

GENETICALLY MODIFIED CROPS FREE AREAS REPEAL BILL 2015

Second Reading

Resumed from 21 June.

HON SIMON O'BRIEN (South Metropolitan) [2.52 pm]: I want to briefly conclude my introductory remarks on the second reading of the Genetically Modified Crops Free Areas Repeal Bill 2015. I will draw this to a close fairly soon, but there are some important things that need to be placed on the record. I can feel that it is time to remind all members in the house, particularly some members opposite, about some facts of life when we are considering a bill such as this, particularly when people for some reason want to talk at great length—at artificially inflated length, at prodigious length and at tediously repetitive length—in order to demonstrate their opposition to the question before the house. The sad, tragic fact about life in this place for those who are on the other side of the house from a member who is exercising such a prerogative is that they may not like what that member has to say—in some cases over and over again—but they have to sit here while they say it.

Hon Ken Travers: Clive Griffiths used to say that!

Hon SIMON O'BRIEN: Indeed he did.

Hon Darren West: It was never ruled as tedious repetition by the Chair. There was never a ruling of that nature by the Chair.

Hon SIMON O'BRIEN: The Chair is remarkably tolerant.

Hon Darren West: That's your view.

Hon Ken Travers: No. The Chair rules without fear or favour, whoever is in the chair.

The ACTING PRESIDENT (Hon Brian Ellis): Order! Hon Simon O'Brien has the call.

Hon SIMON O'BRIEN: Mr Acting President, I am trying to draw my remarks to a close and the unruly interjections opposite are preventing me from doing so. But I will soldier on nonetheless.

Hon Ken Travers: I have that problem with interjections too, so I know how you feel!

Hon SIMON O'BRIEN: I know!

There is, however, one avenue of recourse for a person; hypothetically, it might be someone sitting about where I sit. The one avenue of recourse that we have when confronted with that sort of ongoing tedium is that we also get our turn to have our say, particularly if we feel that it is necessary for the sake of the record to point out some fundamental flaws that are being injected into the debate by those opposite, and I sought in my opening remarks to point that out for the record, because we all need to understand what the opponents of this bill apparently are trying to do. We heard fairly frankly from Hon Sue Ellery the last time we debated this bill about what the Australian Labor Party is quite transparently setting out to do. The Australian Labor Party, having demonstrated its total opposition to this bill—which I suspect, even if it does pass the second reading stage, will not exactly be facilitated through the committee stage—and regardless of whether the bill proceeds and the act is repealed, will be running a scare campaign about how the people in Western Australia will all be poisoned every time they eat any product they buy off the supermarket shelf, that our reputation for agricultural produce will be reduced to nil in the eyes of our trading partners, and that a range of other horrendous results will accrue, all because the evil Liberal government is seeking to repeal the present act. It is important that when people advance this sort of agenda, someone stands in this place and points out to them where they are wrong, so that if they do proceed with a scare campaign, using the arguments that they appear determined to advance, they do so in the knowledge that those arguments are false, in the same way as their federal colleagues are peddling arguments at the moment about Medicare that they know to be false.

Hon Darren West interjected.

Hon SIMON O'BRIEN: I am not sure whether Hon Darren West has spoken on this bill, but some of my criticism might even apply to him, so he needs to listen in. I am glad Hon Ken Travers is also here to listen in to a couple of things. I say that, firstly, because he provided a real high point for me in his contribution on this bill, and I thank him for it. If I have a moment, I will come back to that and explain what that was.

Hon Ken Travers: If it's a high point, you should start with it, shouldn't you?

Hon SIMON O'BRIEN: I have a lot of high points in this speech that Hon Ken Travers will want to hear, so we will come back to that one in a moment; do not let me sit without reminding me.

Hon Ken Travers: I'll give you an extension of time!

Hon SIMON O'BRIEN: That is what it is about!

Hon Ken Travers was one of a number of members opposite who decided that members on the government benches needed to be flogged, because although over the years he has observed that many Liberal members in this place have had grave reservations about the referral of powers to Canberra, it seems to him to be hypocritical that we would be supporting the repeal of this act. The fact of the matter is this is not about a referral of powers to Canberra at all. I would not go so far as to say that Hon Ken Travers knows it, but it needs to be pointed out that there is a very big difference between what is at play in the current bill and in a bill to refer powers to Canberra.

That is not the case with this bill. The current act is a standalone Western Australian act to prohibit an activity in Western Australia; it has nothing to do with the referral of powers. The commonwealth already legislates in this space for all of Australia via the powers available to the Office of the Gene Technology Regulator. That happens now, it has happened for some time, and it is going to keep happening into the future. I want to tie in this point, in the interests of expedience, with some of the remarks made by my good friend Hon Sue Ellery when she advanced the groundwork for a scare campaign by telling us—indeed lecturing us—how Western Australian consumers are worried about GM food or foodstuff made from GM products. The subtext of that was, “Boy, are we going to have a good scare campaign and tell you it’s not safe to eat the foods on supermarket shelves.” Those were the expressions she used: goods on supermarket shelves. With this evil bill, the opposition is telling us that supermarket shelves will be overwhelmed by GM-contaminated foodstuff that is going to enter the human food chain and everyone is going to be very distressed because they do not want it and so on. I think I am reasonably characterising Hon Sue Ellery’s remarks. That is exactly what she was saying, in essence. It needs to be pointed out for the sake of the debate that the Gene Technology Regulator currently has a job to protect the health and safety of people and the environment in this matter for all Australia. The state government has a very limited role in doing the job that is taken up by the Gene Technology Regulator; indeed, such specific matters are not touched on in the bill before the house.

