gawler Council				Y			Y		
City of Victor Harbor			Y	Y	Y				Y

Summary of repeat contributions

Grain Producers SA	<p>Support for the lifting of the moratorium. GPSA believes that growers should have the freedom of choice to grow the varieties that best fit their farming system, including GM varieties. SA's dominant grain handler, Viterro, advises that it supports the choice to grow GM crops as it can meet the market requirements of handling and segregating both GM and non-GM commodities. GPSA commissioned an independent economic analysis of price premiums under the moratorium in 2017 which concluded that growers did not receive a marketing advantage as a result of SA's GM-free status.</p> <p>In response to council consultation GPSA has submitted that the evidence of two separate economic assessments and nearly two decades of successful coexistence of GM, non-GM and organic crops interstate demonstrates that there are no trade and marketing benefits as a result of SA's GM-free status (with the exception of Kangaroo Island), and that the removal of restrictions relating to GM crops will have no adverse trade or marketing impacts in the Council area. As a result GPSA believes that the Council has no sound trade or marketing basis on which to apply to be designated as a GM cultivation-free zone.</p>
Donella Peters - Keep SA GM-free	<p>Opposed to the lifting of the moratorium. Ms Peters states Australian canola exports to the EU have a competitive advantage over its GM counterparts; Europe has a preference for non-GM canola. Losing SA's GM-free status and reputation for high quality GM-free food products will disrupt market and trade opportunities for producers and processors all over the state. Points to the large premiums paid to KI grain and beverage producers and the lucrative markets in Japan and the EU for GM-free produce. Ms Peters attaches a report by an environmental scientist casting doubts on the findings of the Anderson report.</p>
Graham Brookman – The Food Forest	<p>Opposed to the lifting of the moratorium. Mr Brookman states a University of Adelaide report into export opportunities for non-GM products gives a realistic picture of future world market opportunities in which SA can play a part as one of the world's largest non-GM land areas, including over 10 million hectares of certified organic land with farms in all regions of the State. SA's \$900M non-GM meat industry export status must not be compromised, nor its clean, green image for tourists. Kangaroo Island was granted non-GM status on the basis of advantages to trade and marketing.</p>
Jamie Wilson – Local Agronomist	<p>Support for the lifting of the moratorium. Points to the benefits if GM crops and the economic losses that the lack of GM crops has cost SA growers.</p>
Kendall Bird	<p>Opposed to the lifting of the moratorium. Ms Bird states healthcare, environment, tourism, residential/business occupancy rates and growth within a council region could all be impacted by the introduction of GM crops and the flow on effect to the economy should also not be ignored. Raises a number of issues including health concerns, contamination and discounting of GM canola.</p>
Mark Gower National Association for Sustainable Agriculture Australia	<p>Opposed to the lifting of the moratorium. Mr Gower states the moratorium has brought many food industry benefits including substantial price premiums and preferential market access, lower production costs and market reputations for high quality non-GM products. Points to the demand in Japan for GM-free produce, and the financial benefits for KI producers.</p>
Monika's organics Primary Producer, Golden Grove	<p>Opposed to the lifting of the moratorium. The submission states there is a constant increase in demand for organic produce. To introduce GMOs will take away SA's point of difference in the export markets for non-GMO produce. We do not know the long-term effects on human health, the environment, markets or trade.</p>
Julie Newman	<p>Appears to be opposed to the lifting of the moratorium. Ms Newman states lifting the moratorium in SA is more to do with the potential of being the first to commercially release GM wheat. Discusses various studies and findings.</p>
Crop Science Society of SA	<p>This letter is provided in support of the cultivation of genetically modified crops in South Australia, and that to deny farmer's access to these tools is a clear message that you do not trust the science behind GM Crops.</p>
Dean Lines	<p>Believes the environmental and health risks associated with GM are not fully known, equates GM crops to previous health/environmental risk i.e Thalidomide, DDT, Agent Orange, Plastic pollution.</p>

Local Council GM Application Summary

Applicant Council: Adelaide Hills Council

Summary of Council's Position	The Council is applying on the basis that it believes this would mitigate the risk of the region losing at least \$10 million per annum in export value, should GM crops be grown in the Adelaide Hills area.
Has a formal application summary been provided?	Yes – A cover letter and application summary has been provided detailing the results of consultation and providing the key data and factors that have influenced the application. Includes a \$16m per annum figure identified as at risk.
Have responses from community consultation been provided?	Yes – Key comments have been provided from community consultation, relating to each question asked during consultation. Responses have not been attributed to individuals.
Has correspondence been provided from impacted businesses/producers from the council area?	Yes – Key comments provided indicate that local businesses contributed to the process, however comments are anonymous in the application so it is unclear which businesses have contributed. Adelaide Hills Wine Region has provided a submission in support of the application.
Has correspondence or testimonials been provided from customers or key markets?	No.

Repeat Contributors

The following submissions have been provided to multiple council applications, and do not present information specific to the council area. These submissions have been removed from the application and have been previously provided to you.

Grain Producers SA

Local Council GM Application Summary

Applicant Council: Alexandrina Council

Summary of Council's Position	Council states it is applying as community consultation demonstrated that overall, the community was not supportive of the cultivation of GM crops.
Has a formal application summary been provided?	Yes - A cover letter and application summary has been provided detailing the results of consultation and providing the key data and factors that have influenced the application such as the value of agriculture to the region.
Have responses from community consultation been provided?	Yes – The entire results of the online survey and individual submissions have been provided in the application, totalling over 700 pages.
Has correspondence been provided from impacted businesses/producers from the council area?	Yes – Key comments have been provided in the application summary, and individual submissions have been provided from businesses and producers in the council area.
Has correspondence or testimonials been provided from customers or key markets?	No.

Repeat Contributors

The following submissions have been provided to multiple council applications, and do not present information specific to the council area. These submissions have been removed from the application and have been previously provided to you.

<u>Donella Peters – Keep SA GM Free</u>
<u>Graham Brookman – The Food Forest</u>
<u>Grain Producers SA</u>
<u>Jamie Wilson – Local Agronomist</u>
<u>Kendall Bird</u>
<u>NASAA Organic – Organic Certification Authority</u>
<u>Monika's Organics – Organic Producer, Golden Grove</u>

Local Council GM Application Summary

Applicant Council: Barossa Council

Summary of Council's Position	The Council states the community engagement process demonstrated a clear preference to remain a GM free region. The Barossa Grape and Wine Association estimates \$18 million in premium wine exports is at high risk if GM crops are introduced.
Has a formal application summary been provided?	Yes - A cover letter and application summary has been provided detailing the results of consultation and providing the key data and factors that have influenced the application. Includes an \$18m per annum figure the Barossa Grape and Wine Association has identified as at risk.
Have responses from community consultation been provided?	Yes – A report has been included which summarises the findings of the community consultation, providing analysis of views and information. Individual submissions have also been provided in the application.
Has correspondence been provided from impacted businesses/producers from the council area?	Yes – The Barossa Grape and Wine Association (BGWA) has provided a letter of support to the application, citing the anticipated impact to export value if GM crops were to be grown in the Barossa Council.
Has correspondence or testimonials been provided from customers or key markets?	No.

Repeat Contributors

The following submissions have been provided to multiple council applications, and do not present information specific to the council area. These submissions have been removed from the application and have been previously provided to you.

Crop Science Society of SA
Donella Peters – Keep SA GM Free
Graham Brookman – The Food Forest
Jamie Wilson – Local Agronomist
Grain Producers SA
Monika's Organics

Local Council GM Application Summary

Applicant Council: Berri Barmera

Summary of Council's Position	Council states it endorses community feedback in support of retaining the region as GM crops free. Formal clarification was sought from the council to confirm their intention to apply. The council confirmed it would like its submission to be considered a formal application in the process.
Has a formal application summary been provided?	No formal application summary provided.
Have responses from community consultation been provided?	Yes – The application contains the responses from community consultation as they were provided to the council.
Has correspondence been provided from impacted businesses/producers from the council area?	No – Only businesses and producers from outside the council area have contributed to the council consultation process. The correspondence does not provide information specific to the council area.
Has correspondence or testimonials been provided from customers or key markets?	No.

Repeat Contributors

The following submissions have been provided to multiple council applications, and do not present information specific to the council area. These submissions have been removed from the application and they have been previously provided to you.

Dean Lines
Donella Peters – Keep SA GM Free
Graham Brookman – Food Forest
Grain Producers SA
Jamie Wilson – Local Agronomist
Kendall Bird

Monika's Organics – Organic Producer, Golden Grove
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Local Council GM Application Summary

Applicant Council: City of Onkaparinga

Summary of Council's Position	Council states it has applied it would mitigate the risk of the region losing at least \$5.1 million per annum in export value, and potentially up to \$20.1 million per annum in crop value, should GM crops be grown in the world-renown McLaren Vale region.
Has a formal application summary been provided?	Yes – A cover letter and application summary has been provided detailing the results of consultation and providing the key data and factors that have influenced the application. Includes a \$5-20m per annum figure they identify as at risk.
Have responses from community consultation been provided?	Yes – A report has been included which summarises the findings of the community consultation, providing analysis of views and information.
Has correspondence been provided from impacted businesses/producers from the council area?	Yes – McLaren Vale Wine and Tourism Association and several wineries from McLaren Vale have provided correspondence with their view of the impact of GM crops to their businesses.
Has correspondence or testimonials been provided from customers or key markets?	Yes – International export partners of McLaren Vale wineries have provided letters of support to the council remaining non-GM.

Local Council GM Application Summary

Applicant Council: City of Playford

Summary of Council's Position	Council states this decision has been based on a consultation process undertaken with the community and relevant stakeholders. A clear majority indicated that they prefer for the moratorium to remain in place.
Has a formal application summary been provided?	No – A letter from the Mayor has been included indicating councils position to apply, however no formal application summary has been included.
Have responses from community consultation been provided?	Yes – Responses from the 107 individual survey responses have been included, along with 5 individual submissions.
Has correspondence been provided from impacted businesses/producers from the council area?	Yes – Local organic farmers have contributed to the online survey, claiming GM crops will negatively affect their operations.
Has correspondence or testimonials been provided from customers or key markets?	No.

Repeat Contributors

The following submissions have been provided to multiple council applications, and do not present information specific to the council area. These submissions have been removed from the application and they have been previously provided to you.

Donella Peters – Keep SA GM Free
Graham Brookman – Food Forrest
Grain Producers SA
Jamie Wilson – Local Agronomist
Kendall Bird

Local Council GM Application Summary

Applicant Council: City of Victor Harbor

Summary of Council's Position	The Council states it has applied based on a broader regional approach to maintaining a regional GM moratorium with neighbouring councils.
Has a formal application summary been provided?	No – A letter from the Acting Chief Executive Officer has been provided stating the council's intention to apply to become a designated area.
Have responses from community consultation been provided?	No – A report has been provided which states 20 submissions were received during public consultation however the comments, or the views expressed were not provided.
Has correspondence been provided from impacted businesses/producers from the council area?	No – No correspondence has been included in the application.
Has correspondence or testimonials been provided from customers or key markets?	No.

Repeat Contributors

The following submissions have been provided to multiple council applications, and do not present information specific to the council area. These submissions have been removed from the application and they have been previously provided to you.

Grain Producers SA
Donella Peters – Keep SA GM Free
Graham Brookman – The Food Forest
Monika's Organics

Local Council GM Application Summary

Applicant Council: District Council of Yankalilla

Summary of Council's Position	The council states community consultation demonstrated there was not support for GM crops across the community and primary production sectors.
Has a formal application summary been provided?	Yes – A cover letter and application summary has been provided detailing the results of consultation, and providing the key factors that have influenced the application.
Have responses from community consultation been provided?	Yes – A summary of public consultation and individual submissions have been provided.
Has correspondence been provided from impacted businesses/producers from the council area?	Yes – Producers from the council area have contributed to the public consultation process.
Has correspondence or testimonials been provided from customers or key markets?	No.

Repeat Contributors

The following submissions have been provided to multiple council applications, and do not present information specific to the council area. These submissions have been removed from the application and they have been previously provided to you.

Donella Peters – Keep SA GM Free
Graham Brookman – Food Forest
Grain Producers SA
Jamie Wilson – Local Agronomist
Monika's Organics – Organic Producer, Golden Grove

Local Council GM Application Summary

Applicant Council: Mount Barker District Council

Summary of Council's Position	Council states community engagement indicated the majority of primary producers and food manufacturers expressed concern that GM crops would likely have a negative impact on their current and future export potential.
Has a formal application summary been provided?	Yes – A cover letter and application summary has been provided detailing the results of consultation, including key comments received during consultation.
Have responses from community consultation been provided?	Yes – Key comments have been provided from community consultation, relating to each question asked during consultation
Has correspondence been provided from impacted businesses/producers from the council area?	Yes – Key comments provided indicate that local businesses contributed to the process, however comments are anonymous in the application so it is unclear which businesses have contributed
Has correspondence or testimonials been provided from customers or key markets?	No

Local Council GM Application Summary

Applicant Council: Town of Gawler

Summary of Council's Position	Council states the majority of the submissions received during public consultation reinforced Council seeking to make the Town of Gawler a GM Crop free area and gave supporting information regarding future negative financial impacts to their businesses, which include primary production and consumers of their produce in the supply chain.
Has a formal application summary been provided?	Yes - A cover letter and application summary has been provided detailing the key data and factors that have influenced the application. Includes a \$400,000 per annum figure identified as at risk.
Have responses from community consultation been provided?	No
Has correspondence been provided from impacted businesses/producers from the council area?	Yes – A local organic producer, The Food Forest has provided a submission detailing the potential impact to the business if GM crops are grown in the council area.
Has correspondence or testimonials been provided from customers or key markets?	Yes – Customers of the Food Forest have provided testimonies detailing the impact on their businesses if the Food Forest lose their organic status due to GM contamination.

Repeat Contributors

The following submissions have been provided to multiple council applications, and do not present information specific to the council area. These submissions have been removed from the application and they have been previously provided to you.

Kendall Bird



Minute to
Minister for Primary Industries and Regional Development

Ref: A4676953

For	Signature
Critical Date	Urgent – lodgement required by Friday 23 October 2020 for Cabinet meeting on 2 November 2020
Subject	Cabinet Note - Local Council Applications to be designated as no GM food crops areas

Synopsis

- This briefing provides you with a draft Cabinet Note to enable you to inform Cabinet of your decisions in relation to the 10 applications received (by 30 September, 2020) from local councils seeking to be declared as areas where cultivation of genetically modified (GM) food crops is prohibited under the *Genetically Modified Crops Management Act 2004* (the Act).
- This Cabinet Note has been drafted on the assumption that a late application will be received from the City of Tea Tree Gully on 21 October 2020.
- A separate briefing is being prepared to provide advice on the role of Government in assisting all sectors through the implementation of the changes to the Act.

