

AGRICULTURAL PRODUCE COMMISSION AMENDMENT BILL 2021

Third Reading

HON ALANNAH MacTIERNAN (South West — Minister for Agriculture and Food) [12.30 pm]: I move —

That the bill be now read a third time.

HON COLIN de GRUSSA (Agricultural — Deputy Leader of the Opposition) [12.30 pm]: I rise to make a few brief remarks on the third reading of the Agricultural Produce Commission Amendment Bill 2021. This bill has arisen following a number of reports under previous governments and, indeed, a very similar bill—it was almost identical—was introduced in 2019 in the fortieth Parliament. At that stage, my colleagues and I embarked on extensive industry consultation on that proposal. Subsequent to that, the Standing Committee on Legislation also inquired into the bill and reported in September 2020. However, the government failed to bring the bill back on in the remaining time of the fortieth Parliament and we are now dealing with the Agricultural Produce Commission Amendment Bill 2021.

This bill is almost identical to the previous bill presented to the house, with the exception of an amendment that was pledged by the Minister for Agriculture and Food during the previous Parliament to exclude pastoral industries from being covered by the Agricultural Produce Commission Act 1988. Despite all this—the development and iteration of the bill over the years and the extensive consultation and review of the bill by the Standing Committee on Legislation—only two days ago, as we took our seats in the clause 4 debate of the committee stage, which had been adjourned on 22 June, it was rather incredible to witness the frantic panic that went on when the minister suddenly realised that the government’s proposed amendments had not been prepared, nor had they been presented to staff so that they could prepare the supplementary notice paper. As we sat down to deal with the very clause to which one of the amendments applied, there was a frantic rushing around to produce the amendments and list them on the supplementary notice paper. I find this quite incredible, because when opposition members had a briefing on this bill on 14 June, I raised a specific issue with clause 4 and was advised that nothing needed to change—it was all good and fine—but as we took our seats, the amendments were suddenly presented and members had no time to consider them or consult about them. That is not acceptable. They were not huge amendments; indeed, one of the amendments added one word to clause 4. However, this is the practice we witnessed over the course of the last Parliament when very often the government would attempt to amend its bills because clearly it had not done the work in preparing them and it suddenly realised at the eleventh hour that amendments were required.

The other amendment, which was presented at the same time—it was hastily passed off to the clerks so that they could run away and present copies to members opposite so that we understood what was going on—came out of the 2020 report of the Standing Committee on Legislation. It has been almost a year since the report was tabled in September 2020. The government has had all that time to propose its amendments, yet it brought them forward at the eleventh or twelfth hour, giving us no time to consider them. I find it quite extraordinary that that can occur. The government is disorganised to say the least, but it has also treated this house with contempt because our job in this place is to review legislation and ensure that we properly scrutinise it. The minister was not organised enough to present amendments to this chamber; she did not treat this chamber with the respect that it deserves or give members an opportunity to properly scrutinise legislation. Instead, at the very last minute, as we took our seats to recommence the committee stage of the bill, there was a sudden rush to bring forward amendments, of which no-one had any visibility. That could have been done over the recess before we resumed debate on the bill. I find it quite extraordinary that such a scatterbrained approach can happen in this day and age.

As members will be aware, after consultation with industry on both the previous bill and the current bill, I proposed an amendment to insert new clause 24A. Industry indicated strongly that it wanted opt-out provisions in the legislation. We had that debate during the committee stage, but the government did not support it. The minister made it clear why the government did not support it and it is for the government to explain those reasons to the industry. For those reasons, the opposition will not support the third reading of the bill.

HON ALANNAH MacTIERNAN (South West — Minister for Agriculture and Food) [12.36 pm] — in reply: That was an interesting set of statements. I will deal with the various allegations in the order that they were made, bearing in mind that recommendations first emerged from a 2006 review into the better operation of the Agricultural Produce Commission, which has been a very important mechanism for a number of agricultural sectors. During the eight and a half years that the opposition was in government, it did nothing about that review. The Liberal and National Parties came to government within 18 months of that review being done, but they did nothing; no progress was made whatsoever. When we came to government, the proposition was put to us that we needed to bring the operation of the Agricultural Produce Commission up to date—to make it contemporary and more suited to the needs of the 11 agricultural sectors that, by then, were utilising this provision. We introduced a bill. As was often the case, that bill got caught up in the National Party–Liberal Party kerfuffle that went on as they jockeyed for positions within the agricultural community. The 2006 review could not reach agreement on whether to allow broadacre farming to come within the purview of the commission. I was approached by the Western Australian

Farmers Federation, which, reportedly, seems to be the major institution that represents farmers in the agricultural region. It asked that we allow broadacre farming to come within the purview of the commission, as was originally planned but unable to be negotiated in 1999.