I need to point out things that I suspect members opposite might know, and in the case of some of its members do know, and that is that there is no capacity at all for Western Australia to exempt itself from genetically modified foodstuff entering Australia or specifically Western Australia from overseas or from other states—no capacity whatsoever. If we are going to have a regime whereby GM foods find their way onto the supermarkets shelves of Western Australia, I have news for members: they do already and it has nothing to do with the proposed repeal of this act. Any that could be there that should be there that market forces demand would be there are there already. I have to tell members that the sound we are hearing when it is suggested that by the enactment of this legislation the Western Australian government is seeking to take away some prohibition or absolute restriction on that occurring in the first place is the sound of receding hoof beats, way down the road long after the stable door has been well and truly slammed. The horse has bolted. Do we see society coming to an end over it? Do we see all sorts of distressing results because Western Australians are eating some substances, whether it is fruit or whatever it might be, that might have a GM variation? No, we do not. Are people marching in the streets? No, they are not. Do they feel it necessary to do so? No, they do not, yet a Labor government would stop Western Australian food producers from competing with eastern states’ food producers.

Hon Jim Chown: Or international.

Hon SIMON O'BRIEN: That is right, or international food producers. That is the real folly of what passes as public debate on this matter. I mention those things so that members opposite can reflect on them. They have already made up their minds that they are going to oppose this bill come hell or high water. They have all been caucused and what have you. Heck, some of them probably even believe what they are saying! Let us deal in facts and let us let the merit of the argument decide the outcome. I have examined this issue and I am not shy of saying that I disagree with the government if I do disagree with the government, and on this occasion I am telling members that I do not.

Hon Ken Travers: That you don’t agree with the government or you don’t disagree with the government?

Hon SIMON O'BRIEN: On this occasion I do not disagree with the government.

Hon Ken Travers: It would be easier if you didn’t have so many double negatives in your speech sometimes, Hon Simon O'Brien.

The ACTING PRESIDENT (Hon Liz Behjat): It would be easier if members did not interject.

Hon SIMON O'BRIEN: Thank you for your protection.

The ACTING PRESIDENT: Always happy to do that!

Hon SIMON O'BRIEN: I would never encourage unruly interjection, but I am sure there are several former English teachers of mine who would appreciate the efforts of Hon Ken Travers to correct my overuse of double negatives.

Let us get back to the bill before the house. When the act that this bill proposes to repeal was brought in back in 2003, it was about providing certain protections to the state's markets for non-GM crops, it was about protecting the state's reputation, and it was about making sure that we had an agricultural environment in which there was adequate segregation and identity preservation systems in place. A heck of a lot of work has been done on that ever since. The act that we propose to repeal has now outlived its purpose; indeed, it is acting as a restraint on agriculture in Western Australia. It provides a great deal of uncertainty for future investment in agricultural expansion in this state and so on.

As to the other fallacy, the third and final one that I want to highlight—although there probably have been others—advanced most recently by Hon Sue Ellery that we are going to see what I termed by interjection the “floodgates” open and GM take over the world and every bit of the agricultural and horticultural inventory in Western Australia; I do not think so. What is the record of this government, which has been around since the early election in 2008, in freeing up experimentation via exemptions in the current act for GM crops? There have been all of two: one for cotton—I do not know how many supermarket patrons consume vast amounts of cotton in their homes—and the other for canola, which has steadily expanded and grown as an agricultural industry since it was exempted. That is it—so much for an agenda of a great takeover by this government. That proposition simply does not add up and it certainly does not stack up to any form of scrutiny.

I hope that I can demonstrate that I have given some dispassionate thought to the Genetically Modified Crops Free Areas Repeal Bill in coming to the conclusion that I support it; it has merit in being supported. I contrast that perhaps with what we have heard at great length from members opposite, who are trying to achieve a point that might have something to do with trying to develop a scare campaign for future use but has precious little to do with advancing the interests of Western Australia in this space. They might want to think about what their role really is: do they just want to play politics or do what I view is the role of members of this place; namely, to give dispassionate and full consideration to matters brought before us?

I will conclude now. Unfortunately, Hon Ken Travers is suddenly engaged on parliamentary business outside the chamber. It strikes me as something of a metaphor for the government's lengthy debate on this bill. I had the pleasure of being involved in a delicious moment just the other day when, at the conclusion of his time—everyone on the other side wants to speak for their full quota of time to string out this bill—he said, and I think I am quoting accurately from the *Hansard* when I say that he sought an extension of time. I think the Chair at the time, quite naturally, asked if leave was granted and concluded from all of the ayes, including my own, that leave was granted. However, an extraordinary moment followed when Hon Ken Travers said, “I think there were some noes, Madam Acting President.” The Chair said, “I did not hear any noes. I heard the ayes.”

The ACTING PRESIDENT (Hon Liz Behjat): I recall it vividly.

Hon SIMON O'BRIEN: It resolved itself with the honourable member sitting down and having nothing more to say. It was interesting. He sought leave to continue his remarks because he had some important things to say but the subtext was that if he was not granted leave, it meant that this evil government was trying to shut him up. But the government gave the member leave to pursue his arguments and he had nothing further to offer. That struck me as a wonderful metaphor for the empty vessel that has been this vast debate exhibited by the other side in connection with this bill. I do not want to prolong the debate any longer and conclude by saying that we should resolve this question in the affirmative and get on with the other processes of the house.

HON LYNN MacLAREN (South Metropolitan) [3.14 pm]: The Greens oppose the repeal of the Genetically Modified Crops Free Areas Act 2003. The government has failed to make a case at this juncture that the gate established in 2003, after a thorough investigation and wide consultation, is no longer needed. It is true to say that at the time this legislation was introduced, genetically modified agriculture in Australia was in its infancy. Since that time, the process of seeking exemptions has served to give this Parliament the ability to scrutinise the potential impact of proposed GM crops and arrive at a decision on a case-by-case basis. In fact, this regime, including the system of exemptions, remains in place in South Australia and as recently as 2014 Tasmania voted to extend its statewide GMO ban.

As the second reading speech admits, under the current gatekeeper approach Western Australian farmers have been able to plant up to 74 per cent of Australia's total 348 000 hectares of GM canola crop, so those who want to grow GM can hardly complain. However, those who choose to be GM-free have every reason to complain and they have. It is these farmers who require greater protection from the GM industry. These are the farmers whom this government is repeatedly letting down. Instead of repealing the Genetically Modified Crops Free Area Act, we should be debating legislation to protect non-GM farmers.

