

GENETICALLY MODIFIED CROPS FREE AREAS REPEAL BILL 2015

Consideration in Detail

Resumed from an earlier stage of the sitting.

Clause 3: *Genetically Modified Crops Free Areas Act 2003* repealed —

Debate was interrupted after clause 2 had been agreed to.

Mr C.J. TALLENTIRE: Clause 3 of the bill is the clause under which we have been directed to raise the substance of the debate around this issue. I note that there has not been ample opportunity for good debate in this place on the merits or otherwise of this legislation. It is sad that on this major decision about whether we should allow Western Australia to be open to GM crops—this open-slatheer approach—we are making this decision so lightly.

Previously, the Minister for Emergency Services, who is acting for the Minister for Agriculture and Food in this place, commented that at the moment we can grow only two genetically modified crops in WA—that is, GM canola and GM cotton. One of the reasons that we can grow only two GM crops in WA is the Genetically Modified Crops Free Areas Act. It has been the gatekeeper and kept out the other ones. In this instance the minister is happy to leave it all to the federal government agency, the Office of the Gene Technology Regulator. If it says that something is okay, we will let it in and there will be no way of keeping it out. The minister is happy to give up our opportunity to make rational decisions. They may be the sorts of decisions that are not within the usual scope or thinking of the Gene Technology Regulator, but the minister is happy for us to give away that right to make our own decisions as Western Australians. If something such as GM wheat gets the tick from the Office of the Gene Technology Regulator, we can be sure that it will be grown by somebody or other in this state and we will have no right to say no to it. We will have no right to intervene and protect our fantastic marketing advantage of being able to say that we are a GM-free wheat producer. We will not have any opportunity to control that GM-free marketing advantage.

The government has embarked on a race to the bottom because commodity production will be only a contest about who can produce a product at the lowest price. The product will go to those consumers who do not care about whether they consume a GM-free product. It will not go to those consumers who are prepared to pay a premium price for a GM-free product. It will go onto the global market and we will have to take whatever the global price of the day is. There will be no opportunity for us to act as price setters—none at all. This is one of the worst acts of destining the Western Australian grain production system to being a simple commodity production system. What a shame. It is a missed opportunity. We could be up there as price setters with a product that is unique to Western Australia—that is GM-free; with a regional connection; something we can be proud of because it is clean and green and unique—but the minister is prepared to let that go.

That is the tragedy of it, yet what sort of debate have we had about it? We have had contributions to the second reading debate. We had a relatively brief response from the minister at the second reading stage. The new Minister for Agriculture and Food never even entered into the debate on this issue when it went through the other place. There is no way we can say that this issue has been tested by the government. The opposition has to do its job and conduct due diligence by testing out the government of the day on issues. The minister did not know that this was being run by officers in the biosecurity area of the Department of Agriculture and Food. The minister thought that this was being run by people in the biodiversity section of the Department of Agriculture and Food. I might need a brief extension of time.

That leads me to another point about the whole structure of the Department of Agriculture and Food and its staffing arrangements for this area. I gather that there have been some significant changes.

Mr J.M. FRANCIS: I am interested to hear more from the member for Gosnells.

Mr C.J. TALLENTIRE: I thank the minister.

Such has been the government's lack of priority for funding for the Department of Agriculture and Food that 18 months ago, those good officers at the Department of Agriculture and Food who were working on the various genetic modification projects were transferred into the biosecurity division of the Department of Agriculture and Food. That was when the government was slashing numbers in the biosecurity area of the department. The government was able to move these people working on GM matters into the biosecurity area to make it look as though it had not slashed the numbers in biosecurity, even though it was quite apparent in the budget before last that 30 jobs were lost. That would have been in the May 2015 budget. It was pretty clear that 30 staff from the biosecurity section were dismissed. That in itself is a tragedy. What is the connection between biosecurity and GM? GM staff would have scientific knowledge of gene technology, and I assume some would be involved in the marketing issues. However, given the government's treatment of this legislation, I can only suspect that there

is no knowledge about the marketing implications of Australia losing its GM-free status. It is a tragedy that that is going on without the benefit of good, frank and fearless advice, because the government has slashed the public service to such an extent that it is even restructuring the public service. In the Department of Agriculture and Food, genetic modification specialists have been mixed in with biosecurity specialists. How can the minister be getting the very best of advice if that is how he is treating the agency? He will not be getting that impartial and knowledgeable advice. I do not get the connection between biosecurity and genetic modification people. The minister will have to explain that to me.