Recommendations

That you:

1. Approve the attached Cabinet Note and attachments.

APPROVED / NOT APPROVED

.....
Hon David Basham MP
**Minister for Primary Industries
and Regional Development**

/ /2020

Ministerial Comments

Background

- The recent changes to the *Genetically Modified Crops Management Act 2004* (the Act) provide a six month period for local councils to apply to be declared an area where cultivation of GM food crops is prohibited, expiring on 15 November 2020.
- The Act also requires consultation with the GM Crop Advisory Committee (the Committee) on any such applications before a final determination is made.
- The Department of Primary Industries and Regions (PIRSA) has facilitated the application process in consultation with the Local Government Association and provided secretariat support to the Committee.
- The following ten local councils have submitted applications:
 - Adelaide Hills Council
 - Alexandrina Council
 - Barossa Council
 - Berri Barmera Council (formal clarification was received from the Council Chief Executive Officer to confirm their submission as a formal application)
 - City of Onkaparinga
 - City of Playford
 - District Council of Yankalilla
 - Mount Barker District Council
 - Town of Gawler
 - City of Victor Harbor
- The applications were provided to the Committee for their consideration on 1 October 2020. Further detail on the applications, a work plan and communications activities have been provided in previous briefings A4604016 and A4667242.
- The City of Tea Tree Gully has informed PIRSA it began community consultation after the 30 September application deadline. In response, PIRSA has informed the council that it cannot be guaranteed that the requirements under the Act (including advice from the Committee and due Ministerial consideration) will be able to be fulfilled before the legislated cut off for designation via gazettal of 15 November 2020.
- On 1 October 2020, Tea Tree Gully Council further advised PIRSA that if there are no submissions opposing an application, an application will be provided to PIRSA on 21 October 2020.

Discussion

- Following the Committee's deliberations, on 16 October 2020, Hon Anne Levy, Presiding Member of the Committee wrote to you providing you with the Committee's advice on the ten applications received. Your office has requested a separate briefing on this correspondence (see eA192594).
- A draft Cabinet Note has been provided for your consideration in advance of your final decision and therefore includes highlighted alternatives (Attachment A).
- A copy of the correspondence from the Presiding Member of the Committee is attached to the draft Cabinet Note. The Note includes that the final day for public announcement of decisions is 12 November 2020 as this is the last day that the Government Gazette is published before the statutory deadline of 15 November 2020.
- Proposed Cabinet Speech Notes have been provided at Attachment B.

- In consultation with industry, PIRSA is currently working on material that can be used to provide advice to all sectors during implementation of the changes to the Act. This work is underway in anticipation of GM food crops being grown in parts of the state where councils have not made applications such as the Eyre Peninsula. A separate briefing will be provided on this work.

Attachments

- A. Cabinet Note - Local Council Applications for consideration for designation as no GM food crops areas
- B. Local Council Applications for consideration for designation as no GM food crops areas – Speech Notes



CHIEF EXECUTIVE

Department of Primary Industries and Regions

21/10/2020

CONTACT	Jo Collins
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MOBILE and LANDLINE	0477 729 897
PREPARED BY	Ben Timmis/Elena Anear

Hon David Basham
Minister for Primary Industries and Regional Development
Level 10, 1 King William Street
Adelaide SA 5000
Minister.Basham@sa.gov.au

Dear Minister,

I refer to your request through the Department of Primary Industries and Regions seeking the Genetically Modified Crops Advisory Committee's (the Committee) advice on applications received by the 30th September 2020 from Local Councils seeking to be declared as an area in which no genetically modified food crops may be cultivated under Section 5A of the *Genetically Modified Crops Management Act 2004* (the Act) for your consideration for designation.

The Committee was provided with formal applications from the following ten local government areas of South Australia:

- o The Town of Gawler Council;
- o City of Victor Harbor;
- o Berri Barmera Council;
- o District Council of Yankalilla;
- o Mount Barker District Council;
- o City of Playford;
- o Alexandrina Council;
- o Adelaide Hills Council;
- o Barossa Council; and
- o City of Onkaparinga

In reviewing these applications, the Committee considered the following Ministerially approved information provided on the Department of Primary Industries and Regions website and provided to South Australian Councils through the Local Government Association to guide its discussions and decision making; i.e. that applications should:

- relate to risks to marketing and trade only;
- not include matters of human health or environmental impacts, as these are managed under Commonwealth legislation;
- demonstrate that stakeholders in their area are currently receiving a marketing or trade advantage as a result of being a no genetically modified (GM) food crop area;
- show evidence of market and trade advantages, including any price premiums, that could not be achieved without being declared a no GM food crop area; and
- include a summary of all views expressed during consultation (in favour or against declaration).

The Committee reviewed all applications out of session prior to meeting twice to discuss the final advice on each application to be provided to you.

On the 9th October 2020, the Committee unanimously agreed that the following seven Council submissions:

- o The Town of Gawler;
- o City of Victor Harbor;
- o Berri Barmera Council;

- District Council of Yankalilla;
- Mount Barker District Council;
- City of Playford; and
- Alexandrina Council

had not presented sufficient evidence for the Committee to recommend being designated as areas where no GM food crops may be cultivated.

On the 16th October 2020, the Committee considered the remaining three council applications:

- Adelaide Hills Council;
- Barossa Council; and
- City of Onkaparinga.

The Committee noted that while these three applications were stronger than those previously assessed, the evidence provided still does not meet the trade and marketing impact threshold requirement for designation as a no GM food crop area. While the Committee acknowledges the perceived concerns regarding potential threats to trade and marketing, individual business' non-GM markets can be maintained as occurs in other mainland states where GM food crops are permitted without designation as a no GM food crop area.

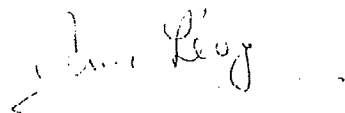
Although some anecdotal information and perceptions were provided in most applications, no rigorous evidence-based arguments were provided regarding potential changes in costs (increases or decreases) for non-GM businesses within their respective local council areas if they are not declared a non-GM area. For example, no data was provided in any application regarding additional costs that would result from the segregation of GM and non-GM crops or in relation to organic certification if GM food crops were to be permitted. No sufficient evidence was provided regarding current price premiums nor of any "GM-free" focus in their current marketing that could not be maintained using measures other than regulation; e.g. labelling, regional agreements and marketing strategies as occurs in other mainland states.

The Committee further recommends the appropriate role for Government is to offer assistance and provide advice to all sectors throughout implementation of these changes across the state and in all council areas, similar to the approach taken in Western Australia when the moratorium on the cultivation of GM food crops was lifted in that state.

Further feedback on individual applications can be provided upon request.

Please do not hesitate to contact me should you wish to discuss the matter further.

Yours sincerely



Hon Anne Levy

Presiding Member, Genetically Modified Crops Advisory Committee

16 October 2020



Government of South Australia
Department of Primary Industries
and Regions

Minute to
Minister for Primary Industries and Regional Development

Ref: eA192594

For	Approval
Critical Date	Urgent
Subject	Correspondence from GM Crop Advisory Committee



Synopsis

Advice been received from the Hon Anne Levy, Presiding Member of the GM Crop Advisory Committee on council applications to be designation as no GM food crop areas. Receipt of this advice fulfils your statutory requirements to make a decision on these applications.

A further briefing will be sent to your office to assist advising applicant councils of outcomes and to provide advice on implementation.

Recommendations

That you:

1. Approve one of the following options regarding council applications:

Option 1 - In accordance with the advice of the GM Crop Advisory Committee, do not designate any councils as areas where cultivation of GM food crops is prohibited.

APPROVED / NOT APPROVED

Option 2 - Approve designating one or more of the following councils as areas where cultivation of GM food crops is prohibited.

- Adelaide Hills Council
- Alexandrina Council
- Barossa Council
- Berri Barmora Council
- City of Onkaparinga
- City of Playford
- District Council of Yankalilla
- Mount Barker District Council
- Town of Gawler
- City of Victor Harbor

APPROVED / NOT APPROVED
APPROVED / NOT APPROVED
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APPROVED / NOT APPROVED

Hon David Basham MP
**Minister for Primary Industries
and Regional Development**

21/11/2020

Background

- The recent changes to the *Genetically Modified Crops Management Act 2004* (the Act) provide a six month period for local councils to apply to you as Minister for Primary Industries and Regional Development to be declared an area where no GM food crops may be cultivated, expiring on 15 November 2020.
- Before declaring a local council as a designated area, you are required to consult with the Genetically Modified (GM) Crop Advisory Committee (the Committee) on the application and take into account any advice provided by the Committee in relation to the matter.
- The Department of Primary Industries and Regions (PIRSA) has facilitated the application process in consultation with the Local Government Association and has provided Secretariat support to the Committee.
- The following ten local councils have submitted applications to be designated areas under the Act by 30 September 2020:
 - Adelaide Hills Council
 - Alexandrina Council
 - Barossa Council
 - Berri Barmera Council (formal clarification was received from the Council Chief Executive Officer to confirm their submission as a formal application)
 - City of Onkaparinga
 - City of Playford
 - District Council of Yankalilla
 - Mount Barker District Council
 - Town of Gawler
 - City of Victor Harbor
- All applications were provided to the Committee on 1 October 2020 for consideration.
- A late application was been received from the City of Tea Tree Gully on 21 October. This has been provided to the Committee for urgent advice.

Discussion

- Following the Committee's deliberations, the Hon Anne Levy, Presiding Member of the Committee, wrote to you on 16 October 2020 providing the Committee's advice on the ten applications.
- In summary, the Committee has provided unanimous advice that:
 - none of the applications received presented sufficient evidence of market and trade impacts for the Committee to recommend any local council area for designation as an area where no GM food crops may be cultivated;
 - while there are perceived concerns raised regarding potential threats to trade and marketing, individual business' non-GM markets can be maintained as occurs in other mainland states where GM food crops are permitted without designation as a no GM food crop area; and
 - the appropriate role for Government is to offer assistance and provide advice to all sectors throughout implementation of these changes across the state and in all council areas.

Additional Material from City of Onkaparinga

- On 19 October, PIRSA was provided with the following additional information from City of Onkaparinga Mayor Erin Thompson in support of her council's application:
 - A covering letter reaffirming the Council's application status (Attachment A);
 - A letter to McLaren Vale Grape Wine and Tourism Association from Treasury Wine Estates which includes details of its national sustainability program membership "Sustainable Winegrowing Australia" and details of Treasury Wine Estates' zero tolerance for GM products in its wine production (Attachment B).
 - A letter of support for the Council's application which has been previously sent directly to you from Mr Chester Osborn of D'Arenberg, Mr Warren Randall of Randall Wine Group and Mr Jock Harvey of Chalk Hill Viticulture. You have also received this letter as correspondence directly to you. A draft response was provided with workflow eA192449. (Attachment C)
- The additional information was provided out of session to the Committee for their urgent consideration. The Committee unanimously resolved that the new information did not provide sufficient basis for any change or modification to their advice to you on the City of Onkaparinga's application.

Additional Resources

- At the Committee's request, PIRSA provided the following documents to assist with deliberations. These are attached for your information:
 - Mapping of certified organic wineries in Western Australia, New South Wales, Victoria and South Australia (Attachment D); and
 - A map of applicant local Councils that have applied to you for consideration for designation as a no GM food crop area (Attachment E).

Next Steps

- The Act requires you to consult with the Committee and take account of its advice before making your determinations on council applications.
- Receipt of this advice fulfills this statutory requirement and enables you to make decisions on this matter.
- Should you decide to agree with the Committee option 1 in the recommendations for this briefing can be approved. If you decide to accept any of the council applications, option 2 enables you to indicate your approval to designate the corresponding council area.
- Following your approvals, PIRSA will provide a briefing the appropriate draft correspondence to councils and gazette notices (if required). Advice will also be provided on the work PIRSA is undertaking to assist implementation of the changes to the Act.
- The Committee's view on the City of Tea Tree Gully application will be provide as soon as it is available.

Attachments

- A. Correspondence from City of Onkaparinga - Addendum letter to GM submission Minister Basham
- B. Treasury Wine Estate additional information GM moratorium addendum letter to Minister Basham
- C. Letter from D'Arenberg Wines, Randall Wine Group and Chalk Hill Viticulture
- D. Certified Organic Wineries by State
- E. Map of Applicant Councils



CHIEF EXECUTIVE

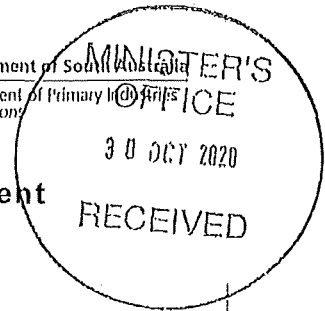
Department of Primary Industries and Regions

22/10/2020

CONTACT	Jo Collins
POSITION	Executive Director
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PREPARED BY	Ben Timmis/Elena Anear



Government of South Australia
Department of Primary Industries
and Regional Development



Minute to
Minister for Primary Industries and Regional Development

Ref: A4683257

For	Approval
Critical Date	For implementation/publication pending outcomes of Cabinet Meeting on 2 November 2020
Subject	Genetically Modified Food Crops Reform - Implementation

Synopsis

To assist in genetically modified (GM) food crops policy reform implementation, a resource package has been prepared for publication on the PIRSA website. Draft communication with applicant councils and protocols for the GM Crop Advisory Committee are also provided for your approval together with responses to likely questions that will be used as the basis for talking points on the matter.

Work with industry, including Grain Producers SA, continues in preparation for the amendments to the *Genetically Modified Crops Management Act 2004* coming into operation on 15 November 2020.

Recommendations

That you:

1. Approve the proposed publication of resources on the PIRSA website provided at Attachment A.
2. Approve the provided guideline for GM Crop Advisory Committee member responses to media and stakeholders seeking comment on their advice.
3. Approve the provided content for contact with applicant council Chief Executive Officers by phone and via letter (Attachments B-D) to advise of your decision making on their council's application.
4. Note the proposed responses provided in Attachment E to likely issues that will be used as the basis for talking points.
5. Note that in accordance with your advice, the Department is developing GM related resources to provide key technical information to industry to meet the requirements of the regulations.

Hon David Basham MP
**Minister for Primary Industries
and Regional Development**

2 11/12/2020

Background

- The recent changes to the *Genetically Modified Crops Management Act 2004* (the Act) provide a six-month period for local councils to apply to be declared an area where no GM food crops may be cultivated, expiring on 15 November 2020.
- The following eleven local councils submitted applications.
 - Adelaide Hills Council
 - Alexandrina Council
 - Barossa Council
 - Berri Barmera Council
 - City of Onkaparinga
 - City of Playford
 - District Council of Yankalilla
 - Mount Barker District Council
 - Town of Gawler
 - City of Victor Harbor
 - City of Tea Tree Gully
- These eleven applications were provided to the Genetically Modified Crops Advisory Committee (the Committee) for consideration and advice provided to you on 16 October and 23 October from the Committee's Presiding Member Hon Anne Levy, (eA192594 and eA192693). The 16 October advice is provided for your reference at Attachment F.
- In summary, the Committee advised no application had provided sufficient evidence to recommend designation as an area where the cultivation of GM food crops is prohibited.

