

## Schedule 1—Amendments

### Part 1—Main amendments

#### *Gene Technology Regulations 2001*

##### 1 Regulation 5A

Repeal the regulation, substitute:

##### 5A Functions of the Regulator

For the purposes of paragraph 27(1) of the Act, the Regulator has the following functions:

- (a) to make inspectors available to be appointed as inspectors under Division 7 of Part 3 of the *National Health Security Act 2007*;
- (b) to make inspectors available to undertake inspections and audits, in relation to the containment of poliovirus, of laboratories in Australia that hold poliovirus.

##### 2 Paragraph 9(d)

Repeal the paragraph, substitute:

- (d) that part of the Department known as the Australian Industrial Chemicals Introduction Scheme;

##### 3 Regulation 19

Before “A member”, insert “(1)”.

##### 4 At the end of regulation 19

Add:

- (2) The resignation takes effect on the day the notice is received by the Minister or, if a later day is specified in the notice, on that later day.

##### 5 Subregulation 20(4)

Repeal the subregulation, substitute:

- (4) A disclosure in relation to a matter by a member of the Committee under subregulation (2) must be recorded in the minutes of the meeting referred to in that subregulation.
- (5) Unless the Committee otherwise determines, the member:
  - (a) must not be present during any deliberation by the Committee on the matter; and
  - (b) must not take part in any decision of the Committee with respect to the matter.
- (6) For the purposes of making a determination under subregulation (5), the member:
  - (a) must not be present during any deliberation of the Committee for the purpose of making the determination; and
  - (b) must not take part in making the determination.

- (7) A determination under subregulation (5) must be recorded in the minutes of the meeting of the Committee.

**6 Schedule 1A (table item 1)**

Repeal the item, substitute:

- 1 Either of the following transfers, if the transfer does not involve genetically modified material:
- (a) nuclear transfer;
  - (b) transfer of plastids or mitochondria.

**7 Schedule 1A (table item 11)**

Repeal the item, substitute:

- 11 Introduction of nucleic acid or nucleic acid analogue into an organism, if:
- (a) the introduction of the nucleic acid or nucleic acid analogue does not result in an alteration of the organism's genome sequence; and
  - (b) the introduction of the nucleic acid or nucleic acid analogue cannot give rise to an infectious agent; and
  - (c) in the case of nucleic acid or nucleic acid analogue that is DNA—the DNA cannot be transcribed.

**8 Schedule 1 (table item 6)**

Omit "An organism", substitute "A micro-organism".

**9 Schedule 1 (table item 6, paragraph (b))**

Omit "vector", substitute "exchanged".

**10 Schedule 1 (table item 10)**

Omit "no longer present", substitute "either no longer present or are epigenetic".

## Part 2—Application and transitional provisions

### *Gene Technology Regulations 2001*

#### 11 At the end of Part 8

Add:

### Division 2—Amendments made by the Gene Technology Amendment (Minor Measures) Regulations 2025

#### 44 Preliminary

In this Division:

*amending regulations* means the *Gene Technology Amendment (Minor Measures) Regulations 2025*.

*commencement day* means the day the amending regulations commence.

#### 45 Risk assessments and risk management plans

Paragraph 9(d), as substituted by the amending regulations, applies in relation to the seeking of advice on or after the commencement day:

- (a) on a risk assessment and a risk management plan; or
- (b) on matters relevant to the preparation of a risk assessment and a risk management plan.

#### 46 Resignation of committee member or expert adviser

The amendments of regulation 19 made by the amending regulations apply in relation to a notice of resignation given to the Minister on or after the commencement day.

#### 47 Disclosure of interests by committee member

The amendment of regulation 20 made by the amending regulations applies in relation to a committee meeting held on or after the commencement day, regardless of whether the disclosure of interests, by a member of the committee in relation to a matter to be considered at that meeting, was made before, on or after the commencement day.

#### 48 Techniques that are not gene technology

The amendments of Schedule 1A made by the amending regulations apply in relation to a technique on or after the commencement day, regardless of whether the technique was applied before, on or after that day.

Note: The effect of this regulation includes that an organism that was a GMO immediately before the commencement day may cease to be a GMO from when the amendments commence, even if:

- (a) a technique applied to modify the organism before the commencement day was gene technology at the time it was applied; or

- (b) the organism inherited a trait, from another organism, that occurred in that other organism because of a technique that was gene technology at the time it was applied.

#### **49 Organisms that are not GMOs**

- (1) The amendments of item 6 of Schedule 1 made by the amending regulations apply in relation to an organism on or after the day that is 12 months after the commencement day.

Note: The effect of this regulation includes that an organism that is not a GMO immediately before the day that is 12 months after the commencement day may start to be a GMO from 12 months after the amendments commence.

- (2) The amendment of item 10 of Schedule 1 made by the amending regulations applies in relation to an organism on or after the commencement day.

Note: The effect of this regulation includes that an organism that was a GMO immediately before the commencement day may cease to be a GMO from when the amendment commences.