

**SEEDS AMENDMENT BILL 2007**

*Introduction and First Reading*

Bill introduced, on motion by **Hon Kim Chance (Minister for Agriculture and Food)**, and read a first time.

*Second Reading*

**HON KIM CHANCE (Agricultural - Minister for Agriculture and Food)** [7.35 pm]: I move -

That the bill be now read a second time.

This bill will amend the Seeds Act 1981 with the principal purpose of increasing the flexibility and usefulness of that act in relation to seed that is prohibited.

The act currently empowers the minister to “declare seed to be prohibited seed”, and a declaration currently in force lists the seeds of certain plants that are serious weeds as prohibited. However, there is no provision for the minister to declare a type or class of seed, or seed containing specified characteristics, to be prohibited; nor is there capacity to prohibit a certain percentage of seed, or of a type or class of seed, from being present within a seed lot.

The deficiencies in the act were noticed in the context of the legal capacity to adequately maintain the current moratorium on the cultivation of genetically modified crops that is imposed under the Genetically Modified Crops Free Areas Act 2003. If it became necessary, for example, to prohibit more than a certain percentage of genetically modified seed in a conventional seed lot, the act in its current form would not allow this. However, the amendments are not specific to genetically modified seed, but may also be used in relation to weed seeds, for example, and will therefore improve the effectiveness of the act generally.

The effectiveness of the act will also be increased by the addition of provisions prohibiting the possession of prohibited seed. At present the act applies to only the sale of seed, but the important thing is to be able to prevent the cultivation of prohibited seed, whether or not it has been the subject of a sale.

The bill also updates the penalties for offences against various provisions of the act. The penalties were last amended in 1989 and are now too low to provide an effective disincentive to noncompliance with the act. The new penalties are in line with the penalties that will be able to be imposed by regulations made under the proposed Biosecurity and Agriculture Management Act.

The Seeds Act is to be repealed when the proposed BAM act comes into operation. At that time, the necessary provisions will be transferred to regulations made under the BAM act. The Biosecurity and Agriculture Management Bill has not yet completed its passage through Parliament and because of the large number of regulations that need to be drafted, it is not known when the legislation will come into operation. It is important that the Seeds Act is capable of operating effectively in the meantime.

I commend the bill to the house.

Debate adjourned, pursuant to standing orders.