Discussion

- The Committee's advice contained the following additional recommendation regarding GM food crop policy reform implementation:

"The Committee further recommends the appropriate role for Government is to offer assistance and provide advice to all sectors throughout implementation of these changes across the state and in all council areas, similar to the approach taken in Western Australia when the moratorium on the cultivation of GM food crops was lifted in that state."
- In the context of there being canola growers in council areas that have not applied to be non-GM areas, the Department of Primary Industries and Regions (PIRSA) has discussed implementation with Grain Producers SA (GPSA).
- GPSA has advised it is developing a campaign focussed on industry stewardship which includes accreditation schemes in place interstate and promoting the training courses providing by seed providers.
- It was also GPSA's view that it would be preferable for PIRSA to refer to the primary sources of advice such as the Australian Oil Seed Federation responsible for grain standards rather than rewriting information.

GM Resources

- In keeping with advice from GPSA and to reflect that GM food crops will now be managed by industry protocols, it is recommended that the PIRSA website be updated to provide a central information resource with links to key technical information and resources from technology providers and industry bodies.

- Proposed draft website content is provided at Attachment A. The content provides options for publication subject to your final decision making on local council applications.
- This information provides background on GM food crops, their regulation and the changes that have occurred. It also provides general advice to those wishing to grow GM crops or remain non-GM and provides links to the relevant information published by industry associations, seed companies, bulk handlers and other key elements of the supply chain.
- These links will include:
 - GPSA and Bayer information for growers wishing to adopt GM technology, including the key considerations for using the technology for the first time.
 - Fact sheets on GM canola and GM Safflower from the Office of the Gene Technology Regulator.
 - Bayer and the Australian Oilseeds Federation information on crop management plans.
 - Information on segregation of GM and organic production systems.
- PIRSA will continue to engage with GPSA and other key industry stakeholders such as Viterro to ensure appropriate information and support is provided to industry in advance of the 2021 planting season.

Media Advice to GM Crop Advisory Committee

- The Committee has requested your advice should members receive requests for comment on their advice to you from media and/or others.
- It is proposed that the Committee is provided with guidance that their public statements should only pertain to content of their agreed written advice to you, with all further questions referred to your office for consideration and for which the Department will support addressing.

Applicant Council notification of decisions

- Your office has advised you would prefer that applicant councils are informed of your decision before it is reported in the media.
- It is proposed that following notification of your decision, PIRSA officers contact the Chief Executive Officer of each applicant council by phone to inform them of your decision. The following advice would be provided, while any questions would be taken on notice:

The Minister for Primary Industries and Regional Development has requested that the Department of Primary Industries and Regions contact you directly regarding your Council's application to be designated an area where no GM food crops may be grown.

Your application was provided in full to the expert GM Crop Advisory Committee for their assessment. The Committee then provided advice to the Minister on the application which he has considered in making his determination.

After considering the Committee's expert advice, the Minister has made the decision to/not to designate your council as a non-GM area.

Formal advice in writing from the Minister will follow shortly.

- Draft letter templates to provide formal written notification of your decision (successful and unsuccessful) are provided at Attachments B and C.

- Attachment D provides a further letter template for unsuccessful applicants should you wish to acknowledge the stronger applications provided by Adelaide Hills Council, Barossa Council and the City of Onkaparinga as noted in the Committee's written advice.

Key Issues and Proposed Responses

- A list of proposed responses to likely questions and key issues expected to arise following the public announcement of your decisions is provided at Attachment E. Talking points on these issues are being developed in parallel through PIRSA Communications which will be provided for your approval through usual channels.

Stakeholder Engagement

- Grain Producers SA

Attachments

- A. Draft web content
- B. Template Letter response for Applicant Councils – Successful
- C. Template Letter response for Applicant Councils – Unsuccessful
- D. Template Letter response for Applicant Councils – Unsuccessful stronger application
- E. GM Reform Implementation - Key Issues and Proposed Responses
- F. Advice from GM Crop Advisory Committee



CHIEF EXECUTIVE

Department of Primary Industries and Regions

30/10/2020

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Draft Web Content

Page 1 - 'GM Crops in South Australia'

Genetically modified (GM) crops are plants used in agriculture that have had their DNA modified through gene technology. Examples include resistance to certain pests, diseases and herbicides, tolerance to environmental conditions such as drought or frost and increased production of nutrients, such as omega 3 oils.

Regulation of GM crops

GM crops are regulated under a national scheme by the Gene Technology Regulator, through the *Gene Technology Act 2000*. This scheme assesses the health and environmental impacts of GM crops before they are approved for use by farmers.

The Office of the Gene Technology Regulator (OGTR) has a number of fact sheets and a list of approved GM crops on their website.

Changes have been passed by the South Australian Parliament that will allow GM food crops to be cultivated in South Australia, except on Kangaroo Island. In addition, Councils were given a once off opportunity to apply to be recognised as an area where no GM food crops can be grown. The Council Application Process (link to information below*) is now complete and has resulted in no Councils/ the following Councils being designated as no GM food crop areas under the Act.

Further changes to the Act operational from 15 November 2020 removed 'transport' from the definition of 'cultivate' in the Act.

*Council Application process

Before applying, councils were required to first consult with their community, including those engaged in primary production and food processing or manufacturing businesses.

Councils were advised that applications should:

- Relate to risks to marketing and trade only.
- Do not include matters of human health and environmental impacts as these are managed under Commonwealth legislation.
- Demonstrate that stakeholders in the council area are receiving a marketing or trade advantage as a result of the council's non-GM status.
- Demonstrate that established marketing and trade advantages are only achievable through a prohibition on the cultivation of GM food crops in their area.
- Include all views expressed during consultation (in favour or against declaration).

Council applications were assessed by the expert GM Crops Advisory Committee, and advice was provided to the Minister for Primary Industries and Regional Development for consideration.

*Outcomes of Council Applications

Option 1

The GM Crop Advisory Committee advised that none of the applications received presented sufficient evidence for the Committee to recommend designation as an area where no GM food crops may be cultivated. It was the view of the Committee that individual business' non-

GM markets can be maintained as occurs in other mainland states where GM food crops are permitted without designation as a no GM food crop area.

In recognition of this expert advice, no council areas have been declared as designated areas under the Act. All commercially approved GM food crops will now be permitted to be grown on the South Australian mainland.

Or

Option 2

Following consideration, the Minister has approved the designation of the following local councils as areas in which the cultivation of GM food crops is prohibited:

- Xxxxx
- Xxxxxx

Designation of these council areas was published in the South Australian Government Gazette on xx November 2020.

Under Section 5A(5) of the Act, 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.

Page 2 – ‘I want to grow GM crops’

The GM food crops currently approved for commercial cultivation in Australia are varieties of Cotton, Canola, and Safflower. The Office of the Gene Technology Regulator (OGTR) is responsible for licensing commercial varieties of GM crops in Australia.

More information on the OGTR is available here:

<http://www.ogtr.gov.au/internet/ogtr/publishing.nsf/Content/about-regulator-1>

Fact sheets on GM cultivation and commercially available crop varieties are available here:

<http://www.ogtr.gov.au/internet/ogtr/publishing.nsf/Content/factsheets>

Growers looking to include GM varieties as part of their 2021 rotation should first speak to their agronomist and preferred seed supplier. Growers may be required to enter into stewardship and licensing agreements prior to receiving GM seed and be required to complete accreditation courses. More information is available at Grain Producers SA: <http://grainproducerssa.com.au/>.

To support coexistence, growers need to consider their system and implement risk management strategies to minimise any potential negative impacts to other growers.

Certified organic, biodynamic, non-GM and GM production systems all have specific requirements. To assist in managing various systems that may be within close proximity, all growers, regardless of their production systems, should discuss individual production system requirements with their neighbours. The proforma letter (see: **Coexistence letter**) can be used to help you initiate a discussion with your neighbours.

Processes to segregate canola varieties

All GM food crop growers should know how to segregate different varieties to meet delivery standards and international trading standards.

The processes required to segregate GM and non-GM varieties are similar to the processes used to segregate other grains such as feed barley from malt barley.

In accordance with best practice, growers should ensure that:

- all bags of seed are labelled
- seed of different varieties are stored separately
- seed is stored in vermin-free areas
- lot numbers of all seed sown are retained
- a record is kept of where each seed lot was sown.

If you are considering growing GM crops in South Australia, you may also need to consider crop management practices, machinery hygiene, and resistance management plans. For more information on these, please refer to the following industry information:

Getting started with Roundup Ready Technologies:

<http://www.roundupreadycanola.com.au/new-roundup-ready-farmer/>

Herbicide tolerant canola in farming systems – a guide for growers:

<https://grdc.com.au/resources-and-publications/all-publications/publications/2014/03/herbicide-tolerant-canola-in-farming-systems>

Crop Management Plan: <http://www.roundupreadycanola.com.au/prod/media/3670/rr-canola-technologies-cmp.pdf>

Resistance Management Plan: <http://www.roundupreadycanola.com.au/prod/media/3672/rr-canola-technologies-rmp.pdf>

Canola Volunteer Control Guide:

http://www.australianoilseeds.com/_data/assets/pdf_file/0018/9261/Canola_Volunteer_Control_Guide_October_2019_Version_2.pdf

GM Canola Impact Survey Information for Growers, Advisers and Industry:

https://grdc.com.au/_data/assets/pdf_file/0021/74721/gm-canola-impact-survey-pdf.pdf.pdf

Section 3 – ‘I want to remain non-GM’

The changes to South Australia's GM legislation give farmers the choice to adopt farming practices that best suit their environments and circumstances. For some farmers, this will include choosing not to adopt GM crop technology. Industry segregation protocols are well established to facilitate the successful coexistence of both GM and non-GM production systems in the market.

To assist in managing various systems that may be within close proximity, all growers, regardless of their production systems, should discuss individual production system requirements with their neighbours. The proforma letter (see: **Coexistence letter**) can be used to help you initiate a discussion with your neighbours.

For more information, see the 'Delivering Market Choice with GM Canola' report from the Australian Oilseeds Federation:

http://australianoilseeds.com/_data/assets/pdf_file/0019/2935/Delivering_Market_Choice_with_GM_canola_-_FINAL_-_1MB.pdf

The Australian Seed Federation (ASF), through its membership, has developed a number of documents and protocols to assist industry participants to make informed decisions in relation to the handling and marketing of seed.

<https://www.asf.asn.au/code-of-practice/>

Coexistence of different production systems

The Independent Review of the GM Moratorium by Professor Kym Anderson found:

The experiences of GM canola production and marketing in other mainland states over the past decade reveal that segregation and identity preservation protocols and codes of practice can and do ensure the successful coexistence of GM and non-GM crops in Australia.

In other jurisdictions where GM crops have been permitted for 10 years, the industry has established protocols to manage co-existence of GM and non-GM crops.

The principles and processes have been taken up and managed by the Australian Oilseeds Federation, which maintains and oversees the delivery of market requirements for domestic and export trade.

In Western Australia, the biggest handler of GM grain Western Australia's Co-operative Bulk Handling Group, has successfully segregated GM and non-GM canola to internationally acceptable levels since the GM crop's introduction in that state in 2010.

Viterra, South Australia's largest grain handler currently receiving canola has existing testing regimes in place for detection of GM canola which were put in place to ensure compliance with the moratorium. Viterra can assure that the storage systems in place, combined with the existing proven GM field testing regime are capable of managing the delivery and segregation of GM from non-GM canola deliveries to ensure export and domestic customers' needs are met.

Certified Organic and Biodynamic Producers

Organic standards used in Australia are generally owned and managed by private organisations. There is no mandatory requirement for certification of organic product sold domestically in Australia. Many organic businesses however choose to be certified by an organic certification body to underpin truth in labelling requirements and promote consumer confidence.

Domestically marketed organic products are commonly certified by one of Australia's six private certifiers who base their certification standards on the National Standard for Organic and Biodynamic Produce. The contact details for the six private certifying organisations are available here: <https://www.agriculture.gov.au/about/contact/phone/approved-certifying-organisations>

The National Standard for Organic and Bio-Dynamic Produce is available here:
<https://www.agriculture.gov.au/export/controlled-goods/organic-bio-dynamic/national-standard>.

Within Australia there is a considerable number of Organic and Biodynamic certifications in states where there is no moratorium on GM crops. Certified Organic or Biodynamic producers are required to adhere to strict Organic Management Plans that establish clear protocols about how an organic or biodynamic producer will meet and maintain the thresholds and criteria of organic or biodynamic certification.

If you are a certified Organic or Biodynamic producer in South Australia, you should refer to your certification organisation's Standards to ensure your practices are compliant.

Page 4 - History of GM crops in South Australia

This section will contain previously approved web content on GM Crops in SA, including the Independent Anderson Review, Statutory Consultation process, public meetings, regulation changes, and the GM Crop Advisory Committee.



Government
of South Australia

Hon David Basham MP
Minister for Primary Industries
and Regional Development
GPO Box 1671 Adelaide SA 5001
Tel 08 8226 2931
Minister.Basham@sa.gov.au

Document ID (9pt font):

Mr/ Mrs First name Surname
Position Title
Company
SUBURB STATE POSTCODE

Email: firstname@xx.xxx.xx (remove hyperlink)

Dear

Thank you for your application from the COUNCIL NAME to be designated an area under the *Genetically Modified Crops Management Act 2004* (the Act) where no genetically modified food crops may be cultivated. I would like to thank you for engaging in the process, and consulting with your community on the matter.

As required by the Act, your application was provided to the Genetically Modified Crops Advisory Committee (the Committee) for advice. This advice has been provided to me and I have taken it into account in making a determination.

From the evidence presented in your application, and the advice provided to me from the Committee I have made the decision to designate the council of COUNCIL NAME as an area where no genetically modified food crops may be cultivated under the Act. Notice of this designation was/will be published in the Government Gazette on 12 November 2020.

Under the Act, I may only revoke this designation on application from your council. Should you wish to revoke the designation in the future, your council will be required to submit an application to me as Minister for Primary Industries and Regional Development.

Thank you again for your council's engagement in this process.

Yours sincerely

Hon David Basham MP
MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT

/ / 2020





Government
of South Australia

Hon David Basham MP
**Minister for Primary Industries
and Regional Development**
GPO Box 1671 Adelaide SA 5001
Tel 08 8226 2931
Minister.Basham@sa.gov.au

Document ID (9pt font):

*

*

Mr/ Mrs First name Surname
Position Title
Company
SUBURB STATE POSTCODE

Email: firstname@xx.xxx.xx (remove hyperlink)

*

*

Dear

Thank you for your application from the COUNCIL NAME, to be designated an area under the *Genetically Modified Crops Management Act 2004* (the Act) where no genetically modified food crops may be cultivated. I would like to thank you for engaging in the process, and consulting with your community on the matter.