I will make my seven key arguments, not at length, as members may be anticipating; I have distilled these arguments for clarity so that members can clearly see the remaining problems with repealing the gate. Those arguments are, firstly, about segregation and the inability to effectively segregate GM from non-GM, and, secondly, markets and the zero-tolerance approach in European markets towards GM contamination and associated costs. I will make the point that we are not managing the situation well as it is. Thirdly, I will argue for the precautionary principle. There is still a lot that we do not know about GM, and GMOs must be examined on a case-by-case basis. Fourthly, on due process, GM crops are currently being grown in WA but the act serves as a gatekeeper. This allows parliamentary debate and scrutiny. Farmers' rights are not currently being impeded. GM crops promote the unfettered use of Round-up and pesticides, and I will discuss why that is unacceptable. A pesticide that is known to be toxic and is linked with cancer puts us on a chemical treadmill. Fifthly, this repeal will promote animosity within the farming community. Ongoing conflicts will remain if we pass this bill.

When the Barnett state government lifted this ban in 2010 for the commercial cultivation of GM canola, I predicted that it would damage the livelihood of non-GM farmers. In 2009, I moved in Parliament to disallow the government's GM-crop order. I campaigned relentlessly with my constituents at anti-GMO rallies and in the chamber. In that regard the comments Hon Simon O'Brien has just put on the record that people are not marching in the streets are not correct. In fact, there is a very well attended annual march against Monsanto, which calls for more protections and to stop genetic modification in Western Australia. It repeatedly calls for labelling so that people can choose whether they buy GM products and regardless of whether this is the jurisdiction that ensures that labelling occurs, as representatives of our constituents, we can argue strongly that we need to label GM products. That is what our constituents want. I agree with Hon Sue Ellery, who I thought made that case very well in her contribution to the second reading debate.

Hon Simon O'Brien: How does it have anything to do with this bill? These are commonwealth powers, by and large, and you're talking about the ability to prohibit —

Hon LYNN MacLAREN: In the context of my statements I have said that it is not true to say that this is not a hot topic in the community. The use of GM, the ability to choose not to ingest GM and the ability to choose not to grow GM are hot topics and we need to ensure that no matter what legislation we pass, the interests of the majority of Western Australians are looked after. So far in this debate, we have not heard very much from farmers who are crying out to use GM. In fact, I was in this chamber in 2005 following the thorough investigation of the Genetically Modified Crops Free Areas Bill 2003, which then passed. At that time, I was working for Hon Jim Scott, who was on the committee that prepared that report.

Hon Kate Doust: It was an excellent report.

Hon LYNN MacLAREN: It was an excellent report. I think Hon Kate Doust was also on that committee and she will well know the tremendous amount of comprehensive examination that was done at that time. The point I make in this regard is that in the chamber at that time there were a variety of views from around Western Australia. Many members in the chamber at that time were in the farming community and all made very cogent arguments about the bill and whether in favour or against the bill, they fully debated it. What we have seen so far is a distinct lack of a cogent argument on the opposite side of the chamber from any of those members in the farming community who believe that we should have unfettered access to Western Australia. We have had a couple of very short contributions, which to my mind have not addressed the issue or shown the depth of concern that is claimed by the minister in this regard. In fact, the only thing we heard from that side of the debate is that this is an industry-driven bill. The industry we are talking about is not the agriculture industry in Australia; it is the biotechnology industry that sells seed and chemicals to the farming industry. Those are the drivers of this bill. This is not something that our Western Australian farmers are crying out for. This is something that the companies that sell a product are crying out for. If anybody wants to check the *Hansard* from the last time we debated this, which I believe was Tuesday, Hon Jim Chown made an interjection that confirmed that. The question was: why do we not have any more GM crops growing here? We have cotton and canola, as Hon Simon O'Brien reminded us, which have achieved that exemption. Why do we not have any more? Hon Jim Chown clearly interjected that the industry does not want them. It is because the biotech industry has not pushed the button on the state government to say it wants any more. That is not acceptable, because in my mind we represent the citizens of Western Australia and, in my particular view, I represent the environment, which has no voice and which is directly impacted by genetically modified materials which are potentially dangerous to them.

Hon Jim Chown: How?

Hon LYNN MacLAREN: All Hon Jim Chown needs to do is go to any of the beekeepers' meetings and he will hear the debate against genetically modified organisms because they are frightened terribly—rightly so—about the introduction of GMs into their industry. The beekeeping industry, just like any other industry, deserves to have its business protected. I mentioned that in 2009 I moved a disallowance in this place, I think, on GM canola at that time. The motion failed because of the current make-up of numbers in this chamber and because, since the

Barnett government was elected, there has been an intention to allow GM to be grown in Western Australia without going through the gate that we established in 2003. It was a very sad day when that happened, and there are many constituents out there who conceivably are represented by members of the National Party in this place who are very concerned because of this policy, and they rightly identify a member in the other place as the member who is solely responsible for driving this agenda. It is fair enough to question whether, had the Liberal Party had responsibility in its own right without coalition with the Nationals, we would be going down this road at all. It is certainly debated in the community that the only reason we have this problem is because of the number of Nationals elected into the lower house, I would argue, disproportionate to the vote they received.

I want to make the point that in the intervening years since 2009, we have faced and are continuing to face the reality of our fears. Steve Marsh's crops—a well-known farmer—were contaminated the same year as the ban on GM crops was lifted. In the intervening six years, Steve Marsh not only lost his GM-free status and endured years of litigation, but also now has to pay court costs. The state government has provided no protection for Steve Marsh, which is a powerful precedent for us to consider when debating to remove what little protections we have in place. Mr Marsh's battle represents a fight for choice. He fought for WA farmers to be able to grow organic crops for a lucrative market without concerns about uncontrollable contamination. This choice filters down to consumers who want the option of an organic alternative to GM, and this should concern us all.

