NOTICE OF SPECIAL COUNCIL MEETING
Notice is hereby given that a Special Meeting of Council will be held on Monday 29 June 2020, via Electronic Meeting processes (this meeting will be recorded and posted online on Tuesday 30 June 2020), commencing at 6.30pm.

Martin McCarthy
CHIEF EXECUTIVE OFFICER
THE BAROSSA COUNCIL

AGENDA

1. THE BAROSSA COUNCIL
   1.1 Welcome by Mayor Lange - meeting declared open
   1.2 Present – Roll call required to include Elected Members, Executive team and Minute Secretary
   1.3 Leave of Absence
   1.4 Apologies for Absence

2. DEBATE AGENDA
   2.1 EXECUTIVE SERVICES – CHIEF EXECUTIVE OFFICER
      2.1.1 Approval to Continue Works in Progress, Programs and Existing Service Levels
   2.2 ENVIRONMENTAL SERVICES – DIRECTOR DEVELOPMENT AND ENVIRONMENTAL SERVICES
      2.2.1 Genetically Modified Crops

3. NEXT MEETING
   3.1 Tuesday 21 July 2020 at 9.00am

4. CLOSURE
Dear Martin

**Re: Calling of a Special Meeting of Council**

Pursuant to Section 82 of the Local Government Act I hereby request that a special meeting of Council be called for 6.30pm, Monday, 29 June 2020.

I request that the agenda shall consist of the following item:

1. Approval to continue works in progress, programs and existing service levels;
2. Genetically modified crops moratorium.

Please prepare the necessary agenda and distribute.

Yours sincerely

Bim Lange OAM
Mayor
2.1 CHIEF EXECUTIVE OFFICER - DEBATE AGENDA

2.1.1 APPROVAL TO CONTINUE WORKS IN PROGRESS, PROGRAMS AND EXISTING SERVICE LEVELS

B9880

PURPOSE

Once again as with most financial years, there are works continuing from the budgeted 2019/20 program. This report seeks approval to continue those works unimpeded by the end of financial year processes and therefore continue to deliver on the projects and programs immediately rather than await final carryover approval in October. Further the report seeks endorsement for the delivery of existing service levels.

RECOMMENDATION

That Council approve the continuation of works identified in the Attachment for projects currently in progress from the 2019/20 capital and select operating program, and continuation of existing service levels to ensure the continuation of works and service on condition the total budget for the projects is not exceeded and final carry over amounts are completed as part of the first quarter budget review.

REPORT

There are works still to be completed from the 2019/20 financial year budget that are either underway or are well advanced. So that these budgeted items can continue unimpeded approval is being sought to authorise the continued delivery of the works and services identified in the attachment, this will avoid unnecessary delay whilst the final 2019/20 financial year accounts are being settled and will not commit the Council to anything that has not already been authorised in a prior budget.

It is proposed that a general approval be provided for the works and services on the condition that officers do not exceed the funding allocations based on a total of the spending across (now) the 2019/20 and 2020/21 financial year – this will ensure no over spending of the budgets. Budgets will be adjusted accordingly once final 2020/21 figures are available as part of the first quarter budget adjustments process.

Further with the budget being adopted in July it is recommended Council authorise the continuance of existing levels of service.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Continuation of Works in Progress – Capital and Operating
COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

- Natural Environment and Built Heritage
- Community and Culture
- Infrastructure
- Health and Wellbeing
- Business and Employment
- How We Work – Good Governance

All

Legislative Requirements
Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Carryovers are fully funded from the adopted 19/20 operating and capital budget and do not represent additional program or project funding.

COMMUNITY CONSULTATION

No consultation required - forms part of prior budget settings which have already been consulted upon or the current draft budget which is currently on consultation.
## Capital Expenditure Report
Continuing Projects for Authorisation to Continue in 2020/21 - Capital

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Revised Annual Budget 2019-20</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>601423</td>
<td>Bushgardens Sales Area Shed</td>
<td>8,837</td>
<td>Commenced</td>
</tr>
<tr>
<td>601577</td>
<td>Bushgardens Access Paths</td>
<td>10,000</td>
<td>Commenced</td>
</tr>
<tr>
<td></td>
<td><strong>Total:- Agricultural Services</strong></td>
<td></td>
<td>18,837</td>
</tr>
<tr>
<td>601406</td>
<td>CWMS - Nuriootpa Gravity Mains Renewal</td>
<td>6,000</td>
<td>Commenced</td>
</tr>
<tr>
<td>601567</td>
<td>Tanunda Waste Water Treatment Plant</td>
<td>1,125,000</td>
<td>Practically Complete</td>
</tr>
<tr>
<td></td>
<td><strong>Total:- Business Undertakings</strong></td>
<td></td>
<td>1,131,000</td>
</tr>
<tr>
<td>601633</td>
<td>Nuriootpa Office Led Lighting Replacement</td>
<td>90,112</td>
<td>Commenced</td>
</tr>
<tr>
<td>601636</td>
<td>Nuriootpa Office Solar Panels</td>
<td>186,500</td>
<td>Contract Let</td>
</tr>
<tr>
<td>601674</td>
<td>Retaining Wall Keil Gardens Tanunda</td>
<td>160,000</td>
<td>Design and Tendered</td>
</tr>
<tr>
<td></td>
<td><strong>Total:- Community Amenities</strong></td>
<td></td>
<td>436,612</td>
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<tr>
<td>601340</td>
<td>Streetscaping, Murray Street, Angaston</td>
<td>254,401</td>
<td>Not commenced</td>
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<tr>
<td>601415</td>
<td>Road Drain - James Sim Court Kalbeeba</td>
<td>296,000</td>
<td>Commenced</td>
</tr>
<tr>
<td>601585</td>
<td>Calton Road to Hameister Court Drainage Kalbeeba</td>
<td>152,284</td>
<td>On-hold legal access matters</td>
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<tr>
<td></td>
<td><strong>Total:- Other Environment</strong></td>
<td></td>
<td>702,685</td>
</tr>
<tr>
<td>601378</td>
<td>Tanunda Rec Park Oval Renewal</td>
<td>193,432</td>
<td>Commenced</td>
</tr>
<tr>
<td>601538</td>
<td>Electrical Upgrade/Lighting - Tanunda Recreation Park</td>
<td>741,606</td>
<td>Practically Complete</td>
</tr>
<tr>
<td>601539</td>
<td>Show Hall Upgrade - Tanunda Recreation Park</td>
<td>1,795,943</td>
<td>Practically Complete</td>
</tr>
<tr>
<td>601543</td>
<td>Angaston Railway Precinct Picnic Area</td>
<td>506,007</td>
<td>Practically Complete</td>
</tr>
<tr>
<td>601544</td>
<td>Angaston Railway Precinct - Station</td>
<td>488,167</td>
<td>Practically Complete</td>
</tr>
<tr>
<td>601545</td>
<td>Angaston Railway Precinct - Bike Track</td>
<td>80,880</td>
<td>Practically Complete</td>
</tr>
<tr>
<td>601546</td>
<td>Angaston Railway Precinct - Play Area</td>
<td>1,622,637</td>
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<tr>
<td>601570</td>
<td>Angaston Railway Precinct - Entrance</td>
<td>32,421</td>
<td>Practically Complete</td>
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<tr>
<td>601571</td>
<td>Tanunda Recreation Park - Oval</td>
<td>79,558</td>
<td>Commenced</td>
</tr>
<tr>
<td>601572</td>
<td>Upgrade Lighting - Lyndoch Recreation Park</td>
<td>147,107</td>
<td>Design</td>
</tr>
<tr>
<td>601575</td>
<td>The Big Project - Recreation Phase 1 Implementation</td>
<td>100,000</td>
<td>Commenced</td>
</tr>
<tr>
<td>601580</td>
<td>Reseal Tennis Courts/Drainage-Talunga</td>
<td>250,000</td>
<td>Design</td>
</tr>
<tr>
<td>601606</td>
<td>Nuriootpa Dog Park</td>
<td>62,470</td>
<td>Practically Complete</td>
</tr>
<tr>
<td>601607</td>
<td>Williamstown Dog Park</td>
<td>55,470</td>
<td>Practically Complete</td>
</tr>
<tr>
<td>601634</td>
<td>The Rex LED Lighting Replacement</td>
<td>57,757</td>
<td>Commenced</td>
</tr>
<tr>
<td>601635</td>
<td>The Rex Solar Panels</td>
<td>476,946</td>
<td>Contract Let</td>
</tr>
<tr>
<td>601646</td>
<td>NCPA - Multi-use Change Rooms</td>
<td>952,530</td>
<td>Commenced</td>
</tr>
<tr>
<td>601654</td>
<td>Angas Rec Park Junior Oval/Recreation Landscaping</td>
<td>212,779</td>
<td>Design</td>
</tr>
<tr>
<td>601655</td>
<td>Stockwell Recreation Park - BMX Track</td>
<td>14,600</td>
<td>Design</td>
</tr>
<tr>
<td>601656</td>
<td>Talunga Recreation Park -Equestrian Infrastructure</td>
<td>157,453</td>
<td>Not commenced</td>
</tr>
<tr>
<td>601659</td>
<td>Murray Recreation Park Effluent System Upgrade</td>
<td>70,051</td>
<td>Practically Complete</td>
</tr>
<tr>
<td>601661</td>
<td>Angas Rec Park Cricket Nets</td>
<td>5,000</td>
<td>Design</td>
</tr>
<tr>
<td>601662</td>
<td>Angas Rec Park Multi Functional Clubrooms</td>
<td>47,500</td>
<td>Design</td>
</tr>
<tr>
<td>Project Description</td>
<td>Budget</td>
<td>Status</td>
<td></td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
<td>--------</td>
<td>------------------</td>
<td></td>
</tr>
<tr>
<td>The Rex Pool Deck Air Conditioning</td>
<td>68,000</td>
<td>Practically Complete</td>
<td></td>
</tr>
<tr>
<td>Old Talunga Park - Netball and Tennis Court Updates</td>
<td>525,400</td>
<td>Design</td>
<td></td>
</tr>
<tr>
<td>Upgrade Oval and Nets - Lyndoch Recreation Park</td>
<td>513,913</td>
<td>Design</td>
<td></td>
</tr>
<tr>
<td><strong>Total:- Recreation</strong></td>
<td>9,257,627</td>
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<td></td>
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</tbody>
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**Support Services**

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Budget</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finance Budgeting Software</td>
<td>79,647</td>
<td>On-hold resourcing</td>
</tr>
<tr>
<td>Agenda Management System</td>
<td>44,375</td>
<td>Commenced</td>
</tr>
<tr>
<td>Website</td>
<td>60,000</td>
<td>Commenced</td>
</tr>
<tr>
<td>Change Program</td>
<td>114,870</td>
<td>Ongoing</td>
</tr>
<tr>
<td><strong>Total:- Support Services</strong></td>
<td>298,892</td>
<td></td>
</tr>
</tbody>
</table>

**Transport**

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Budget</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Road Drain - Yettie Road Williamstown</td>
<td>23,240</td>
<td>Practically Complete</td>
</tr>
<tr>
<td>Road Seal - Calton Road Kalbeeba</td>
<td>153,642</td>
<td>Practically Complete</td>
</tr>
<tr>
<td>Road Seal - Yettie Road Williamstown</td>
<td>160,000</td>
<td>Practically Complete</td>
</tr>
<tr>
<td>Road Resheeting Budget</td>
<td>41,497</td>
<td>Unallocated</td>
</tr>
<tr>
<td><strong>Total:- Transport</strong></td>
<td>378,379</td>
<td></td>
</tr>
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</table>