As required by the Act, your application was provided to the Genetically Modified Crops Advisory Committee (the Committee) for advice. This advice has been provided to me and I have taken it into account in making a determination.

It was the view of the Committee that the application had not presented sufficient evidence for the Committee to recommend designating the council as an area where no GM food crops may be cultivated. The Committee was of the view that individual business' non-GM markets can be maintained without designation as a no GM food crop area, as occurs in other mainland states where GM food crops are permitted.

After considering the Committee's expert advice, I have made the decision not to designate the COUNCIL NAME as a non-GM area.

Farmers in your council area may now choose to grow GM food crops with appropriate industry segregation protocols in place as occurs in other states. The grains industry has committed to working with producers during this change and the Department of Primary Industries and Regions will be publishing resources to assist.

Thank you again for your council's engagement in this process.

Yours sincerely

Hon David Basham MP
MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT

/ / 2020





Government
of South Australia

Hon David Basham MP
Minister for Primary Industries
and Regional Development
GPO Box 1671 Adelaide SA 5001
Tel 08 8226 2931
Minister.Basham@sa.gov.au

Document ID (9pt font):

*
*
*

Mr/ Mrs First name Surname
Position Title
Company
SUBURB STATE POSTCODE

Email: firstname@xx.xxx.xx

*
*
*

Dear

Thank you for your application from the COUNCIL NAME, to be designated an area under the *Genetically Modified Crops Management Act 2004* (the Act) where no genetically modified (GM) food crops may be cultivated. Firstly, I would like to thank the council for the considerable work undertaken to engage in the process and consult with your community on the matter.

As required by the Act your application together with all attachments (and the further information provided by winemakers in your area – to be included if sent to Onkaparinga) was provided to the Genetically Modified Crops Advisory Committee (the Committee) for advice. This advice has been provided to me and I have taken it into account in making a determination.

While the Committee's view was that your council should be commended for the work undertaken to engage your community and prepare your application, it advised that the application had not presented sufficient evidence to recommend designating the council as an area where no GM food crops may be cultivated. The Committee's advice is that individual business' non-GM markets can be maintained as occurs in other mainland states where GM food crops are permitted. The Committee further advised that sufficient evidence was not provided that current marketing could not continue using measures other than regulation such as labelling or regional arrangements and marketing strategies.

After considering the Committee's expert advice, I have decided not to designate the COUNCIL NAME as an area where cultivation of GM food crops is prohibited.

Farmers in your council area may now choose to grow GM food crops with appropriate industry segregation protocols in place as occurs in other states. The grains industry has committed to working with producers during this change and the Department of Primary Industries and Regions will be publishing resources to assist. You may also wish to consider non-regulatory measures such as labelling or regional marketing strategies as referred by the Committee.

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- 2 -

Thank you again for your council's engagement in this process.

Yours sincerely

Hon David Basham MP

MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT

/ / 2020

Attachment E – GM Reform Implementation – Key Issues and Proposed Responses

Issue	Proposed Response
How will GM crops be regulated in SA?	<p>The Department of Primary Industries and Regions is the regulator of Genetically Modified (GM) food crops only in areas where their cultivation is prohibited. This applies to Kangaroo Island and from 15 November 2020 will also include any designated local council areas as determined by the Minister following the current application process to remain an area where no GM food crops can be grown to be updated when final decision on applications is made.</p> <p>In other jurisdictions where GM crops have been permitted for 10 years, the industry has established protocols to manage co-existence of GM and non-GM crops.</p> <p>Industry standards and protocols will apply to any producers choosing to grow GM food crops in SA.</p> <p>Grain Producers South Australia (GPSA) will be assisting with the implementation of the changes to the Act. GPSA will be providing information to producers that may choose to grow GM food crops.</p>
What evidence is there for the successful co-existence of GM and non-GM crops?	<p>The Independent Review of the South Australian moratorium considered whether GM and non-GM crops can coexist.</p> <p>Prof Kym Anderson AC found in the Independent Review of the South Australian GM Food Crop Moratorium found that ‘the experience of GM canola production and marketing in other mainland states over the past decade reveals that segregation and identity preservation protocols and practice codes can and do ensure the successful coexistence of GM and non-GM crops in Australia’ (see https://pir.sa.gov.au/primary_industry/genetically_modified_gm_crops/gm_review)</p>
How does Industry deal with segregation?	<p>As found by Prof Anderson, industry in other States has demonstrated it can manage GM and non-GM crop segregation. This includes both on farm and between neighbouring farms and through the supply chain to the market. Separation of GM food crops will occur on farm and between farms in the same way as all crops are separated and purity is managed right through the supply chain from on farm through to the end user. Experience in other states shows this issue is managed through approaches including:</p> <ul style="list-style-type: none"> ○ good quality neighbour-to-neighbour communication about cropping intentions ○ application of good practice in GM crop location by selection of paddock; e.g. not growing a GM crop in a border paddock across the fence from a non-GM neighbour. ○ including a buffer crop between the GM crop to separate it from non-GM crop(s)

	<p>The principles and processes to manage co-existence of GM and non-GM crops have been taken up and managed by the Australian Oilseeds Federation, which maintains and oversees the delivery of market requirements for domestic and export trade.</p> <p>In Western Australia, the biggest handler of GM grain Western Australia's Co-operative Bulk Handling Group, has successfully segregated GM and non-GM canola to internationally acceptable levels since the GM crop's introduction in that state in 2010.</p> <p>Viterra, South Australia's largest grain handler currently receiving canola has existing testing regimes in place for detection of GM canola which were put in place to ensure compliance with the moratorium. Viterra has told PIRSA the storage systems in place combined with the existing proven GM field testing regime are capable of managing the delivery and segregation of GM from non-GM canola deliveries to ensure export and domestic customers' needs are met.</p>
What obligations are in place for growers to ensure GM crops are managed successfully?	<p>GM technology providers (seed companies) require farmers using GM crops to enter into Licensing and Stewardship Agreements or similar. This provides GM farmers with sound proven practices that ensure proper management of the crop including, best practice record keeping, seed stocks and stored grain management (including labelling), cleaning all equipment between seeding, harvesting and handling GM crops and grain before moving into managing non-GM crops and grain.</p> <p>Harvested grain, storage and transport systems are managed to ensure its segregation on farm and through the supply chain to market. The stewardship provides for physical in crop separation by including if required a non-GM crop buffer around the GM crop (grain harvested in the buffer added into the GM harvest).</p> <p>Growers are required to provide vendor declarations to grain handlers identifying whether or not their crops are GM.</p>
What was the issue in the case of Marsh vs Baxter in WA?	<p>The legal case of <i>Marsh vs Baxter</i> in Western Australia was about farm to farm contamination. The Court found the event was beyond the GM cropper's control and that the Organic Certification body overstepped in its response by decertifying the entire organic farm.</p> <p>Western Australia has since provided advice to growers on the application of practices which would have averted the occurrence in the first place. A Parliamentary Inquiry in WA following this case found that specific legislation to protect organic farmers was not required.</p>

<p>There are concerns regarding the environmental and health impacts of GM crops.</p>	<p>The Commonwealth <i>Gene Technology Act 2000</i> establishes a national cooperative regulatory scheme for gene technology and this legislation deals with human health and environmental impacts of GM organisms. It is through this scheme that any impacts on health and the environment are considered before farmers can grow GM crops commercially.</p> <p>States are only permitted to regulate GM crops on marketing and trade grounds. Health and environmental impacts cannot therefore be used as a basis for having a moratorium in South Australia.</p>
<p>The Minister should honour all Councils' democratic decisions to apply for non-GM status and grant all applications.</p>	<p>The changes to the Act agreed by the Parliament allows for councils to apply to be non-GM but places the final decision on council application with the Minister who must have regard to the advice from the GM Crop Advisory Committee.</p> <p>Decisions must be evidence based and relate only to trade and marketing impacts only. Councils were advised that applications must demonstrate:</p> <ul style="list-style-type: none"> ▪ relate to risks to marketing and trade only ▪ not include matters of human health or environmental impacts, as these are managed under Commonwealth legislation ▪ demonstrate that stakeholders in their area are currently receiving a marketing or trade advantage as a result of being a no GM food crop area ▪ show evidence of market and trade advantages, including any price premiums, that could not be achieved without being declared a no GM food crop area ▪ include a summary of all views expressed during consultation (in favour or against declaration). <ul style="list-style-type: none"> ○ Council applications may also consider including: <ul style="list-style-type: none"> ▪ information or data from commercial customers or businesses in the supply chain ▪ any other relevant data that demonstrates the marketing or trade advantage provided to local businesses. <p>It should be noted that the Minister has no power to grant non-GM status on any grounds other than trade and marketing.</p>

<p>What was the GM Crop Advisory Committee's advice on the Council applications?</p>	<p>The expert GM Crop Advisory Committee has provided advice that none of the eleven applications has provided sufficient evidence to recommend designation as an area where the cultivation of GM food crops is prohibited.</p> <p>While the Committee acknowledged the perceived concerns regarding potential threats to trade and marketing raised by Council's, individual business' non-GM markets can be maintained as occurs in other mainland states where GM food crops are permitted without designation as a no GM food crop area.</p> <p>While the Committee advised that no sufficient evidence was provided that current marketing could not be maintained using measures other than regulation; e.g. labelling, regional agreements and marketing strategies as occurs in other mainland states.</p> <p>The Committee also recommended that the appropriate role for Government is to offer assistance and provide advice to all sectors throughout implementation of these changes across the state and in all council areas, similar to the approach taken in Western Australia when the moratorium on the cultivation of GM food crops was lifted in that state.</p>
<p>Non-GM canola sells at a premium. GM canola sells at a price discount.</p>	<p>The intent of this reform is to provide farmers with the choice to grow GM food crops as they can for all other decisions that impact their farming businesses. Price differences will be taken into account and weighed against the benefits that GM can provide when making this decision.</p> <p>If farmers choose to remain non-GM, segregation protocols and other industry led management strategies can be used to ensure they can retain their non-GM markets as occurs in other mainland states.</p> <p>When appropriately comparing state premiums, South Australian non-GM canola has traded at a 2% discount to non-GM canola in Geelong (Vic), and a 3% discount to non-GM canola in Kwinana (WA), based upon agricultural economists Mecardo analysis from 2018. The Independent review contained the following finding:</p> <p><i>...the only data provided in submissions on prices of grain in South Australia versus grain in neighbouring states suggest that since 2012 there has been no premium for grain from South Australia despite it being the only mainland state with a GM crop moratorium. (Finding 3.2).</i></p>

<p>The Barossa, Adelaide Hills and Onkaparinga Council submissions assert that their wine industries will lose international markets if GM crops are allowed to be grown in their council areas</p>	<p>There are significant wine regions in other states and countries that do not have GM moratoria which trade into the same overseas markets as South Australian wine regions. The committee advice that South Australian businesses can maintain their non-GM status through labelling, regional agreements and marketing strategies as can occur in other mainland states.</p> <p>There was no evidence provided (through council applications, nor through any stage of the GM reform consultation) of any South Australian wine producers using their own or South Australia's GM-free status as a marketing tool.</p> <p>Or</p> <p>This has been accepted by the Minister and the areas/x area will be declared in the Gazette.</p> <p>to be updated when final decision on applications is made.</p>
<p>Issues regarding loss of certification for organic/bio-dynamic businesses.</p>	<p>Western Australia, Victoria, New South Wales and Queensland permit the commercial cultivation of GM crops, all have done so for a decade or more and none have encountered any trade or marketing barriers for their agricultural produce because of permitting commercial cultivation of GM crops.</p> <p>Queensland, NSW and Victoria all have a higher number of certified organic businesses than South Australia and based on their experience there is no evidence organic businesses in South Australia will suffer a loss arising from the commercial cultivation of GM crops.</p> <p>A comprehensive listing of all Australian wineries producing certified organic and bio-dynamic wines demonstrates significant numbers in WA, NSW and VIC (see http://grenum.com/au/australian-organic-biodynamic-wine-producers/)</p> <p>Or</p> <p>This has been accepted by the Minister and the areas/x area will be declared in the Gazette.</p> <p>to be updated when final decision on applications is made.</p>
<p>What legal protections are in place for non-GM farmers ?</p>	<p>Section 27 of the Act provides protections for non-GM farmers from liability in the event that GM material is found on their land.</p>

	<p>In late 2017, a standing committee of the Western Australian Parliament commenced an inquiry into <i>Mechanisms for compensation for economic loss to farmers in Western Australia caused by contamination by genetically modified material</i>. The committee found there is insufficient evidence to justify a departure from the common law mechanism for compensation in Western Australia. The <u>final report</u> is available on the Western Australian Parliamentary website.</p>
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Hon David Basham
Minister for Primary Industries and Regional Development
Level 10, 1 King William Street
Adelaide SA 5000
Minister.Basham@sa.gov.au

Dear Minister,

I refer to your request through the Department of Primary Industries and Regions seeking the Genetically Modified Crops Advisory Committee's (the Committee) advice on applications received by the 30th September 2020 from Local Councils seeking to be declared as an area in which no genetically modified food crops may be cultivated under Section 5A of the *Genetically Modified Crops Management Act 2004* (the Act) for your consideration for designation.

The Committee was provided with formal applications from the following ten local government areas of South Australia:

- o The Town of Gawler Council;
- o City of Victor Harbor;
- o Berri Barmera Council;
- o District Council of Yankalilla;
- o Mount Barker District Council;
- o City of Playford;
- o Alexandrina Council;
- o Adelaide Hills Council;
- o Barossa Council; and
- o City of Onkaparinga

In reviewing these applications, the Committee considered the following Ministerially approved information provided on the Department of Primary Industries and Regions website and provided to South Australian Councils through the Local Government Association to guide its discussions and decision making; i.e. that applications should:

- relate to risks to marketing and trade only;
- not include matters of human health or environmental impacts, as these are managed under Commonwealth legislation;
- demonstrate that stakeholders in their area are currently receiving a marketing or trade advantage as a result of being a no genetically modified (GM) food crop area;
- show evidence of market and trade advantages, including any price premiums, that could not be achieved without being declared a no GM food crop area; and
- include a summary of all views expressed during consultation (in favour or against declaration).

The Committee reviewed all applications out of session prior to meeting twice to discuss the final advice on each application to be provided to you.

On the 9th October 2020, the Committee unanimously agreed that the following seven Council submissions:

- o The Town of Gawler;
- o City of Victor Harbor;
- o Berri Barmera Council;

- o District Council of Yankalilla;
- o Mount Barker District Council;
- o City of Playford; and
- o Alexandrina Council

had not presented sufficient evidence for the Committee to recommend being designated as areas where no GM food crops may be cultivated.

On the 16th October 2020, the Committee considered the remaining three council applications:

- o Adelaide Hills Council;
- o Barossa Council; and
- o City of Onkaparinga.