The Greens (WA) have fought long term to keep commercially cultivated GM crops out of Western Australia. We are concerned about the altering of native flora and the threat to our native animals, the patenting and commercial control of life forms and the impact on the lucrative and clean, green image of the organic grower industry. Rather than remove protections as this bill does, there is a need for greater protections for farmers and also the broader community interests that I have mentioned. We know that less than one-third of WA farmers currently grow GM crops. We need to ensure that the remaining 70 per cent are protected. The Greens will continue to encourage and support legislation and actions that reinstate Western Australia's moratorium on GM crops and introduce mandatory notification, assessment and licensing of all genetic engineering proposals, including strict environmental impact assessment by an independent scientific panel. We also encourage alternatives to genetically modified herbicide resistance in plants as it encourages the continued use of pesticides and herbicides because of their potential to create weeds, insects and viruses that are resistant to known controls. We also would work with governments to protect traditional sources and supply of plant and animal species and varieties to maintain the national seed stock reserves of plant and animal species and to actively support market access to these reserves. The Genetically Modified Crops Free Areas Repeal Bill 2015 runs counter to this approach and presents significant risks for all in our community, including farmers, both from an economic as well as a health perspective.

In order to maximise farmers' export opportunities, it is essential that we are able to effectively segregate GM and non-GM crops. It seems that even now under the current regime we are unable to manage the issue of segregation. Expanding the opportunities for more GM crops will further exacerbate this problem. I want to draw members' attention to this and I did mention it in the estimates hearing. During its consideration of tabled paper 69, a "Petition to Protect Farms from GM Contamination Retain the WA Genetically Modified Crops Free Areas Act 2003", the Standing Committee on Environment and Public Affairs wrote to Minister Baston about consultation on the Genetically Modified Crops Free Areas Act 2003. I refer to Minister Baston's letter responding to this request, in which he stated —

The Department of Agriculture and Food Western Australia (DAFWA) has consulted with the following key industry representatives as to their views on the repeal of the GMCFAA from a commercial marketing perspective:

1. The Grains Industry Association of Western Australia ...
2. Cooperative Bulk Handling ...
3. Ord River District Co-operative Ltd ...

Further down, he goes on to state —

CBH noted that whilst it does not have a position on the repeal of the GMCFAA, as a grower-owned co-operative, it will endeavour to offer a supply chain that is able to store, handle and market to the best of its ability GM and non-GM grain.

He then goes on to state —

CBH noted that segregation of other GM and non-GM commodity types will require the development of unique handling systems and conditions which may result in cost differentials for both products, depending on requirements and volumes.

These systems are currently not in place. During estimates I asked whether the state government had any intention to put those systems in place if we repealed this bill or to assist the industry in its effort to put them in

place. The answer given by the parliamentary secretary representing the Minister for Agriculture and Food, Hon Jim Chown, was unequivocal. He said that it is industry's responsibility, not the government's responsibility. We are changing the playing field and then requiring Co-operative Bulk Handling Ltd to pay to deal with the new paradigm.

Hon Jim Chown: Do you know how many segregations take place in CBH on an annual basis?

Hon LYNN MacLAREN: Does the member want to tell me?

Hon Jim Chown: Well over 50 segregations are carried out on an annual basis —

Hon LYNN MacLAREN: I can only tell the member what the official —

Hon Jim Chown: They are done for a variety of reasons—for variety reasons, for quality reasons, for protein reasons and for GM and anti-GM reasons.

Hon LYNN MacLAREN: I do not know whether the member was part of the tour we had when we first got elected, but we all had a tour down at CBH. Was the member there?

Hon Jim Chown: I have just given you an answer.

Hon LYNN MacLAREN: During that tour we were shown all the facilities that it has for segregation. I know what the member is talking about. CBH does segregate. It is something it attempts to do. The former Minister for Agriculture and Food, Ken Baston, in a letter to a parliamentary inquiry, stated quite clearly that those systems are not in place. I am not the expert in this.

Hon Jim Chown interjected.

Hon LYNN MacLAREN: We should listen to them. All I am doing is putting their official evidence on the record.

The ACTING PRESIDENT (Hon Liz Behjat): Order! I notice that the continual interjections from the government side of the house are being made by someone who will have an opportunity at some stage in the future to address everything that is being said on this bill. Perhaps Hon Lynn MacLaren could address her comments through the Chair and try, as much as it is very difficult to, to ignore those interjections that are coming from the other side of the chamber, and then we can move along with the bill before us.

Hon LYNN MacLAREN: As I said, the systems are currently not in place. Again, the Steve Marsh case is evidence of this. Hon Darren West, who is a farmer, spoke at length in this chamber about his experience. He talked about a load of his non-GM crops being contaminated with GM crops, resulting in the whole load being classified as GM. When we hear the testimony of farmers in this place, it is ridiculous to ignore that as the truth. All I am doing is adding it to the weight of evidence against this repeal.

It is clear that we do not have effective systems in place to segregate crops and we do not yet know the impact of trying to better manage segregation, but there will likely be an increase in production costs. CBH also drew DAFWA's attention to the fact that a number of markets have restrictions on the importation of non-GM grains, which must be considered when providing pricing and segregation. We know that the majority of WA's canola is shipped to Europe, a market that has zero tolerance for GM crops. Europeans have paid up to \$70 a tonne for non-GM crops. Given the difficulties segregating crops, it is imperative that the government takes steps to provide suitable protections for farmers who choose not to use GM products. Non-GM farmers should not be penalised, but they would be penalised if things continue as they are. The contamination of crops occurs because of factors that are completely beyond their control.

I will cite a couple of those cases. Many cases have been mentioned in this chamber during this debate. In the *Marsh v Baxter* appeal, the President of the Court of Appeal, Carmel McLure, strongly backed compensation for the Marshes—decertified Western Australian organic farmers. Baxter had windrowed genetically modified canola to dry, and it blew onto the Marsh's land, scattering millions of seeds. Two other judges disagreed with judge Carmel McLure, so the case was lost, but her clear judgement may offer scope to the Marshs to appeal. She said that, in accord with federal government rules, the Marshs' organic certifier was right to decertify their land, so their claim for \$85 000 compensation was valid. I have made the point that she was one of the three judges. The judgement from that judge has not been widely published. Instead, people are giving more weight to the two other judges, who had the alternative view. It is very important to recognise that that was not a unanimous decision and there was considerable evidence that one judge thought weighed on the other side of the equation. Judge McLure also found that the Marshs had spoken to Baxter, written to him and posted signage, warning that GM canola was a hazard to their organic certification. Mediation before the trial also failed, refuting Baxter's claim that they could have settled the claim over the fence and a beer. As Monsanto indemnified Baxter for his legal costs, it has been no sweat for him, but, as we know, the Marshs may now lose their farm. The only course open to Steve and Sue Marsh was to sue Baxter or absorb the loss themselves.

