

9. GROWTH - REPORTS FOR COUNCIL DECISION

9.1 Community Consultation on Amendments to the Genetically Modified Crops Management Act 2004

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Community Strategic Plan Impact:

ACTIVATE Engagement with the community will ensure all views are heard with respect to the potential changes to cropping within the rural areas.

PARTICIPATE Undertaking community engagement will allow for participation across all sectors to assist with Council's decision making.

THRIVE Through consultation Council is ensuring that it is considering all aspects of the proposed changes.

INNOVATE Through consultation Council is valuing the contribution of the primary production sector to the local economy and is showing responsiveness to community interests.

Report Objective

To obtain support and endorsement from Council to commence community consultation on whether to apply to the Minister for Primary Industries and Regional Development (the Minister) for the Council to be designated as a genetically modified (GM) crop free area following recent amendments to the *Genetically Modified Crops Management Act 2004*. (GMCM Act)

Executive Summary

The State Government has recently amended the GMCM Act that has effectively lifted the ban on growing GM crops in South Australia. In making these amendments, Local Government has been given a once off opportunity to make a request to the Minister for the GM free crop status to be reinstated.

In seeking this reinstatement, the Minister will only consider evidence related to the trade and marketing impact of GM crops; and Council must demonstrate that it has consulted with its community, including persons engaged in primary production activities and food processing or manufacturing activities within the area of the Council.

Following the consultation process, Council will be able to form a view as to whether there is sufficient evidence to apply to the Minister for Alexandrina Council to be GM free.

Recommendation

- 1. The Council will consider whether to apply to the Minister for Primary Industries and Regional Development under Section 5A(1) of the Genetically Modified Crops Management Act 2004 for the designation of the Council area as an area in which no genetically modified food crops may be cultivated.**
- 2. Pursuant to Section 5A(2) of the Genetically Modified Crops Management Act 2004, the Council seeks the views of its community, including persons engaged in primary production activities and food processing or manufacturing activities in the area of the Council, regarding whether or not such an application should be made.**
- 3. The Council will conduct community consultation in accordance with its Public Consultation Policy.**

Context

The ban on growing GM crops under the GMCM Act in South Australia has recently been lifted by the State Government after it was imposed in 2003. The GMCM Act provides the power to prohibit cultivation of GM food crops and aligns with the national scheme for regulating gene technology which only allows State Governments to regulate GM food crops where there are risks to markets and trade. Any risks to human health or the environment are managed by the national scheme which is administered by the Commonwealth Government. For this reason the GMCM Act is limited in its scope and any concerns relating to health or the environment cannot be used as grounds to apply to be a non-GM designated area.

Under the amendment Local Government has been afforded the opportunity to make a request to the Minister to designate their Council as a non-GM designated area. If Council wishes to make an application to the Minister then it must firstly consult with the community ensuring that it includes persons engaged in primary production activities and food processing or manufacturing activities in the area of the council.

The Minister must make a determination on whether an area will remain GM crop free by 15 November 2020 and therefore Council needs to advise the Minister of its decision by 30 September 2020. Following receipt of Council submissions the Minister must refer these to the GM Crop Advisory Committee before making a final decision on whether a designation will be made.

General Analysis

If making an application to the Minister it will need to:

- 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 in 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; and
- Include a summary of all views expressed during consultation whether it be in favour or against a declaration.

It can also consider including:

- Information or data from commercial customers or businesses in the supply chain; and
- Any other relevant data that demonstrates the marketing or trade advantage provided to local businesses.

In order to determine if an application will be made to the Minister, Council will need to ensure that the consultation undertaken is clear and impartial and that submissions received are backed by sound evidence from the sectors within the community that either way they will be impacted from a trade or marketing perspective. It should also be stated that the final decision does not lay with Council but rather the Minister.

This report is therefore seeking Council's decision on whether to proceed or not with community consultation in order to determine if a submission will be made to the Minister to be a GM free crop area. If Council agree to go to consultation this will need to commence on 27 July 2020 to allow for a four week consultation period and enough time to collate submissions, and prepare a position for a Council briefing and a decision at the 21 September 2020 Council meeting.

A communications plan has been prepared that outlines these timeframes along with the key stakeholder groups that will be targeted and the methods of consultation to be used.

Primarily those to be notified are the key agricultural groups, transport companies, associated businesses and the broader community. A survey will be set up on Council's mysay site along with relevant information about the lifting of the moratorium with an email being sent directly to the identified organisations and the ASART group for broader circulation. Notification of the consultation will also appear in the local papers, Council's website and Facebook page.

Comparative Analysis

This topic has not been previously considered by local government sector so it is difficult to undertake any comparative analysis.

Financial and Economic Implications

The undertaking of community consultation will incur costs through staff resourcing and notices within the local papers.

The reason for undertaking the consultation is to determine if remaining GM free poses any financial or economic benefits rather than accepting the State Government's decision to lift the moratorium.

Risk Management

The potential risks associated with this recommendation are as follows:

- Financial – the need to undertake community consultation will incur resourcing costs with staff time needed to prepare the necessary consultation materials and analysis of the submissions. This will need to occur within existing budgets as this is a matter that was not anticipated.
- Legislative – the legislation is imposing a very tight timeframe to prepare a submission to the Minister.

It is therefore determined that the risk associated with this recommendation is low as Council is only seeking community input to assist in formulating a position on GM crops.