The minister will also have to explain how he got his advice about the implications of this decision on the marketability of our grains. Where will he get that from? I would have thought it would be clear to anyone with any marketing qualification. The minister will know that I have an agribusiness marketing degree from Curtin University. The golden rule of marketing is to make sure that we produce what the consumers want. It is not, as the minister was suggesting earlier, about letting the producers decide what they want to produce. If we do that, we are destined for failure. We must produce what the consumers want. We talked about this in the second reading stage. We suggested doing a test around this place, asking who wants to eat GM food and who does not. Every time, the majority will go for food that is GM free. That is the basic marketing test. Until the government can prove to Western Australians that there is massive demand for GM products, there is no way we should be losing our GM crops free areas act. It is a tragic mistake for the marketability of our agricultural produce. It is a serious mistake.

There are two questions that the minister must answer. Where does his advice come from about the marketing, the marketability, and the dent that our marketability as a clean green producer of GM-free produce will suffer? Where will that go, and what will it cost us? What are the marketing implications? How many millions of dollars will we lose from the value of our agricultural produce if we lose our reputation as a clean green producer? How many millions of dollars will that cost us in the marketing of our reputation? The minister must answer that question, and he must also answer the question about how GM technicians came to be bundled in with biosecurity staff. How does that relate to the structure of the Department of Agriculture and Food and the ability of that department to provide the minister with good advice on marketing issues, biosecurity issues and GM technology? The minister will not be getting the best of that advice if it is filtered through and lost in the biosecurity area, and likewise he will not be doing the best for biosecurity. This is an absolute tragedy, and we will rue the day. It lets everyone down, especially our farmers and consumers.

Mr J.M. FRANCIS: Before I delve into the comments made by the member about the marketing of GM and non-GM crops and their export, can I say that, although I am not easily offended, I take a bit of offence, on behalf of the staff of the Department of Agriculture and Food, at the member's reflections on their knowledge and impartiality. That is a slight on the professionalism and independence of public servants in this state.

Several members interjected.

Mr J.M. FRANCIS: It is not me the member is having a crack at; I am free range, but staff are not—public servants are not. Quite frankly, the member for Gosnells should be better than that.

Several members interjected.

Mr J.M. FRANCIS: The member for Gosnells should be better than that. I want to put on the record my objection to his reflecting on the staff of that department in that manner. When it comes to the member's concerns about export markets, I can say this. The member knows, as I have said in here before, that about 30 per cent of the canola crop now grown in Western Australia is genetically modified. The European Union is still our biggest export market for non-GM canola. That means that it has faith in the ability of the state of Western Australia to segregate crops and still buy non-GM canola from Western Australia. Japan is still a major importer of both GM and non-GM canola from Western Australia. In fact, Japan also buys a lot of GM canola from Canada. I would just like to reinforce the fact that our customers, if you will—countries that buy produce from Western Australia—have complete faith, as has been proven over the last couple of years since a large-scale GM-canola crop has been grown in Western Australia, in the ability of the supply chain to separate those products. If that was not the case, we would see a different purchasing pattern coming from our customers that would demand segregation. I do not accept the member's position that the state of Western Australia is somehow jeopardising its branding or jeopardising a market because we grow a GM crop here. A GM crop has been grown here since 2010 and it has not impacted whatsoever on our major markets. We sell two types of crop—GM and non-GM—into those markets.