I have spoken on several occasions about how unfair it is that we set up a system that put them in that position. This is an opportunity to correct the problem and to put in farmer protection but, as it is, Steve Marsh is potentially the first of many farmers who has suffered market loss and court costs of an extraordinary nature to try to protect his livelihood just because his neighbour decided to grow GM canola. It is unacceptable and I do not think that Western Australians accept that the Western Australian government has done the best it can. There is more that we can do.

When the commonwealth government passed the Gene Technology Act 2000, it agreed that the courts and common law were the way to settle claims of damage from GM contamination. The 98 per cent of Australian organic and conventional farmers who remain GM-free producers are unprotected. Governments should now create a farmer protection fund with a levy of \$1 a kilo on all GM seeds so that the GM industry pays for the harm that it does. The fund would automatically pay out any GM-affected landowners for proven economic loss and extra costs or harm. A farmer protection fund would end bitter battles like *Marsh v Baxter* that split their community. Government action is needed now. The GM industry should pay for the damage that it causes.

GM-Free Australia Alliance Inc has published its principles for farmer protection legislation. I also have in my hand its model legislation, which is designed to provide farmers with such protections. The aim of this legislation is to establish a publicly managed fund paid into by GM companies in order to compensate non-GM landholders for all manner of contamination by GM crops and to strengthen the protection of non-genetically modified landholders, both organic and conventional, including public land, from all forms of contamination by genetically modified crops. In the parliamentary secretary's reply to the second reading debate, I would dearly love to hear his position on this because if GM crops are to be grown, it is considered a constructive way forward to at least have a fund that can compensate farmers who may suffer a loss due to that decision. The model legislation includes factors to use in determining compensation payments for contamination incidents. It says that the administrator will pay non-GM landholders compensation for economic loss or extra costs, which must include costs for detection and identification of GM seeds or plants; all GM contamination clean-up costs; lost profits; lost premiums on non-GM produce; reduced property values; compensation for time spent dealing with the contamination; and harm, when harm includes unwanted GM contamination for the full duration of its impact. These parameters, which determine eligibility for compensating non-GM farmers, are important, because currently GM farmers are liable for all these costs themselves, which in my view and the view of most reasonable people is a ludicrous situation.

My Greens colleague in the South Australian Parliament Hon Mark Parnell has made repeated attempts to ensure that there are legislative protections in place for South Australian non-GM farmers. The legislation he introduced into Parliament also sought to enable farmers to claim for damages if their crops were contaminated by GM crops. The system in South Australia is pretty much similar to the system that we are getting rid of now. I believe it was in 2009 that the South Australian government reviewed its system of gatekeeping and decided to continue, and I will confirm the year before I finish my remarks. The point is that it is still possible under the new federal system of the Gene Technology Regulator to maintain a state gatekeeper approach and have those exemptions at a state level. Even in modern recent times, other state governments have chosen to continue that approach. In fact, I believe that Tasmania only reviewed it in 2014 and chose to continue its statewide ban. The case in South Australia is quite similar to ours in that there is a system of application for exemption. I commend the work of Hon Mark Parnell, who has proposed a good way forward to compensate and provide for damages for farmers in the cases in which limited areas are growing GM crops and exposing non-GM farms to genetically modified materials.

Many members would be aware that at the federal level Greens Senator Rachel Siewert successfully moved a motion in March last year calling on the government to implement a national contamination insurance scheme that protects non-GM farmers from future contamination. The scheme proposed by the Greens was to be funded through GM crop levies. I will read the motion, because it is important to note that the Senate agreed to this motion, which makes a call on the Western Australian government. The motion states —

That the Senate —

- (a) notes the intention of the Western Australian State government to review its Genetically Modified Crops Free Areas Act 2003;
- (b) calls on the Western Australian State government to retain the legislative framework that creates ... (GMO) free areas within Western Australia;
- (c) notes the enormous financial costs, including court fees and loss of income, that Mr Steve Marsh has incurred after having his organic farm contaminated by genetically-modified (GM) canola from a neighbouring farm; and
- (d) calls on the federal government to facilitate the creation of a national contamination insurance scheme that ensures that the clean-up and loss of income costs associated with cleaning up a GMO contamination is funded by levies on GM crops.

Previous to that, Senator Siewert also introduced a private member's bill that sought to properly label genetically modified organisms. Despite these initiatives, successive federal governments have failed to fully grasp the challenges that GMOs present. The fact that there is so much opposition to these kinds of protections is a reflection of my point that ensuring the segregation of crops is incredibly difficult, and there is very little appetite from those on the conservative side of politics to meaningfully protect farmers who choose not to be steamrolled into growing GM crops. This is a very real David and Goliath battle. Individual farmers do not have the same political clout as large pro-GM corporations.

As I have outlined, the expansion of the growing of GM crops will further highlight our difficulties maintaining the effective segregation of crops. This will also have major impacts on the state's ability to market itself as clean and green. It is far from clear whether repealing the Genetically Modified Crops Free Areas Act 2003 will benefit our state economically. In fact, it may well serve to have a detrimental effect. In a time when the Western Australian economy is transitioning from an over-reliance on the resource sector, it becomes even more crucial that we are mindful of how the rest of the world views us. We know that tourism presents significant opportunities for us all. Thanks to Tourism Australia, we know that when Chinese consumers select a holiday destination, they look for places of "world-class beauty and natural environments". Allowing the unfettered use of GM crops will undoubtedly compromise these perceptions of Australia as a natural and beautiful land. Our neighbours in New Zealand, who depend on their clean and green image, recognise the opportunities of being able to promote themselves as GM free. Councils in New Zealand are developing policies that formally enshrine their GM-free status and are joining with regions in France and Italy that are GM free, as well as countries that are GM free, including Germany, Greece, Scotland and Latvia. There is widespread acknowledgement that being able to market GM-free exports is a major economic opportunity.