**Report Capital**

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>12,313,482</td>
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### Operating Expenditure Report

Continuing Projects for Authorisation to Continue in 2020/21 - Operating

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Revised Annual Budget 2019-20</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q005-562</td>
<td>Regional Cycle Trail - Contributions</td>
<td>(46,883)</td>
<td>Commenced</td>
</tr>
<tr>
<td>Q005-668</td>
<td>Regional Cycle Trail - Consultants</td>
<td>71,687</td>
<td>Commenced</td>
</tr>
<tr>
<td>482-824</td>
<td>Executive Services - training program - leadership development</td>
<td>9,000</td>
<td>Deferred due to COVID-19</td>
</tr>
<tr>
<td>223-654</td>
<td>Cromers Upgrade - contractors</td>
<td>28,512</td>
<td>Quotations being sought</td>
</tr>
<tr>
<td>Q019-Various</td>
<td>COVID-19 Initial Budget Support - Cleaning, Software and Hardware,</td>
<td>113,000</td>
<td>Ongoing</td>
</tr>
<tr>
<td>356-868</td>
<td>CASC Heritage Grant Funds - Due to be paid November 2020</td>
<td>10,100</td>
<td>Awarded awaiting completion by grantees</td>
</tr>
<tr>
<td>B160 - Various</td>
<td>NRM - Natural Resource Centre Program - Expenditure</td>
<td>4,917</td>
<td>Commenced</td>
</tr>
<tr>
<td>B160 - Various</td>
<td>NRM - Natural Resource Centre Program - Grant</td>
<td>(4,917)</td>
<td>Unspent Grant Funds to be carried forward</td>
</tr>
<tr>
<td>U400 - Various</td>
<td>NRM - Land Management Program - Expenditure</td>
<td>46,000</td>
<td>Commenced</td>
</tr>
<tr>
<td>U400 - Various</td>
<td>NRM - Land Management Program - Grant</td>
<td>(46,000)</td>
<td>Unspent Grant Funds to be carried forward</td>
</tr>
</tbody>
</table>

Total Operating 185,416
SPECIAL COUNCIL MEETING
DEVELOPMENT AND ENVIRONMENTAL SERVICES
ENVIRONMENTAL SERVICES REPORT
29 JUNE 2020

2.2 DEBATE AGENDA – ENVIRONMENTAL SERVICES REPORT

2.2.1 GENETICALLY MODIFIED CROPS MORATORIUM
B272

Author: Director Development and Environmental Services

PURPOSE

To determine whether Council wishes to undertake the necessary community engagement given the recent changes to the Genetically Modified Crops Management Act 2004.

The amendments to the Act lift the long-standing Moratorium on the cultivation of genetically modified (GM) crops on mainland South Australia, however they also provide SA councils with an opportunity to apply to remain a GM-free council area.

An application to remain a GM-free council area must be made to the Minister by 30 September 2020. The final decision on the Moratorium remains with the Minister for Primary Industries and Regional Development.

RECOMMENDATION

That Council
(1) Receive and note the initial views on the Genetically Modified Crops Moratorium.
(2) Not proceed with the consultation requirements pursuant to Section 5A(2) of the Genetically Modified Crops Management Act 2004, and not seek an application to the Minister for Primary Industries and Regional Development to have the council area designated as an area of the State where genetically modified food crops must not be cultivated.

REPORT

Background

The Genetically Modified Crops Management Act 2004 has operated for a significant period of time to prevent the cultivation of genetically-modified (“GM”) food crops in SA. The Genetically Modified Crops Management (Designated Area) Amendment Act 2020 has successfully passed in Parliament to amend the Act lifting the
Moratorium. Section 5A of the Act has come into operation with immediate effect and provides for a council to apply to the Minister for Primary Industries, to designate the area of the council as an area in which GM food crops may not be cultivated.

Council was presented with a Consensus Agenda at its meeting on 19 May 2020 regarding Genetically Modified Crops (Attachment 1). The item was removed from the Agenda for debate, and resolved as follows:

**MOVED Cr Angas that Council instruction the Chief Executive Officer to write to relevant industry bodies including Barossa Grape and Wine Association, Barossa Tourism, RDA Barossa Gawler Light and Adelaide Plans, Agricultural Bureaus, SA Primary Producers and our neighbouring councils to seek their views as to the question of Genetically Modified Crops and report back to the Council once responses have been received.**

**Seconded Cr Huynh**

**CARRIED 2018-22/116**

**Introduction**
Council Administration had written to the bodies listed in the resolutions. In addition, correspondence had been received from other bodies.

**Discussion**
Below is a short summary as to the position of the councils/bodies that had responded to Council’s request:

Light Regional Council received a report for information with respect to this matter at its meeting held on 26 May 2020 (Attachment 2). There is no intention for Council’s management to pursue further action unless it is instructed to do so by the Council.

Town of Gawler’s Infrastructure and Environmental Services meeting held on 9 June 2020, made a recommendation to Council (Attachment 3) to commence community engagement pursuant to Section 5A(2) of the Genetically Modified Crops Management Act 2004.

Adelaide Hills Council currently has a Council Policy on Genetically Modified Crops, first adopted in 2012 (Attachment 4). The Policy is to be reviewed again in light of the State Government’s recent decision to establish whether or not the policy position should change. Adelaide Hills Council has indicated that it would be prepared to collaborate and lodge a joint application should Council wish to remain GM-Free.

At its meeting held 23 June 2020, City of Playford resolved to conduct public consultation in accordance with their Public Consultation Policy for 28 days commencing in July 2020 (refer Attachment 5).

Agricultural Bureau of SA (ABSA) (Attachment 6) advised that as the peak body they have a varied member group of primary producers, which makes it difficult to form a position statement which is reflective of the majority of their members. ABSA has provided a list of appropriate local Bureau’s to consult with. Given the timeframe, Council Administration has not sought the views of the local Bureau. This will be undertaken should Council resolve to undertake the formal application process under Section 5A.
Primary Producers SA (Attachment 7) is fully supportive of GPSA’s efforts to enable growers to choose to grow the crops that best fit their farming system.

Grain Producers SA (Attachment 8) believes that “growers should have the freedom of choice to grow the cereal, legume and oilseed varieties that best fit their farming system, including genetically modified varieties. Removing the GM food crop Moratorium from mainland SA will enable producers to have the same freedom of choice as growers from other mainland states.”

Responses had not been received from Mid Murray Council, Adelaide Plains Council, Regional Development Australia, Tourism Barossa and Barossa Grape and Wine Association at the time of writing the report for Council.

In addition to the bodies that Council had written to, correspondence had also been received from the following:

Crop Science Society of SA Inc. seeking support for the cultivation of genetically modified crops in South Australia (Attachment 9).

Keep SA GM-free (Attachment 10) has called upon Council to retain the Council area as a GM-free Crop Zone. The correspondence enclosed a report from Dr John Paull PhD that questions the independent review conducted by the Government.

Mark Parnell MLC Greens Member of the Legislative Council (Attachment 11) strongly encourages Council to “undertake a consultation process with your community regarding their views on this question, as required by the Act”, noting that applications to the Minister are due by 30 September 2020. Mr Parnell also encourages a regional approach with neighbouring councils.

As anticipated, there is a strong difference of opinion on the issue of GM Crops. Below is an extract from the report (29 October 2019) of the Select Committee on Moratorium on the Cultivation of Genetically Modified Crops in South Australia highlighting the opposing positions to the Moratorium.

“Those mounting the case for the retention of the Moratorium included organic farmers, the organic industry’s peak bodies, societies and associations. For them, GM technology epitomised the very destruction of the industry, their livelihoods and chosen way of life. Additional support came from anti-GM organisations, academics and researchers offering statistical data on international marketing advantages for non-GM, the growing health and wellness sector, and the innate hazards of GM technology. The former Minister for Agriculture, Food and Fisheries stressed the current benefits and future potential of the State’s clean, green, GM free reputation, while the directors of two Japanese co-operatives, buyers of Kangaroo Island Pure Grain, accentuated the worth of the State remaining GM free. Many individual submissions petitioned the Committee to uphold the status quo.

Conversely, a host of representative bodies from the agricultural sector called loudly for the Moratorium to be removed. In their view, the bans
have not delivered benefits in terms of price premiums or market advantage but have hampered farmers and a range of associated industries, including research and development. If the Moratorium remains in place, they argued that South Australia will fall even further behind in a highly competitive world. While GM canola currently available offers advantages of higher yield, fewer chemicals and better weed management, for those seeking the Moratorium’s removal, the promise of emerging GM crops is coveted even more. Apart from farmers themselves, many agricultural bodies, agronomists, researchers, academics, grain handlers and a current and a former Member of Parliament all insisted that co-existence and segregation is possible. They contended that if the State is to progress, even resume its former high standing in agricultural science, GM technology must be available.”

Access to the full report is available from the link below.

**Summary and Conclusion**

Council sought preliminary views of relevant bodies in regard to the GM Crop Moratorium. Responses have been received from six of the bodies, and also received additional correspondence from other bodies.

The views on GM Crops are varied.

Council has the option to undertake community and industry consultation pursuant to the Act. In its letter to the CEO, Primary Industries and Region SA ([Attachment 12](#)) advised that an application to the Minster should:

- be framed within the scope of the Act i.e. relate to marketing and trade only
- demonstrate the consultation requirements of the Act have been fulfilled
- include advice on all views expressed during consultation (in favour or against declaration) and any evidence provided by the community and/or industry relating to the application.

As highlighted below, there are resourcing implications that would need to be factored into a decision to pursue an application.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

- Attachment 1 – Consensus Agenda Report
- Attachment 2 – response Light Regional Council
- Attachment 3 – response Town of Gawler
- Attachment 4 – response Adelaide Hills Council
- Attachment 5 – response from City of Playford
- Attachment 6 – response Agricultural Bureau of SA
- Attachment 7 – response Primary Producers SA
- Attachment 8 – correspondence Grain Producers SA
- Attachment 9 – correspondence Crop Science Society of SA
- Attachment 10 – correspondence Keep SA GM-free
- Attachment 11 – correspondence Mark Parnell MLC
- Attachment 12 – correspondence Primary Industries and Regions SA
Select Committee on Moratorium on the Cultivation of Genetically Modified Crops in South Australia


**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**

**Community Plan**

- Natural Environment and Built Heritage
- Community and Culture
- Business and Employment

**Corporate Plan**

1.5 Maintain and seek to expand Council initiated native conservation and land management initiatives.

2.3 Support and promote community involvement and networks and provide opportunities for participation in local decision making.

5.7 Contribute to the ongoing development of a coordinated local economic development strategy and ensure that Council’s land use policy and practices enable and support the strategy’s implementation.

**Legislative Requirements**

- Genetically Modified Crops Management Act 2004
- Local Government Act 1999

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

**Financial Management**

No budget has been assigned to undertake any aspect of Section 5A of the Act. Should Council seek to pursue an application, a budget allocation will be required in order to assist Council, particularly if a poll is conducted under Section 9 of the Local Government (Elections) Act 1999.

**Risk Management**

The Minister may, on application by a council under section 5A, by notice published in the Gazette, designate the area of the council as an area in which no genetically modified food crops may be cultivated.

It is noted that the amendment had received bipartisan support in Parliament, thereby shifting the accountability and responsibility to Council to manage. There are risks of process and procedural complaints made either to the council, or to oversight bodies, that will be required to be managed by the council (i.e. Section 270).