The Committee noted that while these three applications were stronger than those previously assessed, the evidence provided still does not meet the trade and marketing impact threshold requirement for designation as a no GM food crop area. While the Committee acknowledges the perceived concerns regarding potential threats to trade and marketing, individual business' non-GM markets can be maintained as occurs in other mainland states where GM food crops are permitted without designation as a no GM food crop area.

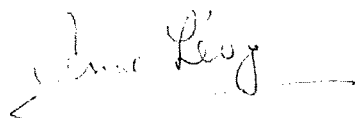
Although some anecdotal information and perceptions were provided in most applications, no rigorous evidence-based arguments were provided regarding potential changes in costs (increases or decreases) for non-GM businesses within their respective local council areas if they are not declared a non-GM area. For example, no data was provided in any application regarding additional costs that would result from the segregation of GM and non-GM crops or in relation to organic certification if GM food crops were to be permitted. No sufficient evidence was provided regarding current price premiums nor of any "GM-free" focus in their current marketing that could not be maintained using measures other than regulation; e.g. labelling, regional agreements and marketing strategies as occurs in other mainland states.

The Committee further recommends the appropriate role for Government is to offer assistance and provide advice to all sectors throughout implementation of these changes across the state and in all council areas, similar to the approach taken in Western Australia when the moratorium on the cultivation of GM food crops was lifted in that state.

Further feedback on individual applications can be provided upon request.

Please do not hesitate to contact me should you wish to discuss the matter further.

Yours sincerely



Hon Anne Levy

Presiding Member, Genetically Modified Crops Advisory Committee

16 October 2020

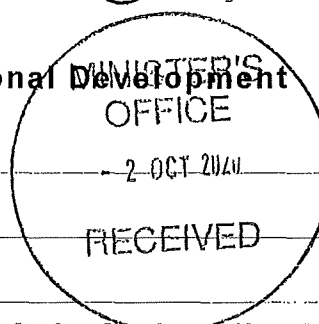


Government of South Australia
Department of Primary Industries
and Regions

Minute to
Minister for Primary Industries and Regional Development

Ref: eA192369

For	Signature
Critical Date	Nil
Subject	Correspondence – City of Playford application to remain non-GM



Synopsis

You have received correspondence from Mayor Glenn Docherty from the City of Playford relating to genetically modified (GM) food crops. This Council has recently conducted public consultation on whether it should apply to be an area where the cultivation of GM food crops is prohibited. The City of Playford has resolved to apply to become a designated area under the *Genetically Modified Crops Act 2004*.

Recommendations

That you:

1. Note the brief
2. Sign the attached letter to Mayor Docherty

Hon David Basham MP
**Minister for Primary Industries
and Regional Development**

12/10/2020

Ministerial Comments

Background

- The recent changes to the *Genetically Modified Crops Management Act, 2004* provide a six month period for local councils to apply to you as Minister for Primary Industries and Regional Development to be declared an area where no GM food crops may be cultivated, expiring on 15 November 2020.
- Councils that wish to make an application must first consult with their community, including persons engaged in primary production activities and food processing or manufacturing activities.
- Applications must be made on a basis that is consistent with the objects and intention of the Act, namely that the designation of areas of the State must only be for marketing and trade purposes.
- Before declaring a local council as a designated area, you are required to consult with the GM Crop Advisory Committee on the application, and take into account any advice provided by the Advisory Committee in relation to the matter.

Discussion

- You have received correspondence from Mayor Glenn Docherty, City of Playford Council, one of the Councils that recently conducted public consultation regarding GM food crops.
- After reviewing the results of public consultation, the Council has agreed to apply to become a designated area under the *Genetically Modified Crops Management Act, 2004*.
- The Council has sent a written application which primarily provides submissions received during public consultation.
- This application will be provided to the GM Crop Advisory Committee on 1 October for consideration. The Committee's advice together with a summary of the application will be provided to you by 16 October.
- A letter acknowledging receipt of the correspondence has been prepared for your consideration and is attached.



CHIEF EXECUTIVE

Department of Primary Industries and Regions

2/10/2020

CONTACT	Jo Collins
POSITION	Executive Director
DIVISION	Agriculture, Food and Wine
MOBILE and LANDLINE	0477 729 897
PREPARED BY	Cameron May/Elena Anear



Government
of South Australia

eA192369

Hon David Basham MP
Minister for Primary Industries
and Regional Development
GPO Box 1671 Adelaide SA 5001
Tel 08 8226 2931
Minister.Basham@sa.gov.au

Mayor Glenn Docherty
City of Playford
10 Playford Boulevard
ELIZABETH SA 5112

Email: MayorDocherty@playford.sa.gov.au

Dear Mayor Docherty

Thank you for your letter of 24 September 2020 regarding The City of Playford's application to be declared an area where no genetically modified (GM) food crops can be grown under the *Genetically Modified Crops Management Act 2004* (the Act).

Your application will be provided to the GM Crop Advisory Committee, the expert committee established under the Act to provide advice to me as the Minister responsible for this legislation.

Following receipt of this advice, final determinations on Council applications will be made. Any successful Councils will be declared as areas where no GM food crops may be cultivated through a publication in the South Australian Government Gazette before 15 November 2020.

Thank you once again for consulting with your community and providing me with their views on this important matter.

Yours sincerely

Hon David Basham MP
MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT

12 / 10 / 2020





Government of South Australia
Department of Primary Industries
and Regions

Minute to
Minister for Primary Industries and Regional Development

Ref: eA192380

For	Signature
Critical Date	Nil
Subject	Correspondence – Adelaide Hills Council application to be designated non-GM



Synopsis

You have received correspondence from Mr Andrew Aitken, Chief Executive Officer of the Adelaide Hills Council providing an application from this Council to be designated an area where the cultivation of GM food crops is prohibited. This application has been provided to the GM Crops Advisory Committee for advice.

Recommendations

That you:

1. Note the brief
2. Sign the attached letter to Mr Aitken

Hon David Basham MP

**Minister for Primary Industries
and Regional Development**

15/10/2020

Ministerial Comments

Background

- The recent changes to the *Genetically Modified Crops Management Act, 2004* provide a six month period for local councils to apply to you as Minister for Primary Industries and Regional Development to be declared an area where no GM food crops may be cultivated, expiring on 15 November 2020.
- Councils that wish to make an application must first consult with their community, including persons engaged in primary production activities and food processing or manufacturing activities.
- Before declaring a local council as a designated area, you are required to consult with the GM Crop Advisory Committee on the application and take into account any advice provided by the Advisory Committee.

Discussion

- You have received correspondence from Mr Andrew Aitken, CEO of Adelaide Hills Council, one of the Councils that recently conducted public consultation regarding GM food crops.
- After reviewing the results of its public consultation, the Council has agreed to apply to become a designated area under the *Genetically Modified Crops Management Act, 2004*.
- The Council has provided you with its written application, including submissions that received during consultation.
- The Council has submitted this application on the basis that designation would mitigate the risk of the region losing the value of its exports. Of particular concern to the Council is its grape growing and wine making industry based on a submission from the Adelaide Hills Wine Association.
- This application was provided to the GM Crops Advisory Committee on 1 October and advice will be provided to you on 16 October 2020.
- A letter acknowledging receipt of the correspondence has been prepared for your consideration and is attached.



CHIEF EXECUTIVE

Department of Primary Industries and Regions

9/10/2020

CONTACT	Jo Collins
POSITION	Executive Director
DIVISION	Agriculture, Food and Wine
MOBILE and LANDLINE	0477 729 897
PREPARED BY	Cameron May/Elena Anear



Government
of South Australia

eA192380

Ms Jan-Claire Wisdom
Mayor
Adelaide Hills Council
PO Box 44
WOODSIDE SA 5244

Hon David Basham MP
Minister for Primary Industries
and Regional Development
GPO Box 1671 Adelaide SA 5001
Tel 08 8226 2931
Minister.Basham@sa.gov.au

Email: jcwisdom@ahc.sa.gov.au

Dear Mayor,

Thank you for your letter of 25 September 2020 providing responses to Adelaide Hills Council's public consultation under the *Genetically Modified Crops Management Act 2004*.

The time taken by your council to engage with the community on this issue is appreciated. I note council resolved to seek an exemption from the Government of South Australia to remain an area free of Genetically Modified (GM) food crops.

Applications must be made on a basis consistent with the objects and intention of the Act and provide evidence that maintaining a non-GM status offers value to the council area from a marketing and trade position, which could not be achieved by segregation protocols. As the next step, evidence will be sent to the GM Crop Advisory Committee for consideration.

Once again, thank you for providing feedback on this very important matter.

Yours sincerely

Hon David Basham MP
MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT

15 / 10 / 2020





Government of South Australia
Department of Primary Industries
and Regions

Minute to
Minister for Primary Industries and Regional Development

Ref: eA192452

For	Noting and Signature
Critical Date	Nil
Subject	Correspondence – Town of Gawler application to remain non-GM



Synopsis

You have received correspondence from Mayor Karen Redman from the Town of Gawler Council relating to genetically modified (GM) food crops. This Council has recently conducted public consultation on whether it should apply to be an area where the cultivation of GM food crops is prohibited. The Town of Gawler has resolved to apply to become a designated area under the *Genetically Modified Crops Act 2004*.

Recommendations

That you:

1. Note this briefing.
2. Sign the attached letter to Mayor Redman.

Hon David Basham MP

**Minister for Primary Industries
and Regional Development**

15/10/2020

Ministerial Comments -

Background

- The recent changes to the *Genetically Modified Crops Management Act, 2004* provide a six month period for local councils to apply to you as Minister for Primary Industries and Regional Development to be declared an area where no GM food crops may be cultivated, expiring on 15 November 2020.
- Applications must be made on a basis that is consistent with the objects and intention of the Act, namely that the designation of areas of the State must only be for marketing and trade purposes.
- Before declaring a local council as a designated area, you are required to consult with the GM Crop Advisory Committee on the application, and take into account any advice provided by the Advisory Committee in relation to the matter.

Discussion

- You have received correspondence from Mayor Karen Redman of the Town of Gawler Council, one of the Councils that recently conducted public consultation regarding GM food crops.
- After reviewing the results of public consultation, the Council has agreed to apply to become a designated area under the *Genetically Modified Crops Management Act, 2004*.
- The Council sites reasons such as the wine industry in adjoining councils and potential contamination of organic farms as reasons for its application.
- This application was provided to the GM Crop Advisory Committee on 1 October for consideration. The Committee's advice together with a summary of the application will be provided to you by 16 October.
- A letter acknowledging receipt of the correspondence has been prepared for your consideration and is attached.



CHIEF EXECUTIVE

Department of Primary Industries and Regions

9/10/2020

CONTACT	Jo Collins
POSITION	Executive Director
DIVISION	Agriculture, Food and Wine
MOBILE and LANDLINE	0477 729 897
PREPARED BY	Cameron May/Elena Anear



Government
of South Australia

eA192452

Ms Karen Redman
Mayor
Town of Gawler
43 High Street
GAWLER EAST SA 5118

Hon David Basham MP
Minister for Primary Industries
and Regional Development
GPO Box 1671 Adelaide SA 5001
Tel 08 8226 2931
Minister.Basham@sa.gov.au

Email: Mayor@gawler.sa.gov.au

Dear Mayor,

Thank you for your letter of 30 September 2020 providing responses to the Town of Gawler's public consultation under the *Genetically Modified Crops Management Act 2004*.

The time taken by your council to engage with the community on this issue is appreciated. At its meeting on 22 September 2020, I note council resolved to seek an exemption from the Government of South Australia to remain an area free of Genetically Modified (GM) food crops.

Applications must be made on a basis consistent with the objects and intention of the Act and provide evidence that maintaining a non-GM status offers value to the council area from a marketing and trade position, which could not be achieved by segregation protocols. As the next step, evidence will be sent to the GM Crop Advisory Committee for consideration.

Once again, thank you for providing feedback on this very important matter.

Yours sincerely

Hon David Basham MP
MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT

15/10/2020





Government of South Australia
Department of Primary Industries
and Regions

Minute to
Minister for Primary Industries and Regional Development

Ref: eA192429

For	Noting and Signature	MINISTER'S OFFICE - 9 OCT 2020
Critical Date	Nil	RECEIVED
Subject	Correspondence – City of Onkaparinga application to remain non-GM	

Synopsis

You have received correspondence from Mayor Erin Thompson from the City of Onkaparinga relating to genetically modified (GM) food crops. This Council has recently conducted public consultation on whether it should apply to be an area where the cultivation of GM food crops is prohibited. The City of Onkaparinga has resolved to apply to become a designated area under the *Genetically Modified Crops Act 2004*.

Recommendations

That you:

1. Note this briefing.
2. Sign the attached letter to Mayor Erin Thompson.

Hon David Basham MP

**Minister for Primary Industries
and Regional Development**

15/10/2020

Ministerial Comments -

Background

- The recent changes to the *Genetically Modified Crops Management Act, 2004* provide a six month period for local councils to apply to you as Minister for Primary Industries and Regional Development to be declared an area where no GM food crops may be cultivated, expiring on 15 November 2020.
- Councils that wish to make an application must first consult with their community, including persons engaged in primary production activities and food processing or manufacturing activities.
- Applications must be made on a basis that is consistent with the objects and intention of the Act, namely that the designation of areas of the State must only be for marketing and trade purposes.
- Before declaring a local council as a designated area, you are required to consult with the GM Crop Advisory Committee on the application, and take into account any advice provided by the Advisory Committee in relation to the matter.

Discussion

- You have received correspondence from Mayor Erin Thompson, City of Onkaparinga Council, one of the Councils that recently conducted public consultation regarding GM food crops.
- After reviewing the results of public consultation, the Council has agreed to apply to become a designated area under the *Genetically Modified Crops Management Act, 2004*.
- The Council has sent a written application which provides a summary of their position, and submissions and data received during public consultation.
- The major reason for this application relates to the risks to the McLaren Vale Wine Region and in particular, organic and biodynamic producers.
- This application was provided to the GM Crop Advisory Committee on 1 October for consideration. The Committee's advice together with a summary of the application will be provided to you by 16 October.
- A letter acknowledging receipt of the correspondence has been prepared for your consideration and is attached.



CHIEF EXECUTIVE

Department of Primary Industries and Regions

9/10/2020

CONTACT	Jo Collins
POSITION	Executive Director
DIVISION	Agriculture, Food and Wine
MOBILE and LANDLINE	0477 729 897
PREPARED BY	Cameron May/Elena Anear



Government
of South Australia

Hon David Basham MP
Minister for Primary Industries
and Regional Development
GPO Box 1671 Adelaide SA 5001
Tel 08 8226 2931
Minister.Basham@sa.gov.au

eA192429

Ms Erin Thompson
Mayor
City of Onkaparinga
PO Box 1
NOARLUNGA CENTRE SA 5168

Email: Erin.Thompson@onkaparinga.sa.gov.au

Erin
Dear Mayor,

Thank you for your letter of 28 September 2020 providing responses to the City of Onkaparinga's public consultation under the *Genetically Modified Crops Management Act 2004*.