I will read into the record an article by John Bostock on the GM-free market in New Zealand, because his words rang true to me when I read them. The article from March this year is titled "John Bostock: GM-free market boost for region" and shows a picture of Bostock New Zealand owner, John Bostock, and Mr Apple chief executive officer, Andrew Van Workum. The article reads —

Just last week, two of the US's best known food companies, General Mills and Mars, announced they will label all products containing genetically modified (GM) ingredients.

The companies' move confirms the huge growth in North American consumer awareness and market demand for GM labeling—a global trend that will ultimately leave no place to hide for GMOs.

More importantly, the non-GM food economy is booming in the US: in two years, launches of GM Free products there have grown at a rate of 262%—around 2000 a year. Hawke's Bay producers are well placed to meet this growing demand given that our region's fields are free of GM crops.

The US is not the only market where GM-free food is now effectively the market standard for premium foods. Across Europe and Asia, people want GM-free food and are prepared to pay for it.

That is why maintaining our GM-free status is vital to attracting top dollar for Hawke's Bay food products.

Farmers and growers who want to keep Hawke's Bay's productive land GM-free embrace science and are keenly interested in innovation that makes their businesses more efficient and sustainable.

Science and innovation is imperative to running successful agricultural businesses, which are the backbone of the Hawke's Bay economy—creating jobs and economic opportunities for the community.

But while we can't afford to turn our backs on science, we can't afford science that the market place doesn't want. And whether Federated Farmers like it or not, our consumers don't want a bar of GM.

Protecting our GM-free status will not leave Hawke's Bay farmers short of options. Far from it. To date, genetic modification has been a non-event for high-value food production. It has remained stuck in a rut of generating herbicide and pest resistant varieties for broad acre cropping systems. Ninety nine per cent of all GM food in the world is grown in the Americas and is used in animal feed, in domestic markets and in products that don't need to be labelled—hardly a winning economic strategy for the Hawke's Bay economy.

As food producers, it is of real concern that the president of Federated Farmers refuses to acknowledge the opportunities that GM-free food production offers New Zealand exporters in competitive markets—or the serious economic risks that GMOs pose for a food export-dependent country such as New Zealand.

Dr Rolleston's ideological crusade to have New Zealand food producers adopt GM is one that the country can ill afford, when market rejection of GM is so strong.

His views are not shared by some of the country's leading food exporters, including Fonterra and Zespri, who are quite clear that GM food production is not consistent with our clean, green brand. Horticulture New Zealand takes a similar view.

Given how vital food production is to the local economy, it is fitting that Hastings District is the first in New Zealand to secure its GM-free food producer status under the local plan.

It makes good economic sense to capture the benefits of our current GM-free status, and review the situation down the line.

That was an article written only a couple of months ago in March by a highly-respected local grower, packer, exporter and a member of the Pure Hawke's Bay brand, which I am aware of even though I am not a New Zealander. This is the opportunity that is forgone, and, from time to time, members question whether that is real. It is real. We have to accept that New Zealand is capturing that clean, green lucrative market. It is openly embracing it and its consumers love it. They are achieving things around the world. The last time I was in the United States, the amount of product from New Zealand that was on the shelves, even in places like Costco, was incredible, and it all has that clean green stamp on it. At one point, this country was on that road. We even had something called Western Australian Q Lamb. We were on that road of establishing that clean, green organic and ethical label. We were on the precipice of really capturing that market and going right along behind our New Zealand neighbours. Somehow, after the Genetically Modified Crops Free Areas Act 2003 was passed, we took a turn and lost our way. This Genetically Modified Crops Free Areas Repeal Bill 2015 does not take us forward; it takes us back. In and of itself it does not do that, but it does that through its surrounding implications. It puts our efforts in this area instead of developing that clean, green image, protecting organic and non-genetically modified farmers, and also developing conventional breeding techniques, which have proven to be incredibly successful. I will mention one of them as I conclude my remarks.

I am sure many members have mentioned the Gene Ethics network previously. Having worked for Jim Scott way back when, I have known Bob Phelps for years and I commend his work and the work of the Gene Ethics network. It has discussed the complexities of the impact of GM crops on markets in its submission to the federal Department of Agriculture, Fisheries and Forestry's "Agricultural Competitiveness Issues Paper". I do not want to quote too much of it but it is relevant to this bill we are considering. Bob makes the point —

Section 21 of the Commonwealth Gene Technology Act 2000 gives state governments the power to establish GM and GM-free Zones for marketing reasons. All the canola growing states exercised these powers in 2003 when Monsanto and Bayer were granted unlimited, unrestricted and unconditional licences for the commercial sale of their herbicide tolerant GM canola seed varieties. Though three states unilaterally ended their GM-free Zone status (WA, 2010; NSW & Vic 2008) by allowing GM canola to be grown without the agreement of the other states or their citizens, Tasmania and South Australia have remained GM-free Zones since declaring them in 2003. This reflects the commercial reality of their primary industries and the sentiment of their communities. Herbicide tolerant GM canola offers no market advantages but threatens the overall marketing of the primary products from those states. Tasmania has already spent more than a decade cleaning up GM canola contamination from field trials conducted in the 1990s.

If members are interested I can provide them with a link to the biosecurity quarantine audit report Gene Ethics has collected —

We fully support the Tasmanian and South Australian GM-free Zones, as they are enhancements, not limitations. An increasing number of markets will not accept genetically manipulated products. Strong Japanese demand at premium prices for GM-free produce from Kangaroo Island and Tasmania are ignored in the official vision of a high tech future. Neither the high-fibre barley nor salt-resistant wheat being researched by the Australian Centre for Plant Functional Genomics in Adelaide, have near-term prospects of commercialization. Even if field trials were a success, it remains to be seen if they surmount practical, performance and regulatory hurdles. Numerous publicly-funded Australian GM research projects that cost billions of dollars have already failed: e.g. weevil resistant peas, non-browning fruits and vegetables, longer shelf life foods, and feral animal biocontrol. There are no GM silver bullets as the burgeoning insect and weed resistance to existing herbicide tolerance and Bt insect toxin traits amply show.