Council does not have the necessary scientific and economic skills that would be required to fulfil the requirements of the application – addressing the necessary criteria. This would need to be outsourced through a Consultancy.
COMMUNITY CONSULTATION

Before making an application under section 5A to the Minister, a council must consult with its community, including persons engaged in primary production activities and food processing or manufacturing activities in the area of the council.

Council’s previous resolution sought to gauge the views of relevant industry bodies. This is unlikely to be sufficient to meet the requirements under Section 5A.

The Act is not prescriptive as to the method of consultation, so it is open for councils to develop a consultation process which it considers to be suitable in the circumstances and one which ensures that all relevant community members are appropriately included. Should Council opt to consult the community the Bang the Table platform could be utilised for the consultation, in addition to writing the key primary producer bodies.

In order to seek as broad as possible community engagement, Council may opt to conduct a poll under Section 9 of the Local Government (Elections) Act 1999, to gauge the support or otherwise, for a Moratorium. However the timeframe may not sufficient to allow Council to undertake the poll under this process.
4.2.1 CONSENSUS AGENDA – CHIEF EXECUTIVE OFFICER

4.2.1.1 GENETICALLY MODIFIED CROPS

Council would be aware of recent media around the matter of genetically modified crops and an agreement to address their introduction in South Australia. It is currently understood that Councils can apply for an exemption on behalf of their communities if they can demonstrate significant detriment of such a policy. The decision evidently sits ultimately with the Minister for Agriculture.

No official correspondence has been received and it is not known exactly what level of engagement is required, what evidence needs to be produced and who will wear the cost of this unplanned work. Where the support will be provided for scientific understanding, as we do not possess such skills and understand in the organisation. Additionally this comes at a time of significant other workload on Council and the organisation. The applications need to be made within 6 months, if Council considers it our responsibility.

This Council previously considered a petition on the matter and at that time the question was firmly the responsibility of the State and the Parliament.

This report is to alert you of the matter and once further information is understood I will provide a full report to Council. Any development of a case will no doubt require external resource support to assist in this highly scientific matter.

**RECOMMENDATION**

That the matter of genetically modified crops be received and noted.
Dear Gary,

Genetically Modified Food Crops Moratorium

Thank you for your letter dated 29 May 2020 enquiring about Light Regional Council’s views with respect to the Genetically Modified Crops Management (Designated Area) Amendment Bill 2020.

I advise that Council received a report for information with respect to this matter at its meeting held on 26 May 2020. I have attached a copy of this for your reference.

Based on the discussion at the meeting with respect to this matter, I advise that there is no intention for Council’s management to pursue further action unless it is instructed to do so by the Council.

I trust that this advice is of assistance. Please do not hesitate to contact me on telephone 8525 3200 should you wish to discuss the content of this letter further.

Yours faithfully,

Craig Doyle
General Manager, Strategy & Development
• Restoration of emotional, social and physical well-being;
• Restoration of the local economy;
• Re-activation of the use of public infrastructure and built environment; and
• Re-activation of the use of the natural environment.

As restrictions are gradually eased across South Australia so that social gatherings can occur again, in what formats these will be allowed moving forward are yet to be determined. Recent discussions during Local Government Network meetings and external webinars (in the areas of Events, Volunteer Management, and Youth Development) have anticipated that a higher level of support from Council will be sought by individuals, community groups and organisations, especially where fundraising opportunities or attracting sponsorship or business support has been restricted. In terms of re-inventing annual iconic events, these are likely to retain a more local focus rather than attracting ‘mass gatherings’ or larger regional events, facilitating creative use of public space to maintain social distancing while stimulating community re-connection. Where possible, some programs and activities will transition to online delivery.

It is expected that Council will continue to learn more about the level of ongoing support that will be required by the community as the response and recovery stages progress. However, of primary importance will be mental health and wellbeing initiatives, along with programs, projects and activities that support skill development (with an aim to improve people’s employability skills), or support of community groups to maintain their operations and meet legislative requirements.

A service mapping and community profiling exercise will be undertaken over the coming months, in order to inform the preparation of an action plan for Community Development-specific recovery initiatives, as informed by identified community needs and emerging issues.

References:

11.4 Genetically Modified Food Crops in South Australia

File: 1875

Author: Craig Doyle, General Manager - Strategy & Development

Report Presenter: Craig Doyle, General Manager - Strategy & Development

It has been reported that the Genetically Modified Crops Management (Designated Area) Amendment Bill 2020 passed both Houses of State Parliament and is now awaiting assent.

This Act amends the Genetically Modified Crops Management Act 2004 by removing the prohibition on cultivation of genetically modified (GM) food crops in all areas of the State excluding Kangaroo Island.

The moratorium continues with respect to Kangaroo Island to support access to key markets for Kangaroo Island grain.

The change in the legislation followed an inquiry by a Select Committee of the Legislative Council on the Moratorium on the Cultivation of Genetically Modified Crops in South Australia, which tabled its final report at the end of October 2019.

Councils have until the 16th of November 2020 if they wish to apply to be recognised as an area where no GM food crops can be grown.

Per new Section 5A(2), “Before making an application...a council must consult with its community, including persons engaged in primary production activities and food processing or manufacturing activities in the area of the council”.

The Minister must consult with an Advisory Committee and take into account any advice provided with respect to an application before proceeding with designating a council area as one in which no genetically modified food crops may be cultivated (via a Gazette notice).
15 June 2020

Gary Mavrinac
Director Development and Environmental Services
The Barossa Council
PO Box 867
NURIOOTPA SA 5355

Dear Gary,

Re: GENETICALLY MODIFIED CROPS

Thank you for your letter of 29 May 2020, requesting Council’s position on Genetically Modified Crops (GMC) relating to the changes in legislation resulting in the state of South Australia becoming no longer GMC free.

At the Infrastructure and Environmental Services meeting held on 9 June 2020, a recommendation was made to Council, as follows:

COMMITTEE RESOLUTION 2020:06:IES001
Moved: Mayor K Redman
Seconded: Cr P Koch
That the Infrastructure & Environmental Services Committee recommends to Council that:
1. Notes the Genetically Modified Crops Update report.
2. Authorises the Mayor to write to the Local Government Association requesting a co-ordinated approach for the preparation of a financial analysis of the effects of Genetically Modified Crops.
3. 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. The Council will conduct public consultation in accordance with the Town of Gawler Public Consultation Policy and liaising with neighbouring Councils on this matter.
4. Requests that a further detailed report be provided to the August meeting of the Infrastructure and Environmental Services Committee.

Council is expected to consider this recommendation at its meeting on 23 June 2020 and public consultation will proceed accordingly.
It would be appreciated if any further decisions by The Barossa Council could be communicated to Council at the earliest convenience.

Yours sincerely

Ryan Viney
Manager Development, Environment and Regulatory Services

Direct line: (08) 8522 9271
Email: ryan.viney@gawler.sa.gov.au
16 June 2020

Mr Gary Mavrinac
Director, Development and Environmental Services
The Barossa Council
PO Box 867
NURIOOTPA SA 5355

Dear Gary

RE: Genetically Modified (GM) Crops

Thank you for your letter dated 29 May with regard to the recent changes to the Genetically Modified Crops Management Act 2004, which essentially lifts the State’s GM Crops Moratorium and allows GM food crops to be grown on mainland South Australia.

For your information, our Council has a Policy in relation to GM Crops which is essentially to be a GM free area. As far as we are aware ours is the only council in the State to have such a Policy (a copy of which is attached) which was first adopted in 2012. The Policy was developed by staff in consultation with our Rural Land Management Advisory Group (RLMAG). Broader community and stakeholder consultation, including consultation with the primary production industry groups in our region, was also undertaken before the Policy was adopted. Note that the RLMAG consists of 6 independent members who represent the natural resource management, horse keeping, grazing, viticultural, horticultural and berry growing sectors in our district. The Advisory Group also includes 4 elected members and representatives from PIRSA and the Hills & Fleurieu Landscape Board (previously the Adelaide & Mt Lofty Ranges NRM Board).

The GM Crops Policy was reviewed in 2018 and will now be reviewed again in light of the State Government’s recent decision to lift the moratorium on GM Crops. In line with this change, our Council will consult with the RLMAG, the various primary production sector industry groups and the broader community to establish whether or not the policy position should change, i.e., to remain a GM free area. This process is intended to be completed by September 2020, with a view to then deciding whether or not to lodge an application to the Minister Whetstone, Minister for Primary Industries and Regional Development, to remain GM crop cultivation free. At this stage, Council has no formal view on this matter until the aforementioned review process has been completed.

In the event that our Council resolves to maintain its GM crop free status, we would be interested if your Council will be going down a similar path and, therefore, be willing to collaborate with our Council by lodging a joint application to keep the region GM crop free. Such an approach would add weight to having a GM crop free region should both our Councils resolve to do so.
I look forward to your response in this regard, and in the interim feel free to contact me should you wish to discuss this matter further.

Yours sincerely

Marc Salver
Director Development & Regulatory Services
Council Policy

Genetically Modified Crops
<table>
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<tr>
<td>Responsible Department(s):</td>
<td>Development &amp; Regulatory Services</td>
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<tr>
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</tr>
<tr>
<td>Relevant Legislation</td>
<td><em>Genetically Modified Crops Management Act 2004</em></td>
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</tbody>
</table>
| Policies and Procedures Superseded by this policy on its Adoption: | 25 September 2012, Item 10.3, 242  
9 December 2014, Item 14.5, 271 |
| Adoption Authority: | Council  |
| Date of Adoption: | 18 December 2018 (Item 12.8) |
| Minute Reference for Adoption: | 333/18 |
| Effective From: | 7 January 2019 |
| Next Review: | No later than December 2022 or earlier if there are changes in State or Federal Government policies or legislation in this regard, or if there is a compelling scientific justification for a further review |
GENETICALLY MODIFIED CROPS

1. INTRODUCTION

This policy has been prepared to state Council’s position with regard to the growing of genetically modified (GM) crops within the Adelaide Hills Council area, and to the protection of existing agricultural activities and enterprises from the potential negative impacts and lost opportunities as a result of GM agriculture. The Policy also outlines the general principles that will be applied in an instance where a change to the Council’s adopted policy position in this instance is being contemplated.

Council is seeking changes to its Development Plan as part of the transition to the State’s Planning & Design Code. The intent of these changes is to increase the level of sustainable agriculture in the Adelaide Hills. These changes are linked to the Council wide planning policy initiatives to protect primary production land for this purpose, and other associated strategies as outlined in its Strategic Management Plan.

Council considers that genetically modified crops have the potential (until proven otherwise) for irreversible and unforeseen serious environmental and economic impacts. Given the possibility of the introduction of genetically modified crops into the Council Region, there is a need to state Council’s precautionary position on this issue.

At this point in time, Council does not consider that the agricultural industry would be adversely affected by any restrictions on the cultivation of GM crops within the Adelaide Hills Region.

2. BACKGROUND

2.1 What are Genetically Modified Crops:

Genetically modified foods (crops & animals) derive from genetically modified organisms which have had specific changes introduced into their DNA through genetic engineering techniques. Genetically engineered plants are generated in a laboratory by altering their genetic makeup, usually by adding one or more genes of a plant’s genome using genetic engineering techniques.

While it is theoretically possible to genetically modify all types of plants, in practice there are technical problems with inserting DNA into some plants, and some plants do not regenerate well under laboratory conditions. There are currently GM varieties of 13 different plants available worldwide which are commercially grown and used in the production of food and animal feeds. These include Canola, Corn, Papaya, Soybean, Tomato, Chicory, Flax/Linseed, Potato, Squash, Cotton, Melon (Cantaloupe), Rice, and Sugarbeet.