The time taken by your council to engage with the community on this issue is appreciated. I note council resolved to seek an exemption from the Government of South Australia to remain an area free of Genetically Modified (GM) food crops.

Applications must be made on a basis consistent with the objects and intention of the Act and provide evidence that maintaining a non-GM status offers value to the council area from a marketing and trade position, which could not be achieved by segregation protocols. As the next step, evidence will be sent to the GM Crop Advisory Committee for consideration.

Once again, thank you for providing feedback on this very important matter.

Yours sincerely

Hon David Basham MP
MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT

15/10/2020





Government of South Australia
Department of Primary Industries
and Regions

Minute to
Minister for Primary Industries and Regional Development

Ref: eA192466

For	Noting and Signature
Critical Date	Nil
Subject	Correspondence – District Council of Yankalilla application to remain non-GM



Synopsis

You have received correspondence from Mr Nigel Morris, Chief Executive Officer of the District Council of Yankalilla relating to genetically modified (GM) food crops. This Council has recently conducted public consultation on whether it should apply to be an area where the cultivation of GM food crops is prohibited. The District Council of Yankalilla has resolved to apply to become a designated area under the *Genetically Modified Crops Act 2004*.

Recommendations

That you:

1. Note this briefing.
2. Sign the attached letter to Mr Morris.

Hon David Basham MP
**Minister for Primary Industries
and Regional Development**

15 11/01/2020

Ministerial Comments -

Background

- The recent changes to the *Genetically Modified Crops Management Act, 2004* provide a six month period for local councils to apply to you as Minister for Primary Industries and Regional Development to be declared an area where no GM food crops may be cultivated, expiring on 15 November 2020.
- Applications must be made on a basis that is consistent with the objects and intention of the Act, namely that the designation of areas of the State must only be for marketing and trade purposes.
- Before declaring a local council as a designated area, you are required to consult with the GM Crop Advisory Committee on the application, and take into account any advice provided by the Advisory Committee in relation to the matter.

Discussion

- You have received correspondence from Mr Nigel Morris, Chief Executive Officer of the District Council of Yankalilla, one of the Councils that recently conducted public consultation regarding GM food crops.
- After reviewing the results of public consultation, the Council has agreed to apply to become a designated area under the *Genetically Modified Crops Management Act, 2004*.
- The Council has sent a written application which primarily provides submissions received during public consultation and refers to its neighbouring councils applications.
- This application was provided to the GM Crop Advisory Committee on 1 October for consideration. The Committee's advice together with a summary of the application will be provided to you by 16 October.
- A letter acknowledging receipt of the correspondence has been prepared for your consideration and is attached.



CHIEF EXECUTIVE

Department of Primary Industries and Regions

9/10/2020

CONTACT	Jo Collins
POSITION	Executive Director
DIVISION	Agriculture, Food and Wine
MOBILE and LANDLINE	0477 729 897
PREPARED BY	Cameron May/Elena Anear



Government
of South Australia

eA192466

Mr Glen Rowlands
Mayor
District Council of Yankalilla
1 Charles Street
YANKALILLA SA 5203

Hon David Basham MP
Minister for Primary Industries
and Regional Development
GPO Box 1671 Adelaide SA 5001
Tel 08 8226 2931
Minister.Basham@sa.gov.au

Email: glenrowlands@yankalilla.sa.gov.au

Glen

Dear Mayor ~~Rowlands~~

Thank you for the letter of 28 September 2020 providing responses to the District Council of Yankalilla's public consultation under the *Genetically Modified Crops Management Act 2004*.

The time taken by your council to engage with the community on this issue is appreciated. At its meeting on 15 September 2020, I note council resolved to seek an exemption from the Government of South Australia to remain an area free of Genetically Modified (GM) food crops.

Applications must be made on a basis consistent with the objects and intention of the Act and provide evidence that maintaining a non-GM status offers value to the council area from a marketing and trade position, which could not be achieved by segregation protocols. As the next step, evidence will be sent to the GM Crop Advisory Committee for consideration.

Once again, thank you for providing feedback on this very important matter.

Yours sincerely

Hon David Basham MP
MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT

15/10/2020





Government of South Australia
Department of Primary Industries
and Regions

Minute to
Minister for Primary Industries and Regional Development

Ref: eA192425

For	Noting and Signature
Critical Date	Nil
Subject	Correspondence – Mount Barker District Council application to remain non-GM

Synopsis

You have received correspondence from Mayor Ann Ferguson OAM from Mount Barker District Council relating to designation as an area where cultivation of genetically modified (GM) food crops is prohibited. This council has recently conducted public consultation and resolved to apply to become a designated area under the *Genetically Modified Crops Act 2004*.

This application has been provided to the GM Crops Advisory Council. A letter of reply to Mayor Ferguson is attached for your consideration.

Recommendations

That you:

1. Note this briefing.
2. Sign the attached letter to Mayor Ann Ferguson.



Hon David Basham MP

**Minister for Primary Industries
and Regional Development**

15/10/2020

Ministerial Comments -

Background

- The recent changes to the *Genetically Modified Crops Management Act, 2004* (the Act) provide a six-month period for local councils to apply to be declared an area where no GM food crops may be cultivated, expiring on 15 November 2020.
- Councils that wish to make an application must first consult with their community, including persons engaged in primary production activities and food processing or manufacturing activities.
- Before declaring a local council as a designated area, you are required to consult with the GM Crop Advisory Committee on the application and take into account any advice provided by the Committee.

Discussion

- You have received correspondence from Mayor Ann Ferguson of the Mount Barker District Council, one of the councils that recently conducted public consultation regarding GM food crops.
- After reviewing the results of public consultation, the council has agreed to apply to become a designated area under the Act.
- The council has sent a written application which primarily provides submissions received during public consultation.
- This application was provided to the GM Crop Advisory Committee on 1 October for consideration. The Committee's advice together with a summary of the application will be provided to you by 16 October.
- A letter acknowledging receipt of the correspondence is attached for your consideration.

Attachments

- A. Letter of reply to Mayor Ann Ferguson OAM



CHIEF EXECUTIVE

Department of Primary Industries and Regions

10/10/2020

CONTACT	Jo Collins
POSITION	Executive Director
DIVISION	Agriculture, Food and Wine
MOBILE and LANDLINE	0477 729 897
PREPARED BY	Cameron May/Elena Anear



Government
of South Australia

eA192425

Hon David Basham MP
Minister for Primary Industries
and Regional Development
GPO Box 1671 Adelaide SA 5001
Tel 08 8226 2931
Minister.Basham@sa.gov.au

Ms Ann Ferguson OAM
Mayor
Mount Barker District Council
6 Dutton Road
MOUNT BARKER SA 5251

Email: council@mountbarker.sa.gov.au

Ann
Dear Mayor,

Thank you for your letter of 28 September 2020 providing responses to Mount Barker District Council's public consultation under the *Genetically Modified Crops Management Act 2004*.

The time taken by your council to engage with the community on this issue is appreciated. At its meeting on 7 September 2020, I note council resolved to seek an exemption from the Government of South Australia to remain an area free of Genetically Modified (GM) food crops.

Applications must be made on a basis consistent with the objects and intention of the Act and provide evidence that maintaining a non-GM status offers value to the council area from a marketing and trade position, which could not be achieved by segregation protocols. As the next step, evidence will be sent to the GM Crop Advisory Committee for consideration.

Once again, thank you for providing feedback on this very important matter.

Yours sincerely

Hon David Basham MP
MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT

15 / 10 / 2020





Government of South Australia
Department of Primary Industries
and Regions

Minute to
Minister for Primary Industries and Regional Development

Ref: eA192450

For	Noting and Signature
Critical Date	Nil
Subject	Correspondence – Alexandrina Council application to be designated non-GM



Synopsis

You have received correspondence from Mr Glenn Rappensberg, Chief Executive Officer of the Alexandrina Council providing an application from this Council to be designated an area where the cultivation of GM food crops is prohibited. This application has been provided to the GM Crops Advisory Committee for advice.

Recommendations

That you:

1. Note this briefing.
2. Sign the attached letter to Mr Glenn Rappensberg.

Hon David Basham MP

**Minister for Primary Industries
and Regional Development**

5 11/01/2020

Ministerial Comments -

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Background

- The recent changes to the *Genetically Modified Crops Management Act, 2004* provide a six month period for local councils to apply to you as Minister for Primary Industries and Regional Development to be declared an area where no GM food crops may be cultivated, expiring on 15 November 2020.
- Councils that wish to make an application must first consult with their community, including persons engaged in primary production activities and food processing or manufacturing activities.
- Before declaring a local council as a designated area, you are required to consult with the GM Crop Advisory Committee on the application and take into account any advice provided by the Advisory Committee.

Discussion

- You have received correspondence from Mr Glenn Rappensberg, CEO of Alexandrina Council, one of the Councils that recently conducted public consultation regarding GM food crops.
- After reviewing the results of public consultation, the Council has agreed to apply to become a designated area under the *Genetically Modified Crops Management Act, 2004*.
- The Council has sent a written application which includes submissions received during public consultation.
- The basis for this submission is retention of the region's 'clean and green image' impact on organic farmers and other non-GM producers and management of potential contamination.
- This application was provided to the GM Crops Advisory Committee on 1 October and advice will be provided to you on 16 October 2020.
- A letter acknowledging receipt of the correspondence has been prepared for your consideration and is attached.



CHIEF EXECUTIVE

Department of Primary Industries and Regions

12/10/2020

CONTACT	Jo Collins
POSITION	Executive Director
DIVISION	Agriculture, Food and Wine
MOBILE and LANDLINE	0477 729 897
PREPARED BY	Cameron May/Elena Anear



Government
of South Australia

eA192450

Hon David Basham MP
Minister for Primary Industries
and Regional Development
GPO Box 1671 Adelaide SA 5001
Tel 08 8226 2931
Minister.Basham@sa.gov.au

Mr Keith Parkes
Mayor
Alexandrina Council
11 Cadell Street
GOOLWA SA 5214

Email: Tanya.Cregan@alexandrina.sa.gov.au

Keith
Dear Mayor,

Thank you for the letter of 29 September 2020 providing responses to Alexandrina Council's public consultation under the *Genetically Modified Crops Management Act 2004*.

The time taken by your council to engage with the community on this issue is appreciated. At its meeting on 21 September 2020, I note council resolved to seek an exemption from the Government of South Australia to remain an area free of Genetically Modified (GM) food crops.

Applications must be made on a basis consistent with the objects and intention of the Act and provide evidence that maintaining a non-GM status offers value to the council area from a marketing and trade position, which could not be achieved by segregation protocols. As the next step, evidence will be sent to the GM Crop Advisory Committee for consideration.

Once again, thank you for providing feedback on this very important matter.

Yours sincerely

Hon David Basham MP
MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT

15/10/2020





Government of South Australia
Department of Primary Industries
and Regions

Minute to Minister for Primary Industries and Regional Development

Ref: eA192458

For	Signature
Critical Date	Nil
Subject	Correspondence – City of Victor Harbor application to be designated non-GM



Synopsis

You have received correspondence from Karen Rokicinski, Acting Chief Executive Officer of the City of Victor Harbor Council providing an application from this Council to be designated an area where the cultivation of GM food crops is prohibited. This application has been provided to the GM Crops Advisory Committee for advice.

Recommendations

That you:

1. Note the brief
2. Sign the attached letter to Ms Rokicinski.

Hon David Basham MP
Minister for Primary Industries
and Regional Development

15/10/2020

Ministerial Comments -

Background

- The recent changes to the *Genetically Modified Crops Management Act, 2004* provide a six month period for local councils to apply to you as Minister for Primary Industries and Regional Development to be declared an area where no GM food crops may be cultivated, expiring on 15 November 2020.
- Councils that wish to make an application must first consult with their community, including persons engaged in primary production activities and food processing or manufacturing activities.
- Before declaring a local council as a designated area, you are required to consult with the GM Crop Advisory Committee on the application and take into account any advice provided by the Advisory Committee.

Discussion

- You have received correspondence from Karen Rokicinski, Acting Chief Executive Officer of the City of Victor Harbor Council, one of the Councils that recently conducted public consultation regarding GM food crops.
- After reviewing the results of public consultation, the Council has agreed to apply to become a designated area under the *Genetically Modified Crops Management Act, 2004*.
- The Council has sent a copy of a council report to support their application which includes a summary of the views expressed during consultation.
- This application was provided to the GM Crops Advisory Committee on 1 October and advice will be provided to you on 16 October 2020.
- A letter acknowledging receipt of the correspondence has been prepared for your consideration and is attached.



CHIEF EXECUTIVE

Department of Primary Industries and Regions

12/10/2020

CONTACT	Jo Collins
POSITION	Executive Director
DIVISION	Agriculture, Food and Wine
MOBILE and LANDLINE	0477 729 897
PREPARED BY	Cameron May/Elena Anear



Government
of South Australia

eA192458

Ms Moira Jenkins
Mayor
City of Victor Harbor
1 Bay Road
VICTOR HARBOR SA 5211

Hon David Basham MP
Minister for Primary Industries
and Regional Development
GPO Box 1671 Adelaide SA 5001
Tel 08 8226 2931
Minister.Basham@sa.gov.au

Email: kaoverall@victor.sa.gov.au

Moira
Dear Mayor,

Thank you for your letter of 30 September 2020 providing responses to the City of Victor Harbor's public consultation under the *Genetically Modified Crops Management Act 2004*.

The time taken by your council to engage with the community on this issue is appreciated. At its meeting on 28 September 2020, I note council resolved to seek an exemption from the Government of South Australia to remain an area free of Genetically Modified (GM) food crops.

Applications must be made on a basis consistent with the objects and intention of the Act and provide evidence that maintaining a non-GM status offers value to the council area from a marketing and trade position, which could not be achieved by segregation protocols. As the next step, evidence will be sent to the GM Crop Advisory Committee for consideration.

Once again, thank you for providing feedback on this very important matter.

Yours sincerely

Hon David Basham MP
MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT

15/10/2020





Government of South Australia
Department of Primary Industries
and Regions

Minute to
Minister for Primary Industries and Regional Development

Ref: eA192693

For	Approval
Critical Date	Urgent – for consideration in advance of Cabinet meeting on 2 November 2020
Subject	City of Tea Tree Gully application to be designated as a no GM food crop area and GM Crop Advisory Committee advice.

Synopsis

You have received a late application from the City of Tea Tree Gully seeking your consideration for designation as an area where the cultivation of GM food crops is prohibited. Following urgent out of session consideration, a letter from the GM Crop Advisory Committee on the application was sent to you on 23 October 2020.

Receipt of this advice fulfils your statutory requirements to make a decision on this application.