A just-published Friends of the Earth International report — Who benefits from GM crops, 2014 shows that GM crops and their global acceptance are dramatically declining ...

Again, I can provide that link to members should they wish to look at that —

In summary the report's findings are:

- Over 90 per cent of GM crops are grown in just six countries: USA 40%; Argentina 14%; Brazil 23%; India & Canada 6% each; China 2%; 21 others including Australia 8.3%.

- Industry figures show the claimed increase in GM acreage in 2013 was in those six countries.
- This is not a global industry as 160 countries and 60 dependent territories remain GM-free.

I believe I saw something yesterday that said Brazil had just decide to be GM free —

- Less than one per cent of the world's farmers grow any GM crops.
- The number of countries cultivating GM crops is in decline, with Poland and Egypt the latest countries to suspend GM crop production. Bavaria has just declared the 62nd GM-free Crop Zone in Europe.

What is happening with Europe? That vote was today. Does anybody know?

Hon Amber-Jade Sanderson: No, it is too early.

Hon LYNN MacLAREN: Okay. The report continues —

- Mexico, Kenya, Egypt and Poland recently suspended cultivation of some GM crops.
- Ninety nine per cent of commercial GM crops resist pesticides or make their own insect toxins, resulting in increased pesticide use overall.
- The USA, Argentina and Brazil have upward trends in chemical pesticide use as a result of their long use of GM crops.
- In Africa, only South Africa, Burkina Faso and Sudan grow any GM at all but GM industry lobbying may open up the continent to GM crops, closing down other more appropriate and sustainable options.

The GM-free states, Tasmania and South Australia, are also complying with the views of voters, citizens and all political parties.

I will leave that there but I commend that report to members. It is the comments by Gene Ethics on DAFFS' "Agricultural Competitiveness Issues Paper" of 17 April 2014. Gene Ethics is located in Melbourne, Victoria in that really groovy sustainable building. If members ever get to Melbourne, Gene Ethics would welcome them, and it has a wealth of information for members should they wish to find out more about the movement across Australia for a gene ethics future.

The Greens support for a moratorium on the release of GMOs because of certain implications for our health as well as the health of the environment is based on the precautionary principle. This is something that Hon Jim Chown asked about earlier. We believe that there is still a need for research to be conducted on GMOs undertaken by researchers independent of proprietary interests. The World Health Organization's position on GM sums up this point because different GM organisms include different genes inserted in different ways. GM food and their safety must be assessed on a case-by-case basis. The claims that reputable scientific body's support GM are very weak. These bodies have not done independent study or independent testings and their statements are often highly qualified, as noted in a report of the National Academy of Sciences commissioned by the United States Department of Agriculture, the US Department of Health and Human Services, the US Food and Drug Administration and the US Environmental Protection Agency. There are sizable gaps in the knowledge and understanding of how these crops may affect health.

So that members are up to date on the latest science, I want to quote a couple of paragraphs from the executive summary of The National Academies Press OpenBook article titled "Safety of Genetically Engineered Foods: Approaches to Assessing Unintended Health Effects". It states —

This report is intended to aid the sponsoring agencies in evaluating the scientific methods to assess the safety of GE foods before they are sold to the public. The task presented to the committee by the sponsors was to outline science-based approaches to assess or predict unintended health effects of GE foods in order to assist in their evaluation prior to commercialization. The committee was charged to focus on mechanisms by which unintended changes in the biochemical composition of food occur as a result of various conventional and genetic engineering breeding and propagation methods, the extent to which these mechanisms are likely to lead to significant compositional changes in foods that would not be readily apparent without new or enhanced detection methods, and methods to detect such changes in food in order to determine their potential human health effects. The committee was further charged to identify appropriate scientific questions and methods for determining unintended changes in the levels of endogenous nutrients, toxins, toxicants, allergens, or other compounds in food from genetically engineered organisms ... and outline methods to assess the potential short- and long-term human consequences of such changes.

The committee was charged to compare GE foods with foods derived from other genetic modification methods, such as cross breeding, with respect to the frequency of compositional changes resulting from the modification process and the frequency and severity of the effects of these changes on consumer health. As part of this comparison, the likelihood that elevated toxin or allergen levels would occur in domesticated animals or plants that are modified by different methods was to be considered. Based on this analysis, the committee was charged to discuss whether certain safety issues are specific to GE foods, and if so, recommend approaches for addressing these issues. In addition, the committee was to separately evaluate methods to detect potential unintended compositional changes and health effects of foods derived from cloned animals. The evaluation is presented in a short subreport, separate from, but designed to accompany, the committee's full-length report on foods derived from genetic modification methods.

The report's conclusion states —

In response to its charge, the committee has developed a framework to identify appropriate scientific questions and methods for determining unintended changes in the levels of nutrients, toxins, toxicants, allergens, or other compounds in foods from GMOs, in order to assess potential short- and long-term human health consequences of such changes. Although the array of analytical and epidemiological techniques available has increased, there remain sizeable gaps in our ability to identify compositional changes that result from genetic modification of organisms intended for food; to determine the biological relevance of such changes to human health; and to devise appropriate scientific methods to predict and assess unintended adverse effects on human health. The committee has identified and recommended pre- and postmarket approaches to guide assessment of unintended compositional changes that could result from genetic modification of foods and research avenues to fill the knowledge gaps.

Finally, the report states —

The recommendations presented in this report reflect the committee's application of its framework to questions of identification and assessment of unintended adverse health ... and they can serve as a guide for evaluation of future technologies.

The relevance is that we need to take a precautionary approach. It is not fair to say that the science is in, that it is all over and done with and that all the studies have proven that GM is safe. Whether it is going to be safe in our food or escape into the environment and contaminate other plants, animals or our ecosystems are relevant factors for whether we allow the unfettered growth of GM across Western Australia.