Currently only 6 of the above 13 plants have GM varieties approved for use in food for human consumption in Australia by Food Standards Australia New Zealand (refer to www.foodstandards.gov.au). Cotton, Canola and carnations are grown commercially in Australia.

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2.2 The Controversy

Genetic modification is promoted as a means to enhance food supply, by providing crops or animals with improved resistance to diseases, pests, herbicides, or drought, longer shelf life, better nutrition, flavour, colour, or texture, and higher yields.

Critics objections are based on “Frankenfood fears” due to inadequate scientific understanding of likely long-term physiological and health impacts on humans, and on surrounding crops, ecologies and related human and other food chains. The spread of GM crop genes into adjoining non-GM farms is also a major concern. A recent study\(^2\) has indicated that claims of increased yields were not supported during a 13 year study showing that “increased yields” are “reductions in crop losses”. There are also concerns about economic impacts due to these products being subject to intellectual property law. This may be a major problem in poor countries where genetic modification has the potential to ensure seeds for future crops are sterile unless “unlocked” with expensive chemical keys. This technology has not been commercially deployed to date, however it is not actually required by the vendors as their clients are legally obliged to buy new seed at the beginning of every season by their purchase contracts from most (GM and non-GM) seed suppliers.

2.3 Plant Development Terms

Cisgenic – an organism where genetic material from the same species or a species that can naturally breed with the host is used.\(^5\)

Cloning and stem cell research, although not considered genetic engineering,\(^2\) are closely related and genetic engineering can be used within them.\(^2\)

Genetic engineering alters the genetic makeup of an organism using techniques that introduce heritable material prepared outside the organism either directly into the host or into a cell that is then fused or hybridized with the host.\(^1\) This involves using recombinant nucleic acid (DNA or RNA) techniques to form new combinations of heritable genetic material followed by the incorporation of that material either indirectly through a vector system or directly through micro-injection, macro-injection and micro-encapsulation techniques.

Genetic engineering does not include traditional animal and plant breeding, in vitro fertilisation, induction of polyploidy, mutagenesis and cell fusion techniques that do not use recombinant nucleic acids or a genetically modified organism in the process.\(^1\)

Mutagenesis is a process by which the genetic information of an organism is changed in a stable manner, resulting in a mutation. It may occur spontaneously in nature, or as a result of exposure to mutagens. It can also be achieved experimentally using laboratory procedures. In nature mutagenesis can lead to cancer and various heritable diseases, but it is also the driving force of evolution.

Synthetic biology is an emerging discipline that takes genetic engineering a step further by introducing artificially synthesized genetic material from raw materials into an organism.\(^4\)

Transgenic – an organism where genetic material from another species is added to the host.

Genetic engineering can also be used to remove genetic material from the target organism, creating a **gene knockout organism**.\[6\]

In Europe genetic modification is synonymous with genetic engineering while within the United States of America it can also refer to conventional breeding methods.\[7\]

Within the scientific community, the term *genetic engineering* is not commonly used; more specific terms such as *transgenic* are preferred.

Genetic modification techniques are much more precise than *mutagenesis* (mutation breeding), where an organism is exposed to radiation or chemicals to create a non-specific but stable change.

Other techniques by which humans modify food organisms include selective breeding; plant breeding, and animal breeding, and somaclonal variation (under sterile conditions on a nutrient culture medium of known composition).

**Notes for section 2.3**


2.4 History

A hybrid cereal was first created in 1875, by crossing wheat and rye. The first field trials of genetically engineered plants occurred in France and the USA in 1986, when tobacco plants were engineered to be resistant to herbicides. The People’s Republic of China was the first country to allow commercialized transgenic plants, introducing a virus-resistant tobacco in 1992. Developing countries grew 48% of genetically engineered crops in 2010.

GM foods were first put on the market in 1996. Typically, genetically modified foods are transgenic plant products, i.e. soybean, corn, canola, rice, and cotton seed oil. Animal products have also been developed, although as of July 2010 none are currently on the market. In 2006 a pig was controversially engineered to produce omega-3 fatty acids through the expression of a roundworm gene. Researchers have also developed a genetically-modified breed of pigs that are able to absorb plant phosphorus more efficiently, and as a consequence the phosphorus content of their manure is reduced by as much as 60%.

GM tomatoes, as puree, first appeared on British supermarket shelves in 1996. However, a consumer reaction to GM technology did not occur until February 1999, after a controversial study suggested that a few strains of GM potatoes might be toxic to laboratory rats. A European anti-GM food campaign of near religious fervour followed. Spearheaded in the UK by environmental groups and some newspapers, the campaign had far-reaching consequences, culminating in an unofficial moratorium on the growth and import of GM crops in Europe and a trade dispute with the US.

GM crops are today very rare in Europe. Strict labelling laws and regulations are in place for food (DNA bar codes), and public opinion towards the technology remains largely negative. Several UK government reports have offered qualified support for GM crops and produce, though they argue that the economic benefits of the technology are currently small. Some African nations have also opposed engineered crops, even to the point of rejecting international food aid containing them.

GM produce has been taken up with much less concern in the US (where it doesn’t have to be labelled), India, China, Canada, Argentina, Australia and elsewhere. In the USA, controversy over a type of GM corn - only approved for animal feed - which turned up in taco shells and other products, has stirred opinion.

2.5 Genetically Modified Crops In South Australia (SA)

The Genetically Modified Crops Management Act 2004 (hereafter referred to as the Act) is in place to control the cultivation of genetically modified crops in South Australia.

Section 5 of the Act enables, by regulation:

- the designation of areas in which genetically modified food crops of a specified class must not be cultivated
- the designation of areas in which no genetically modified food crops may be cultivated
- the designation of an area as an area in which a genetically modified food crop must not be cultivated unless it is a genetically modified food crop of a specified class
- the designation an area as the only part of the State in which genetically modified food crops of a specified class may be cultivated.
The *Genetically Modified Crops Management (Designation of Areas) Regulations 2008*, made under the Act, designate the whole of the state of South Australia as an area in which no genetically modified food crops may be cultivated. However, the Act enables the Minister to issue Exemption Notices for the limited scale cultivation of GM food crops, including experimental crops in areas where the cultivation of GM crops is otherwise prohibited under section 4 or 5 of the Act. Exemption Notices will have conditions attached for the thorough containment of the cultivated GM crop to ensure that local production and supply chains are unaffected.

### 2.6 GM Crop Trial Sites in SA

There are currently no GM crops grown commercially in SA. However, there are field trials of GM canola being undertaken where licences are generally issued on an annual basis. There are currently 8 trial sites where GM crops are being grown in South Australia under exemption notices issued under section 6 of the Act for canola (*Brassica napus*). Trials for GM canola varieties, cotton seed, Indian mustard, oilseed, wheat and barley were recently licensed by the Regulator to proceed over a 3 year period. The University of Adelaide are doing trials at their Waite Campus at Urrbrae and also at Glenthorne (O’Halloran Hill). However, there are no trials or other GM sites within the Adelaide Hills Council area. Field trials occur under strict licence conditions, set and monitored by the Gene Technology Regulator.

### 3. DEFINITIONS

**crop**  
1. The cultivated produce of the ground, such as grain or fruit, while growing or gathered.  
2. The yield of such produce for a particular season.  
3. The yield of some other product in a season: *the lamb crop*.  
4. A supply produced.  

* v. i.  
23. To bear or yield a crop or crops.  
(Source: *Macquarie Dictionary 2009*)

**environment** includes:  
(a) ecosystems and their constituent parts;  
(b) natural and physical resources;  
(c) the qualities and characteristics of locations, places and areas.  
(Source: *Gene Technology Act 2000* (amended 2011)).

**gene technology** means any technique for the modification of genes or other genetic material, but does not include:  
(a) sexual reproduction; or  
(b) homologous recombination; or  
(c) any other technique specified in the regulations for the purposes of this paragraph.  
(Source: *Gene Technology Act 2000* (amended 2011)).

**genetically modified crop** (also referred to as genetically engineered [GE] crops or genetically modified organisms [GMO]) is a crop cultivar or variety that has been modified by a process of artificially inserting specific genes from a source organism into the gene sequence of another, with the purpose of producing specific traits in the resulting crop.

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3 Source: Primary Industries & Regions South Australia (PIRSA) Website
**genetically modified organism** means:

(a) an organism that has been modified by gene technology; or

(b) an organism that has inherited particular traits from an organism (the initial organism), being traits that occurred in the initial organism because of gene technology; or

(c) anything declared by the regulations to be a genetically modified organism, or that belongs to a class of things declared by the regulations to be genetically modified organisms;

but does not include:

(d) a human being, if the human being is covered by paragraph (a) only because the human being has undergone somatic cell gene therapy; or

(e) an organism declared by the regulations not to be a genetically modified organism, or that belongs to a class of organisms declared by the regulations not to be genetically modified organisms. **(Source: Gene Technology Act 2000 (amended 2011).)**

**GMO** means a genetically modified organism. **(Source: Gene Technology Act 2000 (amended 2011).)**

**GM product** means a thing (other than a GMO) derived or produced from a GMO. **(Source: Gene Technology Act 2000 (amended 2011).)**

**Sustainable agriculture (1)** is agriculture that contributes positively to the lives of rural people and their communities, to the region’s productivity and economy, and which also protects the biological and physical resource base on which it depends. Sustainable agriculture is focused on ensuring the long-term viability of agricultural land for the purpose of agriculture and therefore integrates consideration of economic, social and environmental aspects to achieve balance, rather than emphasising the importance of one over the others.

**Sustainable agriculture (2)** n. farming systems which meet the needs of society now and into the future by maintaining or improving profitable food and fibre production while conserving natural resources. **(Source: Macquarie Dictionary 2009)**

**Sustainable agriculture (3)** is an integrated system of plant and animal production practices having a site-specific application that will last over the long term:

- satisfy human food and fiber needs
- enhance environmental quality and the natural resource base upon which the agricultural economy depends
- make the most efficient use of non-renewable resources and on-farm resources and integrate, where appropriate, natural biological cycles and controls
- sustain the economic viability of farm operations
- enhance the quality of life for farmers and society as a whole.**

**(Source: Gold, M. (July 2009). What is Sustainable Agriculture?. United States Department of Agriculture, Alternative Farming Systems Information Center.**
4. OBJECTIVES

4.1 To increase the level of sustainable agriculture within the Adelaide Hills Council area for current and future generations.

4.2 To state Council’s position with regard to the growing of genetically modified crops within the Adelaide Hills Council area.

4.3 To protect existing agricultural activities and enterprises from potential negative impacts and lost opportunities as a result of GM agriculture.

4.4 To link agricultural activity more closely with the protection of biological diversity and the maintenance of essential ecological processes and life-support systems upon which agriculture and all other activities depend.

5. POLICY STATEMENT

5.1 Adelaide Hills Council does not support the growing of genetically modified crops within its District.

5.2 Council will work cooperatively with neighbouring councils to ensure that proposals or applications for approval to trial or to produce genetically modified crops within those areas are also referred to the Adelaide Hills Council for consultation before approval is obtained.

6. REVIEW OF THE POLICY

The following general principles will be applied in an instance where a change to the above stated Policy of the Adelaide Hills Council is being contemplated:

6.1 The area of Genetically Modified Crops/Organisms is very ‘fluid’ and can change very rapidly. It is noted that flexibility to review and change policy is required to enable individuals, the agricultural industry, the community and/or government to adapt to and adopt change where appropriate.

