



Victoria Government Gazette

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Control of Genetically Modified Crops Act 2004

EXEMPTION FROM PROHIBITION ON CULTIVATION OF CERTAIN GM CANOLA CROPS FOR PIRVIC

I, Bob Cameron, Minister for Agriculture, exempt under section 6 of the **Control of Genetically Modified Crops Act 2004**, the persons specified in Schedule 1 to this exemption from the operation of the order set out in the Schedule to the **Control of Genetically Modified Crops Act 2004** for the purpose of allowing the cultivation for research or development of the genetically modified canola varieties specified in Schedule 2 to this exemption, subject to the conditions specified in Schedule 3 to this exemption.

This exemption comes into operation on the day on which it is published in the Government Gazette.

Dated 20 June 2004

BOB CAMERON MP
Minister for Agriculture

SCHEDULE 1

EXEMPT PERSONS

This exemption applies to Department of Primary Industries, Primary Industries Research Victoria (PIRVic), any employee, agent or contractor of PIRVic, and any other person who is, or has been, engaged by PIRVic to undertake any activity under this exemption.

SCHEDULE 2

GENETICALLY MODIFIED CANOLA VARIETY

This exemption applies to the cultivation of GM crops consisting of or including plants of the species *Brassica napus*, common name canola, tolerant to the herbicide glyphosate due to genetic modification derived from transformation event GT73 defined in the application under section 40 of the **Gene Technology Act 2000** of the Commonwealth designated DIR020/2002 made to the Gene Technology Regulator appointed under section 118 of the **Gene Technology Act 2000** of the Commonwealth.

Note: This relates to canola plants (generally but not exclusively known as Round Up Ready® canola) which have been genetically modified and have been licensed under the **Gene Technology Act 2000** of the Commonwealth for intentional release into the environment.

SCHEDULE 3

CONDITIONS OF EXEMPTION

1. Definitions

In this schedule—

“GM” means genetically modified;

“GMO Cultivation Zone” means the physical containment facility in which a GMO is cultivated;

“Manager Chemical Standards Branch” means the person occupying or acting in the position of Manager Chemical Standards Branch in the Department of Primary Industries;

SPECIAL

“**Physical Containment Facility**” means an enclosed facility that has restricted and controlled access for the purpose of ensuring cultivation of the GMO poses a minimal risk to trade. A facility includes but is not limited to, the following:

- (a) a laboratory;
- (b) a glasshouse.

“**PIRVic**” means Department of Primary Industries, Primary Industries Research Victoria;

“**Request for Exemption**” means the request for exemption submitted by PIRVic to the Minister for Agriculture dated 1 June 2004 and which includes requirements for information relating to the:

- (a) name of the person or company seeking the exemption;
- (b) names of persons with key GMO trial management responsibilities and any relevant criminal offence committed by such persons;
- (c) purpose of the trial;
- (d) number and size of proposed GMO trial sites;
- (e) proposed design and methodology of trials, including commencement, sowing and harvest dates;
- (f) contracts between the company and the occupier of the proposed GMO trial sites which specify the location and management control of, and access rights to the GMO trial sites;
- (g) measures to be employed to contain the GMO;
- (h) storage and transport procedures for GMO seed to be sown and GMO seed harvested;
- (i) intended use of all harvested GMO material;
- (j) specification of GMO disposal methods;
- (k) intended post-harvest use of the GMO trial sites;
- (l) undertakings for pre- and post-harvest monitoring of GMO trial sites and facilities and supply of monitoring and audit reports;
- (m) procedures and undertakings to inform persons associated with the GMO trial of their obligations under the exemption;
- (n) procedures and undertakings to manage visitors to the GMO trial sites;
- (o) procedures and undertakings for the notification of neighbours of the GMO trial sites;
- (p) undertakings to provide reports requested and relevant information to the Department of Primary Industries;

“**Secretary**” means the Secretary to the Department of Primary Industries.

2. Compliance with the Request for Exemption

PIRVic and exempt persons must comply with any undertaking in the Request for Exemption.

3. Variations of the Request for Exemption.

Information and undertakings related to technical or administrative matters or operational systems contained in the Request for Exemption may be varied with the approval of the Secretary.

4. Material Changes in circumstances

PIRVic must immediately, by notice in writing, inform the Manager Chemical Standards Branch of any-

- (a) relevant conviction (as defined in section 58 of the **Gene Technology Act 2000** of the Commonwealth) of the Company occurring after the commencement of this exemption; and
- (b) event or circumstances occurring after the commencement of this exemption that would affect the capacity of exempt persons to meet this exemption.

5. *GMO Cultivation Zone*

Cultivation of a GMO must be within a GMO Cultivation Zone and must not involve the intentional release of the GMO into the environment.

6. *Harvest and use of GMO Seed and other Crop Materials*

- (1) GMO seed harvested under the exemption must not enter the food supply chain (for human or animal consumption) or be sold as consumable grain for domestic or overseas markets.
- (2) As soon as reasonably practicable, any seed harvested under the exemption must be-
 - (a) stored in a sealed durable container that is marked so as to indicate that it contains GM canola seed, within a locked facility that is marked so as to indicate that GM canola seed is stored within the facility; or
 - (b) exported as seed; or
 - (c) rendered unviable by autoclaving; or
 - (d) destroyed by burning; or
 - (e) destroyed by burial under 1 metre of soil.

7. *Reporting*

PIRVic must submit a copy of an audit report on compliance with specified procedures in the Request for Exemption to the Manager Chemical Standards Branch by 28 January 2005.

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