I will sit down. I am sure that the member for Gosnells has more comments to make, and I will listen to them intently for as long as I possibly can. However, I point out that I appreciate the fact that the Labor Party does not support this legislation. That is its right. We heard the debate in the Legislative Council go on and on and on and on for hours and hours. The time will come, probably later today or tomorrow, when this Parliament will have to

make a decision about this. The government has made its case very clear as to why it supports the repeal of this bill. The opposition has made its case, and the farmers, the growers, and everyone else has made their case for years and years and years.

Mr M.P. Murray: Which you have not listened to.

Mr J.M. FRANCIS: The member says we have not listened, but I say we have listened.

Mr M.P. Murray interjected.

Mr J.M. FRANCIS: That is fine; we will have to agree to disagree.

Mr M.P. MURRAY: I would like to jump in. Although I probably could be called to order on this, I think that I also have to make a comment about the staff's position. Certainly the briefing we had gave us a very distinct view that that was what was wanted and that was what the staff wanted as well. That is my comment in response to the minister's comments along that line. I am saying that. Only three of us on my side of politics were there, and we talked about that afterwards. I will not make any further comment on that, but that was the way that we picked the briefing. That is as honest as I am standing here. We know whom we are talking to.

I still have problems with part 2 and what discussions have occurred with the federal government on this issue. Have any mistakes been made over there or is there something that the minister may have wanted to put in the bill or did not put in the bill because of his contact with the federal government? I would really like to hear what happened there because, surely, there was some interaction between the federal and state governments before this bill was drafted, or during its drafting, to make sure that mistakes were not made that were previously made over there.

Mr J.M. FRANCIS: I ask the member to give me a little more information. I accept that he is trying to ask a legitimate question and I will try to give him a legitimate answer.

Mr M.P. Murray: I'm saying that we will now fall under the federal government's jurisdiction. Have there been any mistakes that could have been tidied up with a bill that came to the state and still kept the state jurisdiction?

Mr J.M. FRANCIS: Does the member mean in other states —

Mr M.P. Murray: Yes.

Mr J.M. FRANCIS: — such as Queensland?

Mr M.P. Murray: It doesn't matter where. I'm not particular about it. I'm just asking whether there is. I don't know of any. I am asking whether any research has been done to make sure that, in repealing this act, we don't leave areas that should have been tidied up with maybe a small bill beside this one.

Mr J.M. FRANCIS: I am advised that the only example that is known of is that when the Brisbane River flooded, a greenhouse that had genetically modified bananas growing in it flooded and all the GM bananas drowned, for want of a better word.

Ms M.M. Quirk: Were inundated.

Mr J.M. FRANCIS: They were wasted—that is probably not the right word either! The member gets the idea. There was no escape, if you will—I am going to curse myself for using that word too. There was no outbreak of GM bananas; it was contained.

Mr C.J. TALLENTIRE: I am happy to clarify my concerns about the advice that the minister is getting. I have respect for the staff at the Department of Agriculture and Food, but the fact is that people have their specialties, especially in science. So it is wrong for people who are technicians or scientists to be giving the minister advice on a piece of legislation that will have huge ramifications for the marketability of our produce. Somebody who has a weighty PhD in gene technology and has worked away for years will not be conversant on marketing issues, and it would be completely wrong to suggest so. That is why I am asking whether the minister is getting the breadth of advice that he needs so that he can properly appreciate the consequences of this decision.

The minister has tried to glibly dismiss the issue of the marketability of our produce by using the example of canola. The whole point is that this is about getting rid of the constraint on not just canola. We have already let canola through. That has already gone; forget about that. It is likewise with cotton. We are talking about crops in the future. We will have to allow any future crop that the Office of the Gene Technology Regulator deems to be okay to be grown here. So what will be the consequence for our A1 wheat or our barley and oats? That is the real marketability issue. It is not about canola. People do not eat canola directly. It is not the big game at all. What is really of concern is that if the OGTR decides that GM wheat is okay, we will have no way of stopping the production of GM wheat in WA, and before we know it, we will have a marketing reputation for being the producer of a global GM-wheat product that is the ultimate price-taker crop. We will have no way of