6.2 Public Consultation is paramount in this instance. Any changes to this Policy shall provide an opportunity for public input and debate/discussions before any changes are made.

6.3 Council is aware of the need for agricultural industry to remain internationally competitive and as a result Council considers that there should be flexibility to review this policy position in order for the industry to react to specific market forces and requirements. For example, if the South Australian Apple and Pear industry were to suffer the effects of the Fire Blight disease, the industry would be seeking immediate access to any products including rootstocks and varieties that were resistant to the disease and that would assist the industry in returning to a viable situation in the shortest possible time. It is noted that the industry wishes to ensure a flexible approach to deal with this type of scenario.

6.4 If any legislative changes are proposed, then Council considers that the widest possible public consultation be undertaken by the State Government. Council would seek to have the opportunity to consider all issues and then comment on those that are appropriate. Where a legislative change by the State Government relating to GM crops impacts on the Council’s policy position, then the Policy shall be reviewed as expeditiously as possible.
Attachment 5 – response from City of Playford
24 June 2020

Gary Mavrinac
Director Development and Environmental Services
The Barossa Council
43-51 Tanunda Road
Nuriootpa SA 5355

Email: barossa@barossa.sa.gov.au

Dear Gary,

GM Food Crop Moratorium

I write in response to your letter dated 29 May 2020 regarding the changes to the state wide moratorium on the growing of GM food crops.

Council has not formed a view on whether to or not to submit an application to the Minister of Primary Industries and Regional Development seeking a moratorium on growing GM food crops in the City of Playford. At its meeting on the 23 June 2020, Council resolved the following:

The Council resolves that:

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 City of Playford as an area in which no genetically modified food crops may be cultivated.

2. Pursuant to Section 5(A)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 public consultation in accordance with the Public Consultation Policy for 28 days commencing in July 2020.

Council will consider the submission of an application to the Minister in September 2020 following the completion of the community consultation.
Please contact me if you require any further information.

Yours faithfully

Greg Pattinson  
EXECUTIVE STRATEGIC ADVISOR

Telephone: (08) 8256 0176  
Email: gpattinson@playford.sa.gov.au
10\textsuperscript{th} June 2020

Gary Mavrinac  
Barossa Council  
PO Box 867  
Nuriootpa SA 5355  

Email: ckruger@barossa.sa.gov.au

Dear Gary,

Thank you for your correspondence dated 29\textsuperscript{th} May 2020 seeking the Agricultural Bureau of SA’s (ABSA) perspective on the lifting of the Genetically Modified (GM) Food Crops Moratorium by the Marshall Liberal Government.

The Agricultural Bureau is a farmer based membership network of over 1400 people across all areas of South Australia. The ABSA promotes the interests of its members through consultation with Government agencies and other agricultural stakeholders and dissemination of relevant information to members for the benefit of the agricultural community.

With regards to a perspective from our organisation on the proposed amendments to the GM Moratorium, we have a varied member group of primary producers, which makes it difficult to form a position statement which is reflective of the majority of our member base. To ensure our members are represented appropriately, the ABSA align our position on primary industry issues with the industry body that also represent our members i.e. Livestock SA, SA Dairy Farmers Association. In the matter of GM Food Crops it is Grain Producers SA (GPSA) who advocate and represent grain producers. GPSA’s policy can be found at: http://grainproducerssa.com.au/policy/gm-crop-moratorium/

For a local response from ABSA, we feel it would be more appropriate for Council to contact the branches who are directly impacted. Below are the contact details for the Presidents and Secretaries of the Barossa Agricultural Bureaus.
<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Branch</th>
<th>Email</th>
<th>Mobile</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jackson, Mr Alan</td>
<td>President</td>
<td>Angaston</td>
<td><a href="mailto:alan.jackson@jlta.com.au">alan.jackson@jlta.com.au</a></td>
<td>0458789234</td>
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<tr>
<td>Grossman, Mr Mark</td>
<td>Secretary</td>
<td>Angaston</td>
<td><a href="mailto:koonawarrasheep@bigpond.com">koonawarrasheep@bigpond.com</a></td>
<td>0408 085 682</td>
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<tr>
<td>Schuster, Mr Simon</td>
<td>President</td>
<td>Freeling</td>
<td><a href="mailto:shooter507@hotmail.com">shooter507@hotmail.com</a></td>
<td>0458 722 532</td>
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<tr>
<td>Schild, Mr Kevin</td>
<td>Secretary</td>
<td>Freeling</td>
<td><a href="mailto:karjschild@gmail.com">karjschild@gmail.com</a></td>
<td>0418 180 228</td>
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<tr>
<td>Craig, Mr Ian</td>
<td>President</td>
<td>Koonunga</td>
<td><a href="mailto:craigi@moppavintners.com">craigi@moppavintners.com</a></td>
<td>0439 882 932</td>
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<tr>
<td>Hampel, Mr Matthew</td>
<td>Secretary</td>
<td>Koonunga</td>
<td><a href="mailto:mattfionahampel@bigpond.com.au">mattfionahampel@bigpond.com.au</a></td>
<td>0419 841 493</td>
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<td>Neldner, Mr Philip</td>
<td>President</td>
<td>Lone PineTanunda</td>
<td><a href="mailto:kneldner@bigpond.com">kneldner@bigpond.com</a></td>
<td>0407 721 517</td>
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<td>Morris, Jeffery</td>
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<td>Lone PineTanunda</td>
<td><a href="mailto:jefferymorris50@bigpond.com">jefferymorris50@bigpond.com</a></td>
<td>0419 494 492</td>
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<td>Wilksch, Mr Trevor J</td>
<td>President</td>
<td>RowlandFlat</td>
<td><a href="mailto:diannew@picknowl.com.au">diannew@picknowl.com.au</a></td>
<td>0417 391 124</td>
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<td>Barritt, Mr Greg</td>
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<td>RowlandFlat</td>
<td><a href="mailto:greg@jbwines.com">greg@jbwines.com</a></td>
<td>0438204426</td>
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The Agricultural Bureau board appreciate the opportunity to contribute to the discussion on issues that impact primary producers. Please let us know if there is anything more we can assist with.

Yours sincerely

Mark Grossman
Chair
Agricultural Bureau of SA
19 June 2020

Gary Mavrinac
Director – Development and Environmental Services
Barossa Valley Council
E: barossa@barossa.sa.gov.au

Dear Mr Mavrinac

**Re: Consultation on genetically modified crops**

Thank you for your letter of 29 May 2020. I have passed on your correspondence to Grain Producers SA CEO Caroline Rhodes.

As the peak body for SA’s grain industry, Grain Producers SA is best placed to respond to the issues you have raised.

GPSA believes that growers should have the freedom of choice to grow the cereal, legume and oilseed varieties that best fit their farming system, including genetically modified varieties. Removing the GM food crop moratorium from mainland SA will enable producers to have the same freedom of choice as growers from other mainland states.

GPSA will shortly be in touch to outline their full policy position. PPSA is fully supportive of GPSA’s efforts to enable growers to choose to grow the crops that best fit their farming system.

Kinds regards,

**Rob Kerin**

Independent Chair
Primary Producers SA
Dear Mayor Lange

RE: Consultation on application for designation under the **Genetically Modified Crops Management Act 2004**

As you may know, local governments will now have a time-limited ability to apply to retain the moratorium on the commercial cultivation of GM food crops for trade and marketing purposes following changes to the **Genetically Modified Crops Management Act 2004** (‘the Act’).

Grain Producers SA (GPSA) is the peak industry body for South Australian grain growers. GPSA is non-political and represents producers to government, the community and industry, including grain marketers, exporters, storage and handlers, researchers, and farm input suppliers.

We develop and implement policies and projects that promote the economic and environmental sustainability of South Australian grain growing businesses. GPSA has run a longstanding campaign to give growers freedom of choice in their cropping decisions.

The South Australian grain industry is large and diverse, with an estimated primary production value of $2.5 billion. Our industry is not only a major contributor to the economy, it is a significant export earner for the state. There are more than 4,500 grain farm businesses that span the cropping belt in South Australia.

**GPSA believes that growers should have the freedom of choice to grow the cereal, legume and oilseed varieties that best fit their farming system, including genetically modified varieties.**

Removing the GM food crop moratorium from mainland SA will enable producers to have the same freedom of choice as growers from other mainland states.

The Australian grains industry successfully and safely manages a complex value chain, and self regulates through best-practice farming systems and processes that effectively manage numerous segregations tailored for various markets. As such, growers’ choice to remain GM-free on their farm will be retained should the moratorium be lifted.

SA’s predominant grain handler, Viterra, has advised GPSA that “**Viterra’s position has always been that we can support the choice to grow GM crops by providing handling and quality management expertise and processes to meet the market requirements of handling and segregating both GM and non-GM commodities.**”
GPSA’s position is not about picking winning production systems, but rather enabling choice for all producers. Enabling grower choice will allow the use of approved GM crop varieties consistent with the remainder of mainland Australian states, and provide a commercial incentive to fund research in GM technology in South Australia.

In line with the Act’s trade and marketing scope, GPSA commissioned an independent economic analysis of price premiums under the moratorium in 2017. This analysis concluded that growers did not receive a marketing advantage as a result of SA’s GM-free status, and that the only effect of moratorium was to deny the use of safe and effective GM tools.

To assist the The Barossa Council I have taken the liberty of including a short summary of this report and the SA Government’s own high-level independent economic assessment of the moratorium conducted by Emeritus Professor Kym Anderson Review, which you will find attached.

Any local government looking to make an application for designation as a GM cultivation-free area will have to meet the high threshold set by the findings of these two separate independent economic assessments.

As the peak industry body, GPSA welcomes consultation by The Barossa Council, noting this as an explicit requirement under s5A(2) of the Act before any application is made. We would be pleased to address concerns, identify opportunities, and help your organisation to better understand the significance of this legislative reform to our sector.

Please do not hesitate to contact Grain Producers SA Chief Executive Officer Caroline Rhodes directly at info@grainproducerssa.com.au or on 1300 734 884.

Yours sincerely,

Wade Dabinett
Chair
Grain Producers SA

Attachment: Analysis of price premiums fact sheet
Genetically modified (GM or GMO) tools are a benefit to grain growers – why disadvantage them?

To whom it may concern,

Your council may currently be considering whether to apply to the Primary Industries Minister to impose a GMO moratorium in your region.

Please find this letter in support of the cultivation of genetically modified crops in South Australia, and that to deny farmer’s access of these tools is a clear message that you do not trust the science behind GMO’s

The moratorium on the cultivation of genetically modified crops has hampered progress of Agricultural science in this state, and the flow on effect has hindered the broader agricultural community. More specifically, the benefits to the SA economy, environment & farmers through the cultivation of Genetically Modified (GM) technology have proven to be substantial.

Currently consumers, feedlotters and processors can legally import (into SA) and manufacture from GM products. These products are widely available on supermarket shelves. Furthermore, after over 30 years of global, and Australian GM food and fibre production, the global science has proven GM technology is safe. In addition, GM crops have successfully co-existed with conventional farming systems and identity preserved crops.

The delay in farmers & researchers having access to this important tool has placed the South Australian farmer nearly 2 decades behind our interstate counterparts through research capabilities and production improvements. There are several examples of research investments & projects that have gone to interstate colleagues & counterparts, which had the potential to be built & led in SA.

