

Fact sheet

SA Gene Technology Act

Below are some Frequently Asked Questions (FAQs) to help you understand the proposal to amend the South Australian Gene Technology Act 2001 (SA GT Act).

What is gene technology?

Gene technology is any technique that modifies genes or any other genetic material to produce a genetically modified organism such as a bacteria or plant.

What is the South Australian Gene Technology Act 2001?

The SA GT Act is a legal document that puts in place regulatory measures in South Australia to protect the health and safety of people and protect the environment by identifying and managing risks posed by gene technology.

This allows the use of gene technology techniques for research and commercial use under strict licence conditions.

What is the Commonwealth Gene Technology Act 2000?

The Commonwealth Gene Technology Act 2000 (Com GT Act) is a national legal document that puts in place regulatory measures in Australia to protect the health and safety of people and protect the environment by identifying and managing risks posed by gene technology.

The SA GT Act currently mirrors the Com GT Act in keeping with the model of national consistency.

Why do we need to have an SA GT Act if there is already the Com GT Act in place?

There is currently a national Gene Technology Agreement (GTA) in place. The GTA is an agreement between the Commonwealth, States and Territories, including South Australia, to establish a nationally consistent gene technology regulatory system and commits the states and territories to pass corresponding laws. While the Commonwealth can make laws governing broader issues across Australia, states and territories are responsible for making laws that are enforced within their state. The SA GT Act is the instrument used to give effect to the regulation of gene technology within SA.

Why is there a public consultation?

SA Health is proposing a change to the SA GT Act to make the legislative process simpler. As part of normal legislative process, public consultation is a requirement to change the SA GT Act.

Why is there a proposed change to the SA GT Act?

Every time there is a change to the Com GT Act, the SA GT Act must go through a full Parliamentary process to adopt the change.

This means there can be periods of misalignment between the SA GT Act and the Com GT Act, which can cause confusion about regulatory requirements for those that undertake gene technology processes in SA.

Most other states and territories in Australia currently adopt the Com GT Act automatically, which ensures a seamless regulatory system.



What is the proposed change?

It is proposed to amend the SA GT Act to introduce a provision that allows for 'adoption by regulation', which is the ability to adopt Commonwealth legislation by a regulation making process. This is a quicker and simpler process than is currently in place.

The regulation process still allows the South Australian Government to review the proposed changes and decide if they are appropriate for the South Australian community.

What is the purpose of this proposed change?

This amendment will allow South Australia to adopt Commonwealth legislation in the future by a regulation making process. This is a simpler and quicker process that will reduce the period of time the SA GT Act and Com GT Act are not aligned, reducing any confusion for researchers and others who undertake gene technology processes.

This reduces the risk of mistakes being made due to operators being unclear about their regulatory requirements and helps protect human health and the environment.

Will this impact any current requirements?

This change in legislative process will not impact any current requirements for users or the community, and all future changes will follow an open and transparent system if the proposed change to the SA GT Act is accepted.

The current regulations in place to protect human health and the environment in the SA GT Act will not change. It is only the legislative process for future changes that will change.

Who can provide feedback during the consultation?

SA Health is seeking comments from the public, government agencies, and industries and researchers operating under the gene technology legislation and the Gene Technology Regulator across South Australia.

What will this feedback be used for?

A summary of all submissions will be presented to the SA Government for consideration as part of the normal legislative process to update the SA GT Act.

When does the consultation close?

The consultation closes at 5pm on Monday, 19 April 2021.

Further information

Join the conversation on YourSAy: www.yoursay.sa.gov.au/gene-technology-act-review.

Questions can be emailed to FoodPolicyPrograms@sa.gov.au.

For more information

Health Protection and Licensing Services
SA Health
11 Hindmarsh Square
Adelaide SA 5000
Telephone: (08) 8226 7100
www.sahealth.sa.gov.au



<https://creativecommons.org/licenses>