distinguishing our product from others anywhere else in the world and we will just have to take the global price. That is the real tragedy. I want to be clear about it: the minister is not getting the right advice if he takes it from people who are technically skilled in genetic modification. They are highly competent and brilliant, and I admire the quality of technical skill and scientific expertise that a person must have to be able to work on the development of GM technology. It is amazing technology and it has uses and applications in the pharmaceutical industry. But people who have that skill set are not the people the minister should be getting advice from when it comes to marketing implications. That is why I suspect that the minister's response to me of a few moments ago was so narrow. He just outlined the implications for canola. I would contest those anyway, but, minister, it is much bigger than canola. It is about the implications for our reputation as a producer of GM-free wheat, oats, barley and whatever other grain crop we want to talk about in the future. That is what is at stake here and that is why the minister needs to have the very best marketing advice. As I say, it always goes back to the issue of producing what consumers want. Where has the minister got the advice to the contrary?

Mr J.M. FRANCIS: I will come back to the member's question, but I will comment on the interjection from the member for Warnbro. The comment that members of Parliament do not have the ability to research or have not researched these matters themselves is wrong. Last Thursday at the end of the second reading debate on this bill I made the point that in 2009, as the newly elected backbench member for Jandakot, when there was talk about allowing exemptions for GM canola in Western Australia and all members of Parliament were inundated with correspondence from pro and anti-GM proponents, I went out on my own steam to talk to Professor Singh at Curtin University. He is not a grower, he does not sell grain and he is not involved in it. He has no financial interest whatsoever other than the fact that he is one of the premier scientists in this particular field and—this was in 2009—I could get absolutely impartial and independent advice about issues like this. The reflection that people do not talk to experts —

Mr P. Papalia interjected.

Mr J.M. FRANCIS: I am just commenting on the member for Warnbro's reflection. Having said that, I spoke to a lot of other people about these issues, way before I even knew I would have carriage of this bill.

Mr P. Papalia interjected.

Mr J.M. FRANCIS: The sum total of the member for Warnbro's research today was to put some words into Google, so congratulations.

I come back to the issue raised by the member for Gosnells about consultation and the will of people who are involved in this particular market. I hear the member for Gosnells, but I do not agree with him.

Mr P. Papalia interjected.

Mr J.M. FRANCIS: I do not even know what he is talking about, sorry.

The Grain Industry Association of Western Australia is the peak body representing the interests of those in the grain supply chain. That is not negotiable; everyone accepts that. There are also other organisations such as the Ord River District Co-operative. There are major players in this sector in Western Australia.

Mr P. Papalia interjected.

Mr J.M. FRANCIS: Both the Grain Industry Association of Western Australia and ORDCO support the repeal of this act. The "WA Grains Industry Strategy 2025+", which was developed by the Grain Industry Association of Western Australia and launched at an annual crop updates event in February 2015, specifically noted that it would assist industry for the state government to repeal the Western Australian Genetically Modified Crops Free Areas Act 2003. There can only be so much consultation and, as I said earlier, I accept that the member does not agree with this bill, I accept that he will vote against it and I accept his belief that the majority of people involved in growing grains in Western Australia are on his side. I can accept that opposition members believe that, but they have to accept that the government believes they are wrong.

Mr C.J. Tallentire: What about consumers?

Mr J.M. FRANCIS: I have just gone through the fact that markets such as the European Union still buy both GM and non-GM canola from Western Australia.

Mr C.J. Tallentire: But what do consumers really want? What about wheat? Does anyone want GM bread? No! Tell me one person in this room who wants GM bread.

Mr J.M. FRANCIS: Diabetics inject insulin into their bodies! Come on, member! The bottom line is that a lot of organisations and people with an interest in this field support the government's position. I will not give gratuitous political advice to the opposition, other than to say that it has read the mood of the electorate wrongly, but that is its problem.