Since the inception of the moratorium, and subsequent extension, the state has seen applications for sites to undertake GM research and studies dwindle. This has hampered the scientific development of Agriculture in SA – once a state that led Agricultural development. This has the potential to further lead to a reduction in trials and research conducted to determine the safety of newer GM technology – which may also disadvantage consumers and the public at large.
With respect to grower premiums, a recent study conducted by Mercado has proven that our non-GM production status has not led to increased returns to growers. This study supports a multitude of global studies that have been undertaken since the commercial release of GM crops over 30 years ago. Not only have the economic studies shown that there is no advantage to the state but commodities are trading at a penalty – a cumulative $33 million penalty.

The bulk handlers (including WA’s CBH, NSW’s Graincorp etc) have demonstrated the ability to segregate and market GM products effectively. Marketers & buyers can be confident that through rigorous protocol & testing the level of contamination of non-GM products has been within established safety standards. Although there are slightly increased costs to growers due to segregation, those values are taken into account when growers decide whether to propagate GM or not.

The moratorium was initially supported by a survey that appears limited to a niche of primary producers. This survey was not considered representative of the industry. Since its inception, the evidence for support of the moratorium within the agricultural community of SA has been limited to say the least. In fact during the parliamentary & independent reviews & subsequent surveys, it has been demonstrated that there is strong support for access to this technology & the rights to choose should be returned to the farmer.

It must also be noted that the initial moratorium was based on safety concerns. Given the time since GMO technology has been commercially available, the safety of GM crops has been rigorously tested. The proof has been overwhelming – the technology available to growers can be trusted to be safe for them, the environment & consumers. On the counter to safety concerns, the development of GMO technology such as golden rice (Vitamin A fortification), Omega-3 enriched canola & reduced gluten wheat has the potential to improve health outcomes for consumers.

The science of climate change has been strongly adopted by government and government agencies in Australia. Climate change presents a real risk to Australian farmers. The use of GM and emerging technologies for crop breeding to better manage these present and apparent risks is a must for the industry and society.

GM crops can assist in the creation of a sustainable future through improved crop production, environmental health and a reduction of pesticide applied in the environment. The acceptance of GM technology will also ensure farmers have all the available tools to produce food and fibre crops sustainably and competitively into the future. These improvements in sustainability are not only through improved yields but through reduced farm chemical use and adoption of sustainable farming practices such as improved fertiliser and water use efficiency & reducing tillage.

There is a common misunderstanding that large multinational companies are the only businesses conducting GM research and development. The fact is there are hundreds of government & university based programs that conduct GM research & development, and much of this will make it to market. One particular example from Australia is the Omega-3 GM canola (mentioned above) developed by the CSIRO (in collaboration with the Grains Research Development Corporation (GRDC) and marketed through Nu-Seed). The fact is though, due to stringent and expensive regulations required, the main companies that can afford to commercialise & deliver this technology are the large-multinationals. This does not preclude industry development, and in fact prebreeding investments in a range of grain crops by the GRDC will certainly include GM technology – this would be another direct farmer investment into GM technology – for grower’s direct benefit.

Farmers are not forced to use a particular technology or practice, unless legislated to do so. Farmers, like other business owners & managers typically choose to make decisions based on evidence based testing until it is proven. Investment by organisations such as the SA Grains Industry Trust (SAGIT) & the GRDC doesn’t give instant green light to a practice change. Farmers can continue to make personal & business decisions to use or not to use technology or practices, and GM will be no different.

The decision for a grower to propagate a GM crop also doesn’t mean organic & conventionally bred crops cannot also be grown. There are protocols for propagation & segregation that mean GM crops can be safety & confidently grown together within the state, and even on the same farm. Although there have been cases taken to court against growers of GM crops, it has been proven that by following the guidelines around production of GM crops the contamination of non-GM food & agricultural products can be avoided, and consumers & marketers can buy with confidence.

For members of your council area that argue the need for the region to remain GMO free to maintain their market access or market premiums, it would be pertinent to ask whether they have truly investigated their market. It may be that they are actually receiving a premium for their produce being GMO free and not the region as a whole. It would be difficult to deny a large industry access to this technology just because of languid marketing.
I would like to thank you for the time you have taken to read this letter, and ask that you assist in moving our state and your region forward by supporting the propagation of GM crops in your region.

Please feel free to contact me directly via the number below if you seek further information. The Crop Science Committee members are willing to meet with you as required if particular details or clarification is required.

Best regards,

[Craig Davis]

Current Crop Science Society President,
Craig Davis.

Mob: 0447 541 654.
Attachment 10 – correspondence Keep SA GM-free
June 22, 2020

To the Mayor, Councillors and CEO of the Barossa Council

Please take action to keep your region a GM-free Crop Zone

Dear Mayor, Councillors and CEO,

Losing South Australia's state-wide 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, including those in your council area.

Kangaroo Island farmers worked hard to stay GM-free as they earn big premiums for the island’s GM-free grains and beverages, in local and export markets. KI Pure Grain told the Anderson Inquiry:

“The potential direct cost to KIPG and the KI Grain Growers is the loss of demand for our Non-GM Canola which presently stands at approximately $3,025,000. Additionally, … there is potential to lose further sales of other grains marketed as ‘GM Free’ which would add to this loss.”

The Palsystem Consumers’ Co-operative Union of Japan's submission noted their strict non-GM policy, so they bought canola and honey exclusively from Kangaroo Island, with annual revenues of $6 million to the Island’s economy. They added

“In order to further develop our economic contribution for both Kangaroo Island and the whole of South Australia, we are currently working on a plan to expand our range and volume of non-GM products, but the extension of the moratorium is critical to this plan.”

Another GM-free Japanese Consumer Co-operative, Coop Shizenha, which has over 142,000 members said,

“Our turnover is expected to reach AUD$233 million this fiscal year [2018]” and we “hope that we can contribute further to your economy by purchasing agricultural products cultivated in South Australia and Kangaroo Island as the only remaining Non-GM cultivation area of your country.”

To boost its case for lifting the GM Crop Moratorium on mainland SA, the Marshall Government commissioned the Anderson Review with short term and narrow Terms of Reference. The report was based on shaky assumptions, excluded relevant information, and ignored inconvenient data. As the GeneEthics Network’s submission pointed out:

“Australian non-GM canola has earned premiums in Europe since 2006 and the GM canola discounts continue to be significant. CSIRO team leader Dr Sandra Eady and Australian Export Grains Innovation Centre chief economist Ross Kingwell confirmed that “We’ve achieved a $100 million per year premium for our farmers, given the extra $20-$40/tonne paid for Australian non-GM Australian canola.”
In the week ending June 5, 2020, GM canola was discounted $95/tonne in WA compared with non-GM varieties, $39/tonne in Port Melbourne, and up to $39/tonne in rural NSW.

What individual councils can achieve

Your council has the opportunity to remain a GM-free Zone, despite the Government's determination to make the whole South Australian mainland into a GM crop area.

We urge councils to wholeheartedly embrace this process and make their best efforts to marshal the processes and community resources so that a GM-free Crop Zone can be established here. GM pollen is easily carried on the wind and by bees and will not stop at artificial borders. The more councils that are declared a GM-free Crop Zone, the better the protection for all non-GM and organic producers.

How councils can respond

We ask you to:

- **consider** retaining your council as a GM-free Crop Zone, as the Government has lifted the state's GM Crops Moratorium and put the onus of applying to keep any area GM-free onto local government;
- **consult** with members of your community, including persons engaged in primary production activities and food processing or manufacturing activities, following council's usual practices;
- **gather** evidence of the present and future benefits and costs of remaining GM-free vs the potential benefits and costs of allowing GM crops to be grown in your council - canola and safflower now, but possibly GM wheat, rye-grass, lucerne, etc. in future;
- **apply** to Minister for Primary Industries, Tim Whetstone MP, for your council to remain a GM-free Crop Zone, "an area in which no genetically modified crops may be cultivated”;
- **refute** the Anderson report findings on which the government's GM policy is based, in the application, and make the case for the council to remain a GM-free Crop Zone:
  - give an overview of positive feedback, submissions and evidence that led to council's decision to advocate for a GM-free Crop Zone;
  - show a marketing advantage for primary producers, food producers and manufacturers from remaining a GM-free Crop Zone;
  - provide evidence of positive marketing or trade impacts on local businesses from remaining a GM-free Crop Zone.

There are also many compelling health and environmental reasons to avoid GM crops. But it is important to remember that in this process, the only reason the Minister will designate an area as a GM-free Crop Zone is for the preservation of the identity of crops (GM and non-GM) for marketing purposes.

Please also note that the Minister must receive your application by **September 30th** so it can be approved and gazetted before the legal deadline.

Enclosed is a report from Dr John Paull PhD, an environmental scientist at the University of Tasmania, casting doubts on the findings of the Anderson report. If you require further evidence on the benefits of GM-free Crop Zones, please contact us by email at gmfreesa@gmail.com or phone 0449 769 066.

We would greatly appreciate hearing from you as to whether or not you decide to engage in this consultation process.

Yours sincerely,

Donella Peters

for **Keep SA GM-free**

[Keep South Australia GM Free](#)
A Review of the
Independent Review of the South
Australian GM Food Crop Moratorium
and Fourteen Alternative Findings

Prepared by Dr John Paull, March 2019

Abstract
The present review of the Independent Review of the South Australian GM Food Crop Moratorium (Anderson, 2019) reveals that the so-called Independent Review is not independent at all and thus it falls at the first hurdle. Kym Anderson is a long term vocal advocate of genetically modified crops and has expressed such views regularly over the past two decades. The Independent Review was commissioned by the South Australian Minister for Primary Industries and Regional Development. There were 216 public submissions, of these, 78% (n=168) were for retaining the existing Moratorium, 18% (n=39) were for scrapping the Moratorium, and 4% (n=8) were undecided. 100% of the food available in Australian supermarkets is GM-free which mirrors the sentiments of Australian consumers, which are against GM-food; and Australian supermarkets are all aware of such sentiments. South Australia (SA) has a 'clean and green' image. This image serves SA well for food production, trade, tourism, education and migration. GMOs would damage SA's clean and green and smart image and can thereby be economically detrimental to the state. The Independent Review proposes that GM canola is the sole candidate for uptake were the GM Moratorium to be scrapped. The GM canolas (Round-up ready, TT) proposed for SA are herbicide-dependent crops relying on regimes of multiple toxic herbicide applications. Glyphosate is a carcinogen and triazine is banned in Europe. These are chemicals that are dangerous to the health and wellbeing of animals, including humans, and the environment, and prescribing their use can be expected to increase SA's health costs and future environmental clean-up costs. GM agriculture is an example of privatising the profits and socialising the costs. Australia is the world leader in organic agriculture and accounts for 51% of the world's certified organic hectares, and, of this, South Australia is the leading organics state in Australia accounting for 40% of Australia’s certified organic hectares (and 20% of the world’s certified organic hectares). Organic produce sells at a price premium - usually in the range of 10% and 110% (compared to non-organic). This contrasts with GM canola which sells at a price penalty of 7%. These price premiums and price penalties reflect market sentiment - what the market wants and what the market does not want. The GM Moratorium has a social licence and is serving SA well and should be maintained on economic and social grounds. The Independent Review should be rejected.
The **Independent Review is not independent**

The author of the *Independent Review* is a vocal, long term and consistent advocate and proponent of GM crops, dating back over two decades. His extreme views were known or should have been known to the South Australian Government at the time of the appointment of Kym Anderson as reviewer. The known partisanship will always cast a question mark over the credibility of the *Independent Review* - even before it was submitted.

The perceived bias and the vested interest of the so-called ‘independent reviewer’ in supporting two decades of his own published opinions and analyses should have been sufficient to exclude Kym Anderson from consideration as an ‘independent reviewer’ and, failing that, ought to have been sufficient cause for him to exclude himself.

