

LEGISLATIVE COUNCIL

Gene Technology (GM Crop Moratorium) Amendment Bill 2007

Schedule of amendments agreed to in Committee of the Whole On Tuesday 4 December 2007

Oppn Page 3, Schedule 1 [3], line 19. Insert “crop or” after “in relation to a”.

Govt Page 6, Schedule 1 [6], proposed section 7A. Insert after line 29:

- (12) The Minister is to make public the reasons for making, or revoking, an order under this section.

Oppn Page 9, Schedule 1. Insert after line 24:

[16]

Section 32A

Insert before section 33:

32A

Special protection from liability for spread of GM food plants

(1)

If:

(a)

a GM food plant is present on any land, and

(b)

the existence of the GM food plant on the land is attributable to the spread, dissemination or persistence of the GM food plant, and

(c)

the original introduction of that GM food plant to the land was not knowingly undertaken by or on behalf of any person who is, or who has been, an owner or occupier of the land,

no action may be brought in a New South Wales court or under a New South Wales law against a person who is an owner or occupier of the land on account of the fact that the GM food plant is present on the land or that the person has dealt with the GM food plant.

(2)

Subsection (1) does not apply if the relevant court is satisfied:

(a)

that a person who is an owner or occupier of the relevant land has deliberately dealt with a crop knowing that GM food plant was present in order to gain a commercial benefit, and

(b)

that, in the interests of justice, another person's rights with respect to that GM food plant should be recognised or protected.

(3)

This section extends to any case where a GM food plant was present on land before the commencement of this section.