It wanted an opt out. We said that we were prepared to support that, but the opt-out provision will be a head of power. We are not going to act against the interests of the 11 committees already in place that by and large did not support the introduction of an opt out. We thought that was a very reasoned approach. We were listening to the Western Australian Farmers Federation saying that it wants its farmers to have the opportunity to participate in this. Then, of course, there was the Pastoralists and Graziers Association, which also has mainly pastoral members—we believe, but have no way of verifying that—appears to have some members who are also grain growers. The Farmers Federation was in favour of it and the PGA was against it, so we said, “Okay, let’s do it this way. Let’s just have this applied to broadacre, but keep those operations that are on the pastoral lands exempt.”

This bill was referred to a committee; I think Hon Colin de Grussa was the one who wanted it to go to a committee. When it finally came back, it was very clear at that stage that Hon Colin de Grussa was going to effectively scuttle the entire thing by insisting that we have the opt-in clause apply to the entire operation of the bill, so that those 11 committees that had already been operating would be forced into—because Hon Colin de Grussa was doing a power play for the grain growers—and compromised by this change that he was insisting on. We did not proceed with that; we waited until after the election. We now have the ability to act in a sane and reasoned way, unencumbered by the endless blue on green wars and the struggle for influence that goes on down in the agricultural region.

Regarding those two amendments—folks, can I tell you, they both consisted, I think, of one word each—both were introduced to respond to concerns that had been raised by Hon Colin de Grussa in briefings. When it was put to me that he had raised those concerns, I said, “Okay, we’ll deal with it.” I could have left it. I could have just said nothing.

Several members interjected.

The ACTING PRESIDENT (Hon James Hayward): Order, members! I am battling to hear the minister, and I fancy Hansard is as well.

Hon ALANNAH MacTIERNAN: He wanted these two one-word amendments. Okay, we will do it. We are pretty good; we will do it. We will put it in.

Hon Colin de Grussa: You have had a year to do it.

Hon ALANNAH MacTIERNAN: No, sorry; this was when I was being briefed at the beginning of the week and after what had happened in the latest briefings with Hon Colin de Grussa. So we did it. Okay, there was an error. A new staff member did not realise that these things had to go on.

Several members interjected.

Hon ALANNAH MacTIERNAN: I could have moved them from the floor. I know the member’s intellectual capacity is not enormous, but I did not actually think the ability to absorb a one-word amendment, which the member had sought, was beyond his ken. I really thought that given the member had wanted it to happen, when it was put before him, it would not have sent him into the tizz that it obviously did—it would not have caused him to fall apart and not be able to understand the legislation that was before him. I thought that because he wanted it to happen and he actually proposed it, it might be relatively easy for the member to grasp. That is not about this. The member’s opposition to this is about a heap of rubbish and is the reason why when opposition members were in government for eight and a half years, they did nothing to modernise the operation of the Agricultural Produce Commission, notwithstanding the 11 industries that this has so effectively served.

I put on record my thanks to Dr Bill Ryan and the whole team at the APC for their commitment and patience, and for all staff involved in preparing this. I think this is a great step forward, and I am very proud that a Labor government has once again been able to move beyond petty wars and deliver for agriculture.

Division

Question put and a division taken, the Acting President (Hon James Hayward) casting his vote with the noes, with the following result —

Ayes (22)

Hon Klara Andric
Hon Dan Caddy
Hon Sandra Carr
Hon Stephen Dawson
Hon Kate Doust
Hon Sue Ellery

Hon Peter Foster
Hon Lorna Harper
Hon Jackie Jarvis
Hon Alannah MacTiernan
Hon Kyle McGinn
Hon Shelley Payne

Hon Dr Brad Pettitt
Hon Stephen Pratt
Hon Martin Pritchard
Hon Samantha Rowe
Hon Matthew Swinbourn
Hon Dr Sally Talbot

Hon Wilson Tucker
Hon Dr Brian Walker
Hon Darren West
Hon Pierre Yang (*Teller*)

Extract from *Hansard*
[COUNCIL — Thursday, 5 August 2021]
p2393b-2395a
Hon Alannah MacTiernan; Hon Colin De Grussa

Noes (7)

Hon Martin Aldridge
Hon Peter Collier

Hon Donna Faragher
Hon James Hayward

Hon Steve Martin
Hon Neil Thomson

Hon Colin de Grussa (*Teller*)

Question thus passed.

Bill read a third time and transmitted to the Assembly.