The views of the *Independent Review* are reflected in previous publications of the so called ‘independent reviewer’, for example:


**Finding 1:** The *Independent Review* is not independent at all. The *Independent Review* is written by a vocal and long term advocate of GMOs and GM-crops, and in addition it contains errors of fact from the outset (see Finding 2) and it should be disregarded in its entirety.
The majority of submissions supported retaining the SA GM Moratorium

The Independent Review states that “Community attitudes to the moratorium were captured in the 216 submissions received by the Reviewer” (Anderson, 2019, p.xii).

Of 216 public submissions, 78% (n=168) were for retaining the existing Moratorium, 18% (n=39) were for scrapping the Moratorium, and 4% (n=8) were undecided (Anderson, 2019, p.xii) (see Figure 1 below).

Of these 216 submissions, only 45 appear on the PIRSA web site (pir.sa.gov.au). Of these selected 45 submissions made available on-the-web, the majority are undated. Of the 45 submissions made available on-the-web, 36% (n=16) appear to be for retaining the Moratorium, 60% (n=27) for scrapping it, and 4% (n=2) are indeterminate. This appears to be a biased selection of the submissions and without any declared rationale for that bias.

Despite the data that the Independent Review reports, the false claim is made therein that: “the majority of submissions … favour the immediate removal of South Australia’s moratorium on GM crop production and transport (Finding 2.3)” (Anderson, 2019, p.xii). This is a false and misleading claim which is entirely inconsistent with the data (see Figure 1 below).

Figure 1. There were 216 submissions to the Independent Review, of these, 78% (n=168) were for retaining the existing GM Moratorium, 18% (n=39) were for scrapping the GM Moratorium, and 4% (n=8) were undecided (author’s graph; data source: Anderson, 2019).

Finding 2: The majority (78%) of submissions supported retaining the existing SA GM Moratorium. The Independent Review falsely reports the contrary.
There are no GM foods on Australian supermarket shelves

In Australia, food with GM ingredients must be labelled as such. The result is that there are no such food items on Australian supermarket shelves (Figure 2).

This is a reflection of consumer sentiment in Australia - consumers do not want to buy or eat GM foods - they have been characterised as ‘frankenfoods’. It also reflects a recognition by Australian supermarket chains that a GM label on a food item would spell its death knell.

The consequence of this is that markets for GM produce must be sought overseas. GM foods are sold into markets that lack GM-labelling requirements, markets where the consumers are left in the dark regarding the provenance of ingredients. Why would SA consider facilitating such a deceitful trick on foreign consumers? There may be some economic karmic flow-back from pursuing such a route.

Figure 2: The food offerings on Australian supermarket shelves are 100% non-GM.

Finding 3: Australian supermarkets do not stock GM-foods because they are aware that Australian consumers have rejected such ‘frankenfoods’.
South Australia enjoys a clean and green image

SA enjoys an enviable reputation as a clean and green and smart place to be doing business. It has a reputation that many countries and regions around the world can admire and aspire to (Figure 3).

Figure 3: SA is known around the world for its clean and green and smart image (source: australiachinafriendship.com.au/south-australias-green-environment/).

Finding 4: South Australia enjoys a clean and green and smart image which is important for tourism, trade, investment, education and migration. The GM Moratorium supports the image of clean and green and smart, and scrapping the GM Moratorium would undermine that image and its economic benefits.
Consumers of the world reject GM foods

There is no consumer demand for GM food. For consumers, GMOs are an unwanted intrusion into their diet and food selections, and GM offerings are to be avoided. This sentiment is not just prevalent amongst Australian consumers.

In the largest study of its kind, 23,000 consumers in 17 countries were quizzed about their food preferences. A consumer voice against GMOs was present in all 17 countries (GfK, 2017) (see Figure 4).

![Figure 4: Percentage of consumers in 17 countries who stated that “GM-free is important” in making their food choices (author's graph; data source: GfK, 2017).](image)

Finding 5: Around the world, there is strong consumer sentiment against GMO food. As a consequence, there are economic price penalties for GM crops and growing what consumers do not want.
The price penalty for GM canola

The only GM crop that the Independent Review considers for uptake in SA is GM canola (Anderson, 2019).

GM canola attracts a price penalty (see Figure 5). The figures presented in the Independent Review (Fig.10, p.29) are a selection of the available data and are rather oddly attributed as “personal communication” (p.52) despite the prices being in the public domain and published regularly. The price penalty for GM canola is 7.2% (Figure 5). There is a consistent price penalty for WA GM canola, across years and grain depots (Taylor, 2019) (Figure 5).

Finding 6: There is a price penalty for growing GM crops. The average price penalty for GM canola in WA is 7.2%.

Figure 5: Average annual price per tonne of GM canola versus non-GM canola for grain delivered in WA (Kwinana and Albany) (author’s graph; data source: Taylor, 2019).
Australia is a minor player in GM agriculture

GM agriculture is dominated by just three countries, USA, Brazil and Argentina, which together account for 83% of the world’s GM agriculture hectares. Australia accounts for less than half of one percent of the world’s GM agriculture hectares (0.47%) (ISAAA, 2017). Australia is a very minor player in the world of GM agriculture (Figure 6).

This agrees with the data of the Independent Review which appear as Appendix 1 (Anderson, 2019, p.41).

Figure 6: GM agriculture is concentrated in just three countries, USA, Brazil and Argentina, and Australia is a very minor GMO player (author’s graph; data source: ISAAA, 2017).

Finding 7: GM agriculture is concentrated in just three countries, USA, Brazil and Argentina. Australia is a very minor player in the world of GM agriculture.
Segregation is a failure

The *Independent Review* in its Finding 3.3 claims that “The experience of GM canola production and marketing in other mainland stages (sic) 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” (Anderson, 2019, p.21). This is wishful thinking.

Segregation of GM and non-GM crops has failed in Western Australia and elsewhere. Considerable evidence was presented to that effect to the WA Parliamentary Inquiry, *Mechanisms for compensation for economic loss to farmers in Western Australia caused by contamination by genetically modified material* (see: www.parliament.wa.gov.au/parliament/commit.nsf; Swinbourne, 2019).

The WA Parliamentary Inquiry was convened because of the spectacular failure of GM segregation as witnessed in the Marsh v Baxter case. In that case an organic farm was contaminated with GM canola. The organic farm lost its organic certification because of the contamination. This resulted in economic losses of $85,000 to the organic farm, a figure that was agreed between the parties and which accounted for the price premiums for organic that were forfeited. The legal expenses for this case were in the order of $2 million (Paull, 2015). Such figures are outside the capacity of the average farmer to endure; it was eventually revealed that Monsanto was funding the GM farmer’s legal costs. The Marsh v Baxter case evidenced the failure of GM-segregation and the disproportionality of the damages suffered versus the legal-system costs of pursuing a claim.

Marsh v Baxter is not the only incident in WA where an organic farm has lost its certification due to GM contamination. However, as the WA Parliamentary Inquiry were at pains to point out in their questioning, there is a “chilling” impact of the Marsh v Baxter case in keeping contamination out of the public and legal gaze (www.parliament.wa.gov.au/parliament/commit.nsf).

Witnesses to the WA Inquiry revealed that due to GM contamination of canola in WA, the response has been to redefine the grain grade of ‘non-GM’ so that, at least in WA, it no longer means ‘GM-free’, as might be expected, but rather it means something less. Since the introduction of GM canola into WA, the grade, ‘non-GM’, has been redefined to allow GM-contamination up to the level of 0.9% GM before it loses its ‘non-GM’ classification.

There is a price penalty in WA of downgrading produce to ‘GM’ of approximately 7.2%, hence this ‘work-around’ of re-defining terms. This ploy also facilitates a GM-contaminated batch of grain in WA being re-birthed as ‘non-GM’ by adding a sufficient dilution of GM-free grain to bring the contamination level down below the contamination threshold of 0.9%.

This is an unsatisfactory ‘work around’. A glass of milk contaminated to 0.9% with, for example, petrol, detergent, arsenic, iron filings or whatever is rather obviously unacceptable.

In Canada, the failure of segregation has meant that almost all canola in Canada is graded as GM. The Canada Canola Council then propagates the alchemic fiction that “canola oil made from GM seed is conventional canola oil” (CCC, 2017).

Finding 8: Segregation of GM and non-GM canola has failed in WA and overseas. This failure has been glossed over in WA by redefining ‘non-GM’ as GM-contaminated to an extent not exceeding 0.9%.
Glyphosate is carcinogenic

GM Roundup Ready canola is dependent on multiple applications of the herbicide glyphosate. Multiple applications of this herbicide are prescribed to a single crop of GM canola, including a final dose close to harvest time when the crop is swathed (where the head of grain is decapitated from the body of the plant).

Glyphosate is a carcinogen (OEHHA, 2019). Glyphosate does not stay ‘on the farm’. It contaminates water, air, soil, plants and animals. It is ingested by adults and children via various routes including via food and beverages (Cook, 2019) (Figures 7 & 8).

A gardener was recently awarded US$289 million in damages for cancer caused from spraying glyphosate (Bellon, 2018). There are a further 9,300 plaintiffs reportedly seeking redress for glyphosate health damage and with more to come (Bender, 2018).

Finding 9: GM RR canola is glyphosate dependent. Glyphosate is carcinogenic. More glyphosate means more cancer and that means more health costs for SA. Contaminated beer and wine can have negative economic consequences and damage exports. Glyphosate lawsuits can be an economic drain on the SA economy.
Consumers don’t want pesticides

There is strong global consumer demand for organic food. For consumers, pesticides and GMOs are unwanted intrusions into their diet and food selections. Many consumers are aware that a sure way to avoid GMOs is to buy organic. Organic standards exclude GMOs. Such sentiments are not just prevalent amongst Australian consumers.

In the largest study of its kind, 23,000 consumers in 17 countries were quizzed about their food preferences. A consumer voice for organic and against GMOs was present in all 17 countries (GfK, 2017) (see Figures 4 and 9).

Figure 9: Percentage of consumers in 17 countries who stated that “Organic is important” in making their food choices (author's graph; data source: GfK, 2017).

Finding 10: Around the world, there is strong consumer sentiment for organic food (and against GM food). There are economic rewards for growing what consumers want.
Australia leads the world in Organic Agriculture

Australia leads the world in organic agriculture (Paull & Hennig, 2016) (Figure 10). World organic agriculture has been growing at 12% per annum for the past two decades (Figure 11). Australia accounts for 51% of the world’s certified organic hectares (Willer & Lernoud, 2019). GMOs are a threat to organic agriculture, they are the ‘cane toads’ (invasive species) of clean and green agriculture (Paull, 2015, 2018).

**Figure 10:** World density-equalizing map of global organic agriculture (based on certified organic hectares per country) (Paull & Hennig, 2016).

**Figure 11:** Global organic agriculture has been growing at 12% per annum for the past two decades (year reported) (author’s graph; data sources: Willer & Yussefi, 2000 to Willer & Lernoud, 2019).

**Finding 11:** Australia is the world leader in organic agriculture and accounts for 51% of the world’s certified organic hectares. This is a great agricultural and economic success story. GMOs put organics at existential and economic risk.
Australian Organic Agriculture is growing at 22% per annum

In Australia, organic agriculture has been growing at 22% per annum (compounding) for the past five years (Figure 12). It is a great success story. World demand for organics continues to grow and the demand frequently outstrips supply.

