



The Barossa Council

MINUTES OF THE SPECIAL MEETING OF THE BAROSSA COUNCIL

held on Thursday 29 June 2020 commencing at 6.30pm held digitally via Microsoft Teams recorded and posted on the Council website for future reference.

1.1 WELCOME

Mayor Bim Lange declared the meeting open at 6.30pm.

1.2 MEMBERS PRESENT

Mayor Bim Lange, Crs Leonie Boothby, John Angas, Tony Hurn, David de Vries, David Haebich, Don Barrett, Carla Wiese-Smith, Cathy Troup, Richard Miller, and Russell Johnstone.

1.3 LEAVE OF ABSENCE

Nil

1.4 APOLOGIES FOR ABSENCE

Cr Kathryn Schilling

MOVED Cr Hurn that Council receive and accept Cr Schilling's apology.
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Seconded Cr Johnstone

CARRIED 2018-22/167

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.

MOVED Cr de Vries that Council approve the continuation of works identified in the Attachment with the inclusion of '601630 – Talunga Recreation Park Hybrid Power Solution \$20,000' for projects currently in progress from the 2019/20 capital and selected operating programs, 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.

Seconded Cr Johnstone

CARRIED 2018-22/168

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.

2.2 DEBATE AGENDA – ENVIRONMENTAL SERVICES REPORT**2.2.1****GENETICALLY MODIFIED CROPS MORATORIUM****B272**

The Chief Executive Officer outlined that he met with the Chief Executive Office of the Barossa Grape and Wine Association (BGWA) since the issuing of this agenda and determined:

1. A formal response will be coming to Council and they are undertaking engagement with the industry;
2. The Board of BGWA have in principle determined to seek Council to maintain the moratorium on the basis of economic, marketing and brand advantages;
3. The Chief Executive Officer of BGWA is putting together a detailed paper for the BGWA Board;
4. The Board once it endorses a final position will write to Council regarding that position including the basis of an economic assessment to maintain the moratorium.

The Director Development and Environmental Services outlined an additional unsolicited update had been received and the reason the matters had been put to the Special Meeting is specifically about the timing to undertake the consultation and prepare a submission. The Director also clarified that local agriculture bureaus had not be consulted initially but would be if Council choose to proceed.

Cr Wiese-Smith sought distribution of the Independent Report from 2017 and Anderson Report from 2019. In addition, the data containing the portion of primary producers that are broad acre producers is also sought to further inform members.

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.

MOVED Cr Johnstone that Council lay the matter of 2.2.1 Genetically Modified Crops Moratorium be laid on the table pending the submission from Barossa Grape and Wine Association, and that the Chief Executive Officer bring the matter back to Council as soon as possible after the submission has been received.

Cr Johnstone withdrew the motion.

MOVED Cr Johnstone that Council

- (1) Receive and note the initial views on the Genetically Modified Crops Moratorium.
- (2) Authorise the Chief Executive Officer or his delegate to:
 - a) commence community engagement pursuant to Section 5A(2) of the *Genetically Modified Crops Management Act 2004* and in accordance with Council's Public Consultation Policy, to seek the views of the 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.
 - b) liaise with neighbouring Councils on this matter, and seek a collaboration with the intent to submit a joint application to the Minister by the due date.
 - c) provide Council with a further report at the conclusion of the community consultation, and determine whether an application is to be submitted to the Minister for Primary Industries and Regional Development by the required date.

Seconded Cr Angas

CARRIED 2018-22/169

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 instruct the Chief Executive Officer to write to relevant industry bodies including Barossa Grape and Wine Association, Barossa Tourism, RDA Barossa Gawler Light and Adelaide Plains, 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 Hurn

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 Minister 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

<https://committees.parliament.sa.gov.au/committee/355/Moratorium%20on%20the%20Cultivation%20of%20Genetically%20Modified%20Crops%20in%20South%20Australia/54/54th%20Parliament%205%2F3%2F2018%20-%20Current/54>

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.

3. NEXT MEETING

Tuesday 21 July 2020 at 9.00am.

4. CLOSURE OF MEETING

Mayor Lange declared the meeting closed at 6.55pm.

Confirmed at Council Meeting on 21 July 2020

Date:.....

Mayor:.....