Recommendations

That you:

1. Approve one of the following options regarding council applications:

Option 1 - In accordance with the advice of the GM Crop Advisory Committee, do not designate the City of Tea Tree Gully as an area where cultivation of GM food crops is prohibited.

APPROVED / NOT APPROVED

Option 2 - Approve designating the City of Tea Tree Gully as an area where cultivation of GM food crops is prohibited.

APPROVED / NOT APPROVED



Hon David Basham MP

**Minister for Primary Industries
and Regional Development**

2 11/12020

Ministerial Comments

Background

- The recent changes to the *Genetically Modified Crops Management Act 2004* (the Act) provide a six month period for local councils to apply to you as Minister for Primary Industries and Regional Development to be declared an area where no GM food crops may be cultivated, expiring on 15 November 2020.
- Before declaring a local council as a designated area, you are required to consult with the Genetically Modified (GM) Crop Advisory Committee (the Committee) on the application and take into account any advice provided by the Committee in relation to the matter.
- The Department of Primary Industries and Regions (PIRSA) has facilitated the application process in consultation with the Local Government Association and has provided Secretariat support to the Committee.
- The following ten local councils submitted applications by 30 September 2020:
 - Adelaide Hills Council
 - Alexandrina Council
 - Barossa Council
 - Berri Barmera Council (formal clarification was received from the Council Chief Executive Officer to confirm their submission as a formal application)
 - City of Onkaparinga
 - City of Playford
 - District Council of Yankalilla
 - Mount Barker District Council
 - Town of Gawler
 - City of Victor Harbor
- All applications were provided to the Committee on 1 October 2020 for consideration. Advice was provided to you from the Committee's Presiding Member Hon Anne Levy on 16 October 2020 that no application had provided sufficient evidence to recommend designation as an area where the cultivation of GM food crops is prohibited (eA192594).

Discussion

- On 21 October 2020, you received correspondence from the City of Tea Tree Gully Chief Executive Officer John Moyle formally applying under the Act for designation as an area where the cultivation of GM food crops is prohibited. Additional information was provided on 22 October 2020.
- The application was provided to the Committee for urgent out of session consideration.
- The Committee's advice was provided to you in correspondence from the Presiding Member Hon Anne Levy on 23 October 2020. A copy is provided at Attachment A.
- Eight of the nine Committee members responded under the given timeframe (which constitutes a quorum). The Committee agreed that the City of Tea Tree Gully had not presented sufficient evidence to recommend being designated as an area where no GM food crops may be cultivated for the same reasons specified in the correspondence of 16 October 2020 (eA192594).
- The Act requires you to consult with the Committee and take account of its advice before making your determinations on council applications. Receipt of this advice fulfills this statutory requirement and enables you to make decisions on this matter.

- A draft response letter of acknowledgement has been provided in advance of your decision.

Attachments

- A. Additional Correspondence from Hon Anne Levy GM Crops Advisory Committee
231020



CHIEF EXECUTIVE

Department of Primary Industries and Regions

28/10/2020

CONTACT	Jo Collins
POSITION	Executive Director
DIVISION	Agriculture, Food and Wine
MOBILE and LANDLINE	0477 729 897
PREPARED BY	Ben Timmis/Elena Anear

Hon David Basham
Minister for Primary Industries and Regional Development
Level 10, 1 King William Street
Adelaide SA 5000
Minister.Basham@sa.gov.au

Dear Minister,

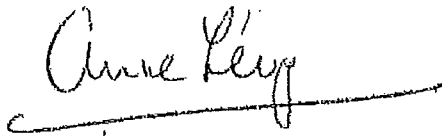
I refer to your additional request through the Department of Primary Industries and Regions seeking the Genetically Modified Crops Advisory Committee's (the Committee) advice on an application received on the 21st October 2020 from the City of Tea Tree Gully seeking to be declared as an area in which no genetically modified food crops may be cultivated under Section 5A of the *Genetically Modified Crops Management Act 2004* (the Act).

I note that the Committee's advice on ten previous local council submissions was provided to you on the 16th October 2020. The same assessment criteria were applied to this application.

The Committee reviewed the application urgently out of session. Eight of the nine Committee members responded under the timeframe (which constitutes a quorum) with unanimous agreement that the City of Tea Tree Gully had not presented sufficient evidence for the Committee to recommend it being designated as an area where no GM food crops may be cultivated. The reasons for this decision are the same as those specified in my previous correspondence of 16th October 2020.

Please do not hesitate to contact me should you wish to discuss the matter further.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Anne Levy', with a long horizontal flourish extending to the right.

Hon Anne Levy
Presiding Member, Genetically Modified Crops Advisory Committee
23 October 2020



Minute to Minister for Primary Industries and Regional Development

Ref: A4604016

For	Noting and Approval
Critical Date	26 September 2020 to allow communications and preparation for the application deadline
Subject	GM Policy Reform Implementation - Local Council Application Progress and Next Steps

Synopsis

This briefing provides an update on implementing the changes to the *Genetically Modified Crops Management Act 2004* (the Act) and proposed next steps from receipt of applications from councils to announcement of outcomes. Your approval of the proposed work plan and communications actions is requested to ensure statutory requirements and timeframes are met.

Recommendations

That you:

1. Note the information contained in this briefing and attachments.
2. Approve/provide feedback on the proposed work plan and timeline in Table 1.
APPROVED / NOT APPROVED
3. Approve/provide feedback on the proposed communications plan in Table 2.
APPROVED / NOT APPROVED

.....
Hon David Basham MP
Minister for Primary Industries
and Regional Development
/ / 2020

Ministerial Comments

Background

- Following an extensive independent review and public consultation, the *Genetically Modified Crops Management (Designated Area) Amendment Bill 2020* (Bill) was assented to on 15 May 2020, amending the *Genetically Modified Crops Management Act 2004* (the Act) to allow the cultivation of Genetically Modified (GM) food crops on the South Australian mainland.
- The changes to the Act provide a once off six month period for local councils to apply to you as Minister for Primary Industries and Regional Development to be declared an area where no GM food crops may be cultivated, expiring on 15 November 2020. Councils wishing to make an application must first consult with their community, including persons engaged in primary production activities and food processing or manufacturing activities.
- Applications must be made on a basis consistent with the objects and intention of the Act namely, the designation of areas of the State must only be for marketing and trade purposes.
- Before declaring a local council as a designated area, you are required to consult with the GM Crop Advisory Committee on the application, and take into account any advice provided by the Advisory Committee in relation to the matter.

The GM Crop Advisory Committee

- The Genetically Modified Crops Advisory Committee (the Advisory Committee) is established under Section 8 of the Act. The Advisory Committee has the functions assigned by the Act or the Minister, including providing advice to the Minister on the issues and risks of GM food crops to markets and trade. The Advisory Committee is also required to investigate any matter referred to it by you.
- A member of the Advisory Committee will be appointed in accordance with the expertise set out in the Act on conditions determined by the Minister. Members can be appointed for a term not exceeding 3 years and at the expiration of a term of appointment, are eligible for reappointment.
- In August 2020, as approved by Cabinet, you reappointed members of the Advisory Committee and the presiding member for a period of one year (see A4559889).
- Committee Procedures:
 - Under Section 14 of the Act (Procedures):
 - (1) *A quorum of the Advisory Committee consists of 6 members.*
 - (2) *If the presiding member of the Advisory Committee is absent from a meeting of the Advisory Committee, a member chosen by the members present at the meeting will preside.*
 - (3) *A decision carried by a majority of the votes cast by the members present at a meeting of the Advisory Committee is a decision of the Advisory Committee.*
 - (4) *Each member present at a meeting of the Advisory Committee has 1 vote on any question arising for decision and, if the votes are equal, the member presiding at the meeting may exercise a casting vote.*
 - (5) *A conference by telephone or other electronic means between the members of the Advisory Committee will, for the purposes of this section, be taken to be a meeting of the Advisory Committee at which the participating members are present if—*

- (a) notice of the conference is given to all members in the manner determined by the Advisory Committee for the purpose; and*
 - (b) each participating member is capable of communicating with every other participating member during the conference.*
- (6) A proposed resolution of the Advisory Committee becomes a valid decision of the Advisory Committee despite the fact that it is not voted on at a meeting of the Advisory Committee if—*
 - a) notice of the proposed resolution is given to all members of the Advisory Committee in accordance with procedures determined by the Advisory Committee; and*
 - (b) a majority of the members express concurrence in the proposed resolution by letter, telegram, telex, facsimile transmission or other written communication setting out the terms of the resolution.*
- (7) The Advisory Committee must have accurate minutes kept of its meetings.*
- (8) Subject to this Act, the Advisory Committee may determine its own procedures.*
- Committee's power to co-opt expert and other assistance:
 - Under Section 15 of the Act (Expert and other assistance) the Committee may, in connection with the performance of its functions—
 - (a) engage experts or consultants;*
 - (b) seek advice or submissions from any person or body;*
 - (c) undertake inquiries or initiate investigations;*
 - (d) inform itself of any matter in any other manner, as it thinks fit.*

Discussion

PIRSA processes to date

- In June 2020, the Department of Primary Industries and Regions (PIRSA) Chief Executive wrote to all local council Chief Executives informing them of changes to the Act, and the process should they wish to apply to remain an area where no GM food crops may be cultivated.
- GM Food Crops content on the PIRSA website has been updated to reflect the recent changes to the Act, and provide clarification on the application process.
- PIRSA has worked with the Local Government Association (LGA) providing technical advice and support to questions received during the process. PIRSA regional staff have also attended regional LGA meetings where appropriate to reinforce the messages on the PIRSA website, pass on any questions that may need to be addressed through the website and capture any intelligence on the views being expressed. All interactions have remained neutral on the policy position relating to GM food crops and what the outcomes of the application process may be.

Basis for GM Crops Advisory Committee Advice

- PIRSA has provided the following advice to Local Councils via its website and also through the Local Government Association as to the scope for applications.
 - Council applications should:
 - relate to risks to marketing and trade only

- not include matters of human health or environmental impacts, as these are managed under Commonwealth legislation
- demonstrate that stakeholders in their area are currently receiving a marketing or trade advantage as a result of being a no GM food crop area
- show evidence of market and trade advantages, including any price premiums, that could not be achieved without being declared a no GM food crop area
- include a summary of all views expressed during consultation (in favour or against declaration).
- Council applications may also consider including:
 - information or data from commercial customers or businesses in the supply chain
 - any other relevant data that demonstrates the marketing or trade advantage provided to local businesses.
- As agreed with the Presiding Member, Advisory Committee advice will be provided to you on this basis, including:
 - Advisory Committee decision on each formal application (Yes/No);
 - The basis for decision; and
 - Whether the Committee's decision was unanimous.

Current information on applications

- PIRSA is monitoring the progress and actions taken by councils (via local council meeting minutes as published on council websites) during the application period in order to stay informed and predict the number of applications that may be received. Of the 68 mainland local councils, as of 16 September 2020 PIRSA monitoring has revealed:
 - 27 local councils have completed, or are currently undertaking stakeholder consultation.
 - 19 local councils have formally decided not to apply for your consideration to be designated as an area where the cultivation of GM food crops is prohibited.
 - Four councils (Berri Barmera, Renmark Paringa, Loxton Waikerie, and Barunga West Councils) have decided to provide the outputs of their consultation process for your information without a covering submission.
 - Due to the ambiguity of this correspondence, urgent Crown Solicitor advice has been requested on how best to respond.
 - To date, five councils have formally decided they will be making an application for your consideration (Barossa Council, City of Playford, Mount Barker Council, City of Onkaparinga, and District Council of Yankallilla). As of 18 September 2020, PIRSA is not aware of any formal applications being submitted to you as yet.
 - While both have undertaken public consultation on the matter, the City of Victor Harbor and Alexandrina Councils are yet make a formal decision to apply to you. As these councils both constitute part of your electorate, if applications are received, you may wish to consider delegating your decision making power on this matter to another Minister or the Premier.

Proposed Work Plan - Next Steps

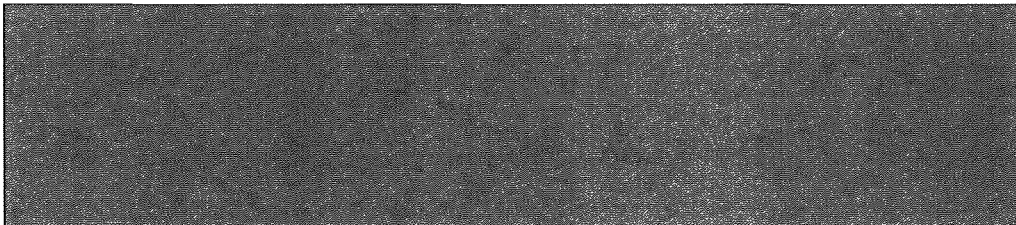
- Table 1 at Attachment 1 provides a proposed work plan for your consideration that will enable statutory requirements to be met.
- Within this table is a reference to acknowledgement letters to applicants and a proposed summary table which will be provided for your information. A draft template for these letters is provided at Attachment 2.
- This table also states that PIRSA will provide a summary of applications to the Minister's office based on the information that has been published on the PIRSA website on what should be included in an application (see above). A draft summary table of the information to be included in this summary is provided at Attachment 3.
- The advice of the Advisory Committee and the PIRSA summary will therefore be available to assist your decision making by 16 October at the latest.
- In parallel PIRSA will provide a draft Cabinet Note to enable you to inform Cabinet of the outcomes of this process before the deadline for lodging a Gazette notice on 10 November.

Proposed Summary Communication Actions

- Table 2 at Attachment 1 proposes summary communication actions for your feedback and approval.
- PIRSA will continue to work with the LGA to provide assistance on the application process where appropriate.
- PIRSA will continue to monitor council progress and actions.

Other updates

- For your information, City of Onkaparinga and District Council of Yankalilla GM reports (as presented to councils on 15 September 2020 and published on their respective websites) are provided at Attachment 4 and 5.
 - Following preliminary review of Attachment 4, the City of Onkaparinga is likely to submit an application which will present evidence of potential economic losses to the McLaren Vale wine region that will occur if the council area is not designated as a no GM food crops area.



CHIEF EXECUTIVE
Primary Industries and Regions SA

21/9/2020

CONTACT	Jo Collins
POSITION	Executive Director
DIVISION	Agriculture, Food and Wine
MOBILE and LANDLINE	0477 729 897
PREPARED BY	Elena Anear/Ben Timmis

Attachment 1 – Draft template letter to Council applicants



Government
of South Australia

Document ID:

*
*
*

Mr/ Mrs First name Surname
Position Title
Council
SUBURB STATE POSTCODE

Email:

Hon David Basham MP
Minister for Primary Industries
and Regional Development
GPO Box 1671 Adelaide SA 5001
Tel 08 8226 2931
Minister.Basham@sa.gov.au

Dear

Thank you for your email of xxxx providing the xxxx Council's application to be a designated area where no GM food crops can be grown under the *Genetically Modified Crops Management Act 2004*. The work that has been undertaken to prepare your application is appreciated.