China, Russia and India have recognised the value of producing food that consumers want to buy and for which consumers are willing to pay a premium. China has experienced its ‘organic revolution’ (Paull, 2007) and is now a major world exporter of organic food. Russia’s Vladimir Putin has recognised the massive economic, trade and environmental advantages for Russia in converting to organic and banning GMOs (RT, 2014, 2017a, 2017b). India has one whole state converted to 100% organic and at least another eleven states are looking to replicate this achievement (Paull, 2017).

Figure 12: Australia's organic agriculture has been growing at 22% per annum (compounding) for the past five years (year reported) (author’s graph; data sources: Willer & Yussefi, 2000 to Willer & Lernoud, 2019).

Finding 12: Organic agriculture in Australia is growing at 22% per annum. This is a great agricultural and economic success story. To allow GMOs to put organics at risk for the sake of something that global consumers do not want would be economic stupidity.
South Australia leads the country in Organic Agriculture

South Australia leads the country in organic agriculture (Paull & Hennig, 2018). Forty percent of Australia’s certified organic hectares is located in SA. The map of organics in Australia is dominated by the SA presence (Figure 13).

For the sake of producing some cheap GM canola it would be stupid to put South Australia’s organics success story at economic risk.

Finding 13: South Australia leads the country in organic agriculture (based on certified organic hectares). This is a great agricultural and economic success story. Allowing GMOs in SA would put organics at existential and economic risk. That would be economically stupid given that here is a price premium for organic produce and an economic penalty for GMO produce.
No Social Licence for GMOs

The majority (78%) of submissions to the Independent Review were in favour of maintaining the GM Moratorium. The Independent Review claims that “Community attitudes to the Moratorium were captured in the 216 submissions” and this is not disputed by the present author.

The conclusion to be drawn is that, on the available evidence, there is no social licence for scrapping SA’s existing GM Moratorium. The social licence is for maintaining the present GM Moratorium.

The SA GM Moratorium is consistent with the clean and green and smart image of SA (Figure 14). It would be foolhardy, contentious and socially disruptive to scrap the GM Moratorium, it would create uncertainty for the agriculture and food sector and would precipitate consumer, resident, trade buyer, and visitor push back with the attendant economic forfeits and costs.

Figure 14: South Australia enjoys a clean and green and smart image.

Finding 14: There is no social licence for GMOs. The SA GM Moratorium is consistent with the clean and green and smart image of SA and warrants being maintained for its social, environmental, health, education, trade and economic benefits.
Conclusions and findings

The *Independent Review* fails because it is not ‘independent’ as it claims but is rather a partisan document apparently constructed to support the pre-existing views of its author, views that have already been expressed over the past two decades and are blindly in favour of genetically modified organism crops (GMOs). The opinion of the present reviewer is that the author of the *Independent Review* ought to have properly stood down for reasons including his vested interest in maintaining and propagating his own long standing pro-GM viewpoints.

The *Independent Review* fails to report that the vast majority (78%) of submissions are strongly in favour of retaining the existing GM Moratorium in SA (the *Independent Review* erroneously claims the contrary result which is inconsistent with its own raw data). This front-end failure of the *Independent Review* casts a cloud over any and all of the claims from thereon, many of which are ambit claims that can not readily (or at all) be checked.

The *Independent Review* fails to evaluate the broad economic and societal impacts of the subject. Instead, the *Independent Review* takes a very narrow and blinkered productionist view. The *Independent Review* fails to acknowledge the fact that consumers of the world do not want GM food. The *Independent Review* glosses over the fact that GM farmers get hit with a price penalty for their GM produce when they take it to market, and so, despite self-serving multi-national hype, economically they start ‘behind the eight ball’.

The *Independent Review* makes no attempt to measure the negative economic impacts that scrapping the GM Moratorium would have on the clean and green and smart image of SA. The GM Moratorium is a point of difference for SA, a bragging point for SA, and it is a visible and a tangible validator of SA’s claim to being clean and green and smart.

The *Independent Review* is a partisan document which falls short of meeting its brief, and its findings deserve to be questioned, scrutinised and ultimately rejected.

The 14 findings of the present review follow:

**Finding 1:** The *Independent Review* is not independent at all. The *Independent Review* is written by a vocal and long term advocate of GMOs and GM-crops, and in addition it contains errors of fact from the outset (see Finding 2) and it should be disregarded in its entirety.
Finding 2: The majority (78%) of submissions supported retaining the existing SA GM Moratorium. The *Independent Review* falsely reports the contrary.

Finding 3: Australian supermarkets do not stock GM-foods because they are aware that Australian consumers have rejected such ‘frankenfoods’.

Finding 4: South Australia enjoys a clean and green and smart image which is important for tourism, trade, investment, education and migration. The GM Moratorium supports the image of clean and green and smart, and scrapping the GM Moratorium would undermine that image and its economic benefits.

Finding 5: Around the world, there is strong consumer sentiment against GMO food. As a consequence, there are economic price penalties for GM crops and growing what consumers do not want.

Finding 6: There is a price penalty for growing GM crops. The average price penalty for GM canola in WA is 7.2%.

Finding 7: GM agriculture is concentrated in just three countries, USA, Brazil and Argentina. Australia is a very minor player in the world of GM agriculture.

Finding 8: Segregation of GM and non-GM canola has failed in WA. This failure has been glossed over by redefining ‘non-GM’ as GM-contaminated to an extent not exceeding 0.9%.

Finding 9: GM RR canola is glyphosate dependent. Glyphosate is carcinogenic. More glyphosate means more cancer and that means more health costs for SA. Contaminated beer and wine can have negative economic consequences and damage exports. Glyphosate lawsuits can be an economic drain on the SA economy.

Finding 10: Around the world, there is strong consumer sentiment for organic food (and against GM food). There are economic rewards for growing what is consumers want.

Finding 11: Australia is the world leader in organic agriculture and accounts for 51% of the world’s certified organic hectares. This is a great agricultural and economic success story. GMOs put organics at existential and economic risk.

Finding 12: Organic agriculture in Australia is growing at 22% per annum. This is a great agricultural and economic success story. To allow GMOs to put organics at risk for the sake of something that global consumers do not want would be economic stupidity.
Finding 13: South Australia leads the country in organic agriculture (based on certified organic hectares). This is a great agricultural and economic success story. Allowing GMOs in SA would put organics at existential and economic risk. That would be economically stupid given that here is a price premium for organic produce and an economic penalty for GMO produce.

Finding 14: There is no social licence for GMOs. The SA GM Moratorium is consistent with the clean and green and smart image of SA and warrants being maintained for its social, environmental, health, education, trade and economic benefits.

References


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March 2019  
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Submission for:  
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10 June 2020

Dear Mr McCarthy

I am writing to you regarding recent changes to the *Genetically Modified Crops Management Act 2004*. These changes lift the long-standing moratorium on the cultivation of genetically modified (GM) crops on mainland South Australia, however they also provide SA councils with a short window of opportunity to apply to remain a GM-free council area.

If you haven’t done so already, I strongly encourage Council to urgently resolve to undertake a consultation process with your community regarding their views on this question, as required by the Act.

As you may know, the final decision on whether a local council area can remain GM-free will be made by the Minister for Primary Industries. Under the Act, the Minister will only be considering views and evidence relating to impacts on marketing and trade of allowing GM-crops to be grown in the council area, or remaining GM-free.

We know that many food businesses want South Australia to remain GM-free to provide a marketing advantage and point of difference with their competitors. However, as it may be difficult for small local food businesses to undertake a rigorous assessment and provide evidence of marketing advantages for their particular business, I would encourage Council to assist by proactively investigating existing and potential marketing and trade advantages that could be gained for food-related businesses in your council area by remaining GM-free.
I’m advised that when considering an application from a council, the Minister will also be looking at implications of a decision to declare a council area GM-free for areas beyond council boundaries. For this reason, Council may wish to consider a regional approach to this matter, in conjunction with neighbouring councils. I’m also advised by the Minister’s office that the Minister will be relying on the Anderson Report to inform his decisions, so it’s important to note that Anderson’s analysis is disputed by reputable academics. One such critique is by Dr John Paull from the University of Tasmania entitled A Review of the Independent Review of the South Australian GM Food Crop Moratorium and Fourteen Alternative Findings.

Given the short timeframe for this entire process, (with applications to the Minister due by 30 September), and the fact that once this process has been completed there will be no further opportunities to remain GM-free, I encourage Council to act quickly.

Finally, I would add that this issue is important for all council areas, regardless of whether or not canola is currently grown. Whilst canola is the main crop of interest today, the changes to the Act apply to ALL future GM crops, i.e. any type that may be developed in the future. This current opportunity is your only chance to apply to remain GM-free. Once this opportunity has passed, all future decisions about growing GM crops will be made at a national level with no regard to local economic circumstances.

If you require any further assistance, I can be contacted on 08 8237 9111 or at parnell@parliament.sa.gov.au.

Yours sincerely

Mark Parnell MLC
Greens Member of the Legislative Council
Parliament of South Australia
Mr Martin McCarthy
Chief Executive Officer
The Barossa Council
NURIOOTPA SA 5355
barossa@barossa.sa.gov.au

Dear Mr McCarthy,

I am writing to you regarding changes to South Australia’s *Genetically Modified Crops Management Act 2004* (the Act) through the South Australian Parliament.

This Act provides the power to prohibit cultivation of genetically modified (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 regulator, the Office of the Gene Technology Regulator.

For this reason, the 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 Act. Please also note that a GM moratorium under the Act only applies to the cultivation of GM food crops. It does not apply to the sale of processed foods made from GM food crops such as canola oil.

Recent amendments to the Act lift the GM moratorium in all of South Australia except Kangaroo Island. There is a time limited opportunity for local councils to apply to the Minister for Primary Industries and Regional Development to be declared an area where no GM food crops may be cultivated.

The decision to lift the GM Moratorium on mainland South Australia follows extensive public consultation and recommendations from an independent review that evaluated the market and trade benefits, or lack thereof, of the GM moratorium to the South Australian economy and agricultural industries.

While local councils have the ability to apply to be a non-GM crop cultivation designated area there is no requirement for councils to make such an application.

Section 5A of the Act governs the processes relating to designating council areas. It states the Minister may make a declaration through a notice in the Government Gazette after he has consulted with the GM Crops Advisory Committee established under the Act.
Councils that wish to make an application must firstly consult with their community, including persons engaged in primary production activities and food processing or manufacturing activities.

Applications and Ministerial declarations can only occur within the first 6 months of the Act coming into operation. This period ends on Sunday 15 November 2020.

I would like to provide you with the following guidance should your council choose to apply to the Minister.

Applications should:
- be framed within the scope of the Act i.e. relate to marketing and trade only
- demonstrate the consultation requirements of the Act have been fulfilled
- include advice on all views expressed during consultation (in favour or against declaration) and any evidence provided by the community and/or industry relating to the application.

Applications can be sent to the Minister for Primary Industries and Regional Development, Hon Tim Whetstone MP, at Minister.Whetstone@sa.gov.au with a copy to PIRSA at PIRSA.GMReview@sa.gov.au. I also request that in order to provide the Minister with sufficient time to fulfill his responsibilities under section 5A of the Act, applications be submitted by 30 September 2020.

For more information on GM food crops, background on the GM moratorium and the independent review, please visit www.pir.sa.gov.au.

You are also welcome to contact Ms Elena Anear, Assistant Director Strategy and Policy, Agriculture, Food and Wine, PIRSA, by email at elena.anear2@sa.gov.au if you have any further questions.

Yours sincerely

Michelle Edge
CHIEF EXECUTIVE

3/6/2020