A more recent National Academies of Sciences, Engineering and Medicine report backs the findings reported in the article written by The Conversation online. That makes the report a little bit more understandable because being in The Conversation, it is in conversational English. Briefly, I will make some points that hopefully drive this home for members. The article was written by Peter Kareiva, who is the director of the Institute of the Environment and Sustainability at the University of California, Los Angeles—also known as UCLA—and states —

I know many people want a definitive unqualified “thumbs up” or thumbs down” from our committee. They are not going to find it in this report. Because GE crops are developed in so many different ways, with so many different traits, and in so many different plant species or varieties, we cannot give a one-size-fits-all verdict. Hoping for a simple yes or no in this matter is akin to expecting a committee of experts to conclude “men are good” or “men are bad.” However, setting aside absolutes, we can say some things that should be useful to the public dialogue.

...

Continued regulatory vigilance is warranted. Any new crop variety with novel traits—whether genetically engineered or conventionally bred—should be subjected to safety testing, but in a tiered fashion so that testing is directed where it is most needed. Our report calls for increased transparency and public participation, and as a researcher in the field I personally hope that it catalyzes the establishment of open data bases tracking GE adoption and impacts.

Really, that is somewhat reflected in the report from back in 2003. It said that we should set up a committee of the public that can track the adoption of GM technologies and can be used as a guide to government in decision-making. If members get a moment to review that committee report they would learn so much about this debate. Hon Kate Doust said she was a member of the committee and it was chaired by Hon Chrissy Sharp, who was a Greens member for South West Region at the time. Members would see that the adage in *Ecclesiastes* is the same: “There is nothing new under the sun.” If members look at the report, they will see that it highlights the debatable questions. It makes recommendations for how all persons involved can go forward, as Hon Sue Ellery

mentioned yesterday, for not only for the GM industry, but also everyone involved. Perhaps the recommendations in the committee report could be reviewed in light of the desire to lift the gate. If there were an opportunity for such a review—if we went offline from this current second reading debate—I would think there is much material we could use in that committee report.

To conclude with The Conversation's article that tries to explain why this is important, I want to quote also from Leland Glenna. He states —

Herbicide-resistant, insect-resistant and virus-resistant crops, for example, are three very different technologies and have had different social, economic and environmental impacts. New and emerging technologies and applications, such as CRISPR-Cas9, add further nuance and complexity.

Finally, he states —

New technologies bring both promises and perils, and aspects that are promising to some people are perilous to others. The report makes it very clear that assessing the experiences of and prospects for GE crops is about more than merely evaluating technical risks. Legal, economic, social, cultural and individual factors are also relevant.

If we have a system in Australia in which a federal committee looks at the technical risks but then it does not have the capacity to look at the other factors that have been raised as relevant to assessing whether GE is safe, have we really succeeded in ensuring that Western Australians are safe or pursuing GE technology within the boundaries that the public would allow? That whole point is really about the precautionary principle and how we need to take a precautionary approach; it is all the leading science. I have stuff going way back to like 2001 from scientists who have assessed this over more than a decade. I have only really pulled out the most recent stuff to indicate that, no, we have not achieved what some claim we have achieved. An appropriate gatekeeper approach is still needed, not only from an ideological and political perspective but also because the science dictates that the other factors of social, environmental and economic impacts are relevant to whether we choose to grow GM crops. To distil it and make it a little simpler, I looked at the latest report from MADGE Australia Inc. I am sure that other members have mentioned the MADGE group. Fran Murrell has been to Western Australia on several occasions and has spoken out the front of Parliament House and been party to petitions and inquiries as part of MADGE, which among other things is known as Mothers are Demystifying Genetic Engineering. Its booklet titled "Fed up with allowing GM in our food: FSANZ" is a very easy read; it is something that most people can pick up and easily understand and it contains diagrams that illustrate the problems with the current system. It is also relevant to note that labelling laws do not require all GM foods to be labelled, thereby removing the right of the consumer to be informed about what they are eating. I do not want to dwell on this point.

Hon Alyssa Hayden: It's meant to be relevant to the repeal bill.

Hon LYNN MacLAREN: In this debate we are talking about growing GM, but the issue is about choice. The issue I keep coming back to is: do we still have the choice and are we exercising our rights —

Hon Alyssa Hayden: To the repeal bill—it's got to be relevant to the actual bill in front us. Is it relevant to the bill in front of you?

Hon LYNN MacLAREN: It is, because the bill repeals the GM Crops Free Areas Act. I am making an argument about GM crops and whether we should still have the capacity to have GM-free zones, so it is relevant. I am saying that one of the reasons we would choose to have GM-free zones is the ability to choose GM-free food.

At page 10 of the MADGE report, there is a very good summary of why we believe we are being denied the ability —

Point of Order

Hon JIM CHOWN: I have a point of order under standing order 47—relevance. This debate is about a bill to repeal the GM Crops Free Areas Act. It is not about MADGE and it is not about food; it is about repealing an act. I would like the member to get back to the point in question.

The ACTING PRESIDENT (Hon Liz Behjat): Parliamentary secretary, there is no point of order. Although I agree with you that the bill is a short bill to repeal an act, the purpose of the second reading debate is to discuss the policy surrounding the bill. Of course, in the area of genetically modified foods we are talking about an incredibly broad area. I note that the member currently with the call has at all occasions brought the debate back to why she feels it is relevant to the policy of this bill. I have been listening very closely. I have not been hearing any tedious repetition, which is what I think you are referring to.

Debate Resumed

Hon LYNN MacLAREN: Thank you, Madam Acting President. From the tremendous volume of information on this and the deep concerns of the Western Australian public about this matter, there is much more that I could be discussing than I am intending to discuss in this second reading stage of the bill. As we know, Hon Darren West spent a considerable amount of time on this, yet I still thought he was interesting even into the eighth hour of his contribution. We are not doing a simple thing. There is a lot of detail to discuss and it is critical that I, as potentially the only Greens speaker in this debate, put on the record exactly why the Greens are opposing this repeal bill. Not only that, the Greens were a key component in bringing in the act in the first place, so we are defending it with the energy that we exercised when the act was established.

Debate interrupted, pursuant to standing orders.

[Continued on page 3990.]

Sitting suspended from 4.15 to 4.30 pm