This letter formally acknowledges receipt of your Council's application and confirms your application will now be provided to the GM Crop Advisory Committee as the next step in the application process.

Please also note that no decision will be made until the Committee has provided me with advice for consideration and any Councils declared as no GM food crop areas will be published in the South Australian Government Gazette by 15 November 2020.

Advice on the outcomes of your Council's application will be provided to you as soon as possible.

Yours sincerely

Hon David Basham MP
MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT

/ / 2020



Attachment 1 – Proposed Workplan and Communications Actions

TABLE 1 – PROPOSED WORKPLAN		
Date	Milestone	Detail
30 September	Council Application Deadline	Applications sent to Minister's Office (cc to PIRSA Review Inbox) Minister's Office to acknowledge receipt (draft provided at Attachment 2)
After close of business 30 September	Initial advice to Minister on applications received	PIRSA to provide Minister's Office with information on councils that have applied.
1 October	Applications to GM Crop Advisory Committee (GMCAC)	PIRSA GMCAC Secretariat to request GMCAC views on all applications by 14 October 2020, and will convene on 15 October 2020 and earlier if required. (To be discussed with the Presiding Member).
16 October	GMCAC submit advice on applications to Minister	PIRSA to facilitate advice from Presiding Member GMCAC to Minister.
16 October	Summary of applications to Minister	PIRSA to submit detailed summary of all applications to Minister's Office – key themes, scope issues, detail of data provided and fact checking of relevant data where required and/or appropriate. A proposed draft template is provided at Attachment 3, which will be refined in line with the content of submissions received.
21 October	Draft Cabinet Note, Gazettal Notice and response to applicants to Minister	PIRSA to provide draft Cabinet Note, gazettal notice template and draft response to applicants to Minister's Office.
21-29 October	Finalise Cabinet and other documents	PIRSA to work with Minister's Office to finalise Cabinet Note and letters of response to councils and Gazette notice if required.
29 October	Cabinet Lodgement	Minister's Office to lodge Cabinet Note with final decisions.
2 November	Cabinet Meeting	
10 November (4pm)	Gazette Notice Lodgement	Minister's Office to lodge Gazette notice of final decisions with Government Gazette Office if required for publication on 12 November.
12 November	Advise to applicants	Minister's Office to send letters of response to applicant councils to advise of decisions.
12 November	Gazette Notice Published	Designated council areas published in Government Gazette if required.
15 November	Legislated process expires.	PIRSA website updated, Media release, publication of final applications – see Table 2.

TABLE 2 - COMMUNICATION ACTIONS			
Date	Stage	Task	Detail
30 September	Opportunity to apply as a no GM food crop area close	Minister's Office to acknowledge receipt of applications	Minister's Office to send a brief reply to applicants acknowledging their application, and informing of the process and next steps (Attachment 2)
		PIRSA website updated	Updates to PIRSA website to reflect close of applications
1-2 October	Process underway for applications	Talking points and holding lines prepared (media release to be confirmed)	Talking points prepared for anticipated interviews and holding lines prepared. If no media release is issued on the application period coming to a close, the number of applications received, information about the Advisory Committee process, and decisions must be published by 15 November
		Email to LGA	Department to provide email to LGA on next steps, process from here and key points
12 November	Ministerial decision on applications	Minister to write to applicants	Minister to inform applicants of his decision regarding their application.
		Gazette notice	Designated councils to be published in Government Gazette
		Media Release for end of process	Media release stating outcomes, summary of the entire process, and which councils are designated areas (if any).
		PIRSA website updated	Updated to reflect state of GM in SA. Where crops can be grown, publishing of applications
		eBlast to database	eBlast to be issued to relevant PIRSA database updating on outcomes

Meeting Minutes

PIRSA

Friday 16 October 2020 – 10:00am – 11:00am
Microsoft Teams Meeting

Confidential

Genetically Modified Crop Advisory Committee

Discussion of Local Council Applications for consideration for designation as a no GM crop area

Endorsed by Committee

Participants: Committee Members: Hon Anne Levy (Presiding Member), Rachel Ankeny, Kathy Ophel Keller, Neil Pontifex, Heather Baldock, Prue McMichael, Peter Gibbs.

PIRSA Secretariat Support: Elena Anear, Ben Timmis, Cameron May

Apologies: Andrew Hannon, Geoffrey Annison

Attendance: Anne Levy (Chair), Peter Gibbs, Prue McMichael (present until approx. 10:30am), Heather Baldock, Rachel Ankeny, Neil Pontifex, Kathy Ophel Keller

Apologies: Geoffrey Annison, Andrew Hannon

Committee to decide:

1. Barossa Council
2. Onkaparinga Council
3. Adelaide Hills Council

Meeting Commenced at 10:05am

- [REDACTED] – in summary that no Council has provided convincing data that there will necessarily be substantial economic loss to their region if GM crops were permitted.
- The Committee agreed that the following three council submissions had not presented sufficient evidence for the Committee to recommend being designated as areas where no GM food crops may be cultivated:
 - Barossa Council
 - Onkaparinga Council
 - Adelaide Hills Council
- The Committee agreed that the three applications were stronger than the previous seven applications for which decisions were made at the previous meeting on 9 October 2020. Ultimately however, it was the view of the Committee that the applications did not present sufficient evidence to warrant a non-GM designation.

- While the applications presented potential and perceived risks, no evidence of price premiums or advantages were presented, that could not be achieved through industry segregation protocols. The Committee made it clear that they wish to acknowledge to the Minister that the 3 applications were of a higher standard.
- The Committee acknowledged that although some anecdotal information and perceptions were provided in most applications, no rigorous evidence-based arguments were provided regarding potential changes in costs (increases or decreases) for non-GM businesses within their respective local council areas if they are not declared a no GM food crop area. For example, no data was provided in any application regarding additional costs that would result from the segregation of GM and non-GM crops or in relation to organic certification if GM food crops were to be permitted. No sufficient evidence was provided regarding current price premiums nor of any "GM-free" focus in their current marketing that could not be maintained using measures other than regulation; e.g. labelling, regional agreements and marketing strategies as occurs in other mainland states.
- The Committee recognised that allowing GM food crops to be grown in a council area provides the most choice to primary producers, and a designated non-GM status is more restrictive on the local growers and food manufacturers in an area. The Committee is confident that individual business' non- GM markets can be maintained as occurs in other mainland states where GM food crops are permitted without designation as a no GM food crop area.
- The letter to provide advice to the Minister for Primary Industries and Regional Development was drafted on screen with members present and read through by the Secretariat line by line with changes made by Committee as required.
- The draft letter was approved by the Committee to be sent to the Minister on 16 October 2020.
- The Presiding Member of the Committee signed the letter of advice to the Minister.
- The Presiding Member of the Committee provided thanks to fellow Committee members and the Secretariat for the work and support on assessing the applications.

Meeting concluded 11:03am 16 October 2020



Government of South Australia
Department of Primary Industries
and Regions

Minute to
Minister for Primary Industries and Regional Development

Ref: eA192169

For	Noting and Signature
Critical Date	Nil
Subject	Correspondence from District Council of Berri Barmera – Public Consultation responses on Genetically Modified Crops Policy Reform Implementation - Local Council Application

MINISTER'S
OFFICE

30 SEP 2020

RECEIVED

Synopsis

You have received correspondence from Ms Karyn Burton, Chief Executive Officer of the Berri Barmera Council relating to genetically modified (GM) food crops. This Council has recently conducted public consultation on whether it should apply to be an area where the cultivation of GM food crops is prohibited. The Council has provided you with 24 written submissions presented to the Council for your consideration.

This workflow has been held until Crown Advice was received to inform the response.

Recommendations

That you:

1. Note this briefing.
2. Sign the attached letter of response to Ms Burton.

Hon David Basham MP
**Minister for Primary Industries
and Regional Development**

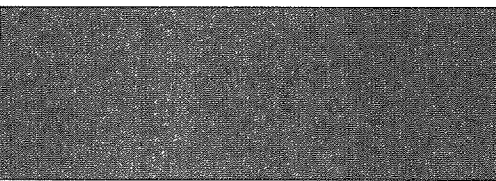
6 / 10 / 2020

Ministerial Comments

Background

- The recent changes to the Genetically Modified Crops Management Act, 2004 provide a six month period for local councils to apply to you as Minister for Primary Industries and Regional Development to be declared an area where no GM food crops may be cultivated, expiring on 15 November 2020.
- Councils that wish to make an application must first consult with their community, including persons engaged in primary production activities and food processing or manufacturing activities.
- Applications must be made on a basis that is consistent with the objects and intention of the Act, namely that the designation of areas of the State must only be for marketing and trade purposes.
- Before declaring a local council as a designated area, you are required to consult with the GM Crop Advisory Committee on the application, and take into account any advice provided by the Advisory Committee in relation to the matter.

Discussion

- You have received the correspondence from Ms Karyn Burton, Chief Executive Officer of the Berri Barmera Council (the Council). The Council recently conducted public consultation regarding the changes made to the Act.
- The Council has provided you with the 24 written submissions that the council received during their public consultation.
- The correspondence states that the Council is not in a position to apply for designation but must have regard for the views of its community and therefore 'submit endorsement and support for the region retaining a GM crop free status'.
- Crown Solicitor's advice has been obtained 
- PIRSA has contacted the Council and advised that if the Council wishes this correspondence to be considered a formal application it needs to advise PIRSA by 30 September 2020 and if no response is received it will not proceed to assessment through the process.

Financial implications

- None



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CHIEF EXECUTIVE

Department of Primary Industries and Regions

30 / 09 / 2020

CONTACT	Jo Collins
POSITION	Executive Director
DIVISION	Agriculture, Food and Wine
MOBILE and LANDLINE	0408 000 650
PREPARED BY	Cameron May/Elena Anear



Government
of South Australia

eA192169

Hon David Basham MP
Minister for Primary Industries
and Regional Development
GPO Box 1671 Adelaide SA 5001
Tel 08 8226 2931
Minister.Basham@sa.gov.au

Mr Peter Hunt
Mayor
Berri Barmera Council
19 Wilson Street
BERRI SA 5343

Email: bbc@bbc.sa.gov.au

Dear Mr Hunt,

Thank you for the letter of 3 September 2020 providing responses to Berri Barmera Council's public consultation under the *Genetically Modified Crops Management Act 2004*.

The time taken by your Council to engage with your community on this issue is appreciated. I note council did not resolve to seek an exemption from the Government of South Australia at its Special Meeting on 1 September 2020 despite supporting the region to remain free of Genetically Modified food crops. However, I understand the Department of Primary Industries and Regions has since had further contact from the Council seeking its submission to be treated as an exemption application.

Applications must be made on a basis consistent with the objects and intention of the Act and provide evidence that maintaining a non-GM status offers value to the council area from a marketing and trade position, which could not be achieved by segregation protocols. As the next step, evidence will be sent to the GM Crop Advisory Committee for consideration.

Once again, thank you for providing feedback on this very important matter.

Yours sincerely

Hon David Basham MP
MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT

6 110 12020





Government of South Australia
Department of Primary Industries
and Regions

Minute to
Minister for Primary Industries and Regional Development

Ref: eA192414

For	Noting and Signature
Critical Date	Nil
Subject	Correspondence – The Barossa Council application to remain GM free



Synopsis

You have received correspondence from Mayor Bim Lange OAM of The Barossa Council relating to genetically modified (GM) food crops. This Council has recently conducted public consultation on whether it should apply to be an area where the cultivation of GM food crops is prohibited. The Barossa Council has resolved to apply to become a designated area under the *Genetically Modified Crops Act 2004*.

Recommendations

That you:

1. Note this briefing.
2. Sign the attached letter to Mayor Lange.

Hon David Basham MP

**Minister for Primary Industries
and Regional Development**

15 / 10 / 2020

Ministerial Comments

Background

- The recent changes to the *Genetically Modified Crops Management Act, 2004* provide a six month period for local councils to apply to you as Minister for Primary Industries and Regional Development to be declared an area where no GM food crops may be cultivated, expiring on 15 November 2020.
- Applications must be made on a basis that is consistent with the objects and intention of the Act, namely that the designation of areas of the State must only be for marketing and trade purposes.
- Before declaring a local council as a designated area, you are required to consult with the GM Crop Advisory Committee on the application, and take into account any advice provided by the Advisory Committee in relation to the matter.

Discussion

- You have received correspondence from Mayor Bim Lange OAM, The Barossa Council, one of the Councils that recently conducted public consultation regarding GM food crops.
- After reviewing the results of its public consultation, the Council has agreed to apply to become a designated area under the *Genetically Modified Crops Management Act, 2004*.
- The Council has provided you with their written application, including submissions that they received during their public consultation.
- The major reason for this application relates to the Barossa Grape and Wine Association's concern that the introduction of GM crops would have a negative impact on Barossa premium wine exports.
- This correspondence also seeks amendment to the Act which would allow for designation of an area based on land use rather than council boundaries. This would allow the entire geographical indicator (GI) for the Barossa wine region to be accommodated as part of this GI is in the Light District Council.
- An amendment would be required [REDACTED]
- The Light District Council has also raised this matter when it notified you that it would not be making an application to become a designated area (see eA192222).
- The Council's application was provided to the GM Crop Advisory Committee on 1 October for consideration. The Committee's advice together with a summary of the application will be provided to you by 16 October.
- A letter acknowledging receipt of the correspondence has been prepared for your consideration and is attached.



CHIEF EXECUTIVE
Department of Primary Industries and Regions

9/10/2020

CONTACT	Jo Collins
POSITION	Executive Director
DIVISION	Agriculture, Food and Wine
MOBILE and LANDLINE	0477 729 897
PREPARED BY	Cameron May/Elena Anear



Government
of South Australia

eA192414

Mr Bim Lange OAM
Mayor
The Barossa Council
43-51 Tanunda Road
NURIOOTPA SA 5355

Hon David Basham MP
Minister for Primary Industries
and Regional Development
GPO Box 1671 Adelaide SA 5001
Tel 08 8226 2931
Minister.Basham@sa.gov.au

Email: barossa@barossa.sa.gov.au

Dear Mayor,

Thank you for your letter of 25 September 2020 providing responses to The Barossa Council's public consultation under the *Genetically Modified Crops Management Act 2004*.

The time taken by your council to engage with the community on this issue is appreciated. I note council resolved to seek an exemption from the Government of South Australia to remain an area free of Genetically Modified (GM) food crops.

Applications must be made on a basis consistent with the objects and intention of the Act and provide evidence that maintaining a non-GM status offers value to the council area from a marketing and trade position, which could not be achieved by segregation protocols. As the next step, evidence will be sent to the GM Crop Advisory Committee for consideration.

Once again, thank you for providing feedback on this very important matter.

Yours sincerely

Hon David Basham MP
MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT

15/10/2020

