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| 2022-2023 fines and penalties for the Gene Technology Act 2001 |
| OFFICIAL |

This document is an annually updated publication of the indexation of fines and penalties for the reference of the general public.

# Gene Technology Act 2001

| Gene Technology Act 2001, Section  | Description | 2021-2022 Penalty amount  | 2022-2023 Penalty amount |
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| 32(2) Person not to deal with a GMO without a licence | An offence under subsection (1) is punishable by whichever of the following applies | In the case of an aggravated offence | $220,000 | $200,000 |
| In any other case | $55,000 | $55,000 |
| 33(3) Person not to deal with a GMO without a licence— strict liability offence | An offence under section 33 is punishable by a fine of not more than which of the following amounts applies: | In the case of an aggravated offence | $22,000 | $20,000 |
| In any other case | $5,500 | $5,500 |
| 34(3) Person must not breach conditions of a GMO licence | An offence under subsection (1) or (2) of section 34 is punishable by whichever of the following applies | In the case of an aggravated offence | A fine not exceeding $220,000 plus an additional fine not exceeding $22,000 for every day during which the offence continues | A fine not exceeding $220,000 plus an additional fine not exceeding $22,000 for every day during which the offence continues |
| In any other case | A fine not exceeding $55,000 plus an additional fine not exceeding $5,500 for every day during which the offence continues  | A fine not exceeding $55,000 plus an additional fine not exceeding $5,500 for every day during which the offence continues |
| 35(4) Person must not breach conditions of a GMO licence -strict liability offence | An offence under this section is punishable by a fine of not more than whichever of the following amounts applies | In the case of an aggravated offence  | $22,000 | $22,000 |
| In any other case | $5,500 | $5,500 |
| 35A(2) Person must not breach conditions of emergency dealing determination | An offence under this section is punishable on conviction by whichever of the following applies | In the case of an aggravated offence | A fine not exceeding $220,000  | A fine not exceeding $220,000  |
| In any other case | A fine not exceeding $55,000  | A fine not exceeding $55,000 |
| 35(B) Person must not breach conditions of emergency dealing determination – strict liability offence | An offence under this section is punishable on conviction by a fine of not more than whichever of the following amounts applies | In the case of an aggravated offence | A fine not exceeding $22,000  | A fine not exceeding $22,000 |
| In any other case | A fine not exceeding $5,500  | A fine not exceeding $5,500 |
| 36(3) Person must not breach conditions on GMO Register | An offence against subsection (1) is punishable by a fine | Not more than $5,500 | Not more than $5,500 |
| 37(3) Offence relating to notifiable low risk dealings | An offence against subsection (1) is punishable by a fine | Not more than $5,500 | Not more than $5,500 |
| 53(4) Regulator may take other actions | A person must not contravene a direction given under subsection (3) | $3,300 | $3,300 |
| 146(3) Regulator may give directions | A person must take the steps specified in a notice under subsection (1) or (2) within the time specified in the notice. | In any other case of an aggravated offence | $220,000 | $220,000 |
| In any other case | $55,000 | $55,000 |
| 151(3) Identity card | If a person to whom an identity card has been issued ceases to be an inspector, the person must return the identity card to the Regulator as soon as practicable | $110 | $110 |
| 164(4) Power to search goods, baggage etc. | A person must not refuse or fail to answer a question put to the person under subsection (3). | $3,300 | $3,300 |
| 175(1) Offences relating to warrants | An inspector must not make, in an application for a warrant, a statement that the inspector knows to be false or misleading in a material particular | $13,200 | $13,200 |
| 175(2) Offences relating to warrants | An inspector must not— (a) state in a document that purports to be a form of warrant under section 174 the name of a magistrate unless that magistrate issued the warrant; or (b) state on a form of warrant under that section a matter that, to the inspector's knowledge, departs in a material particular from the form authorised by the magistrate; or (c) purport to execute, or present to another person, a document that purports to be a form of warrant under that section that the inspector knows— (i) has not been approved by a magistrate under that section; or (ii) departs in a material particular from the terms authorised by a magistrate under that section; or (d) give to a magistrate a form of warrant under that section that is not the form of warrant that the inspector purported to execute. | $13,200 | $13,200 |
| 187(1) Confidential commercial information must not be disclosed | A person who— (a) has confidential commercial information; and (b) has it only because of performing duties or functions under this Act or the regulations or under the Commonwealth Act or a corresponding State law within the meaning of the Commonwealth Act; and (c) knows that the information is confidential commercial information— must not disclose the information except— (d) to any of the following in the course of carrying out duties or functions under this Act or the regulations or under the Commonwealth Act or a corresponding State law within the meaning of the Commonwealth Act— (i) a State agency; (ii) the Commonwealth or a Commonwealth authority; (iii) the Gene Technology Technical Advisory Committee; or (e) by order of a court; or (f) with the consent of the person who applied to have the information treated as confidential commercial information. | $13,200 | $13,200 |
| 187(2) Confidential commercial information must not be disclosed | A person who— (a) has confidential commercial information; and (b) has it because of a disclosure under subsection (1) or under this subsection; and (c) knows that the information is confidential commercial information— must not disclose the information except— (d) to any of the following in the course of carrying out duties or functions under this Act or the regulations or under the Commonwealth Act or a corresponding State law within the meaning of the Commonwealth Act— (i) a State agency; (ii) the Commonwealth or a Commonwealth authority; (iii) the Gene Technology Technical Advisory Committee; or (e) by order of a court; or (f) with the consent of the person who applied to have the information treated as confidential commercial information. | $13,200 | $13,200 |
| 192 False or misleading information or document | A person must not— (a) in connection with an application made to the Regulator under this Act or the regulations; or (b) in compliance or purported compliance with this Act or the regulations— do either of the following— (c) give information (whether orally or in writing) that the person knows to be false or misleading in a material particular; (d) produce a document that the person knows to be false or misleading in a material particular without— (i) indicating to the person to whom the document is produced that it is false or misleading, and the respect in which it is false or misleading; and (ii) providing correct information to that person, if the person producing the document is in possession of, or can reasonably acquire, the correct information | $6,600 | $6,600 |
| 192A(1) Interference with dealings with GMOs | A person is guilty of an offence if— (a) the person engages in conduct; and (b) the conduct— (i) results in damage to, destruction of, or interference with, premises at which dealings with GMOs are being undertaken; or (ii) involves damaging, destroying, or interfering with, a thing at, or removing a thing from, such premises; and (c) the owner or occupier of the premises, or the owner of the thing (as the case requires), has not consented to the conduct; and (d) in engaging in the conduct, the person intends to prevent or hinder authorised GMO dealings that are being undertaken at the premises or facility; and (e) the person knows, or is reckless as to, the matters mentioned in paragraphs (b) and (c). | $13,200 | $13,200 |

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