Mr M.P. MURRAY: Before I get to the main thrust of my question, I see a gentleman over there who is rather short of hair getting a bit itchy and probably looking at gagging debate. I remind members that that is not the

way things go. One thing about this is that I can count and if things fall the way I would like them to, I will make sure they bloody count afterwards! That is a warning about how many times the government uses the gag. We have learnt over a long time in this place that the boomerang keeps coming around and clouting people on the back of the head. I am reminding the Leader of the House of that. If he wants to play, that is fine. But if it falls the other way—he will not be here, so it will not matter—it will come back and haunt the rest of his colleagues, as it has done for us on several occasions when we had previous ministers who loved to use it, and then it was used against us. It has not been used for quite some time in this place, but that is just a slight warning. The Leader of the House does not have to take it if he does not want to. It is like the advice we get from the minister; we do not have to listen to it. It is quite simple. I will move on. I have had my say and I will get back to the bill, before the Chair pulls me into gear.

We have seen other countries that are desperate for food ban foodstuff such as eggplant. The way I see it, this bill does not guarantee in the future stopping a plant that has been banned in other countries from being grown in Western Australia. Why did the government not include something in this bill to cover that issue, instead of adopting the one-model-fits-all for Australia?

Mr J.M. FRANCIS: I am trying to follow the member.

Mr M.P. Murray: I understand that India has banned GM eggplant.

Mr J.M. FRANCIS: I would ban eggplant full stop, GM or non-GM, along with brussels sprouts!

Mr M.P. Murray: I am trying to say that other areas that you would think would embrace GM technology have banned GMOs, and I used India as an example, which has stopped GM eggplant from being grown there. What stops those sorts of plants coming into Western Australia when we do not have legislation for that? Let us face it, they could go into any of the other states, but why did the government not include in the bill some control and regulation over GMOs? I am not talking about saying no to GMOs, because the minister said he supported that. Why didn't the government bring in a bill that did give us some control?

Mr J.M. FRANCIS: While I am on my feet, if I take the premise of the member's question correctly, although I do not concede it, at the moment there would be nothing stopping someone importing genetically modified eggplant seed into Queensland, which does not have any legislation whatsoever, but they still could not grow it, and the seed cannot be brought into Australia because it is prohibited by commonwealth law anyway. I am trying to give the member a decent answer.

Mr M.P. Murray: I'm sorry if you haven't picked up my drift, but what I'm trying to say is—fine for there, but why didn't we put our protections in if we didn't want to grow it?

Mr J.M. FRANCIS: So the member is suggesting that the state of Western Australia copy —

Mr M.P. Murray: I'm saying to you —

Mr J.M. FRANCIS: I am not trying to be difficult; I am just trying to get to the crux of the matter.

Mr M.P. Murray: What I'm saying to you is that you've brought a broad brush, wiped it all out, and used one model; that's the Australian model. Why, in your sort of politics, didn't you bring in a new bill, not a disallowance, to keep some control of what we grow in Western Australia?

Mr J.M. FRANCIS: Is the member saying that we should have mirrored or carbon-copied the commonwealth import regulations and applied them to the state of Western Australia?

Mr M.P. Murray: No, I'm not. I'm saying that we would have a regulation here that they couldn't bring them in. We are now ceding all to the federal government.

Mr P. Papalia interjected.

Mr J.M. FRANCIS: That is right—the Office of the Gene Technology Regulator. The commonwealth already has that authority, so I just do not see why the state would mirror that as well, when other states have not mirrored it; Queensland certainly has not. There is a Labor government in Queensland, and I do not see it jumping up and saying it should go and do what the member is suggesting. I am happy to continue on this, but I still do not quite follow what the member is trying to get to.

Mr M.P. MURRAY: Maybe the minister has now sorted out what I am trying to put across here: instead of taking the whole bill out and leaving it open for the federal government to make decisions for our state, why did we not bring in a bill that would give us some room to manoeuvre if someone else wanted to bring in something that the rest of Australia might have agreed to and we did not?

Mr J.M. FRANCIS: The simple answer is that the producers will not grow it if there is no market for it and if it is not safe. If it was something like —

Mr M.P. Murray: Isn't that what the member for Gosnells tried to point out earlier?

Mr J.M. FRANCIS: No, I do not think so. He is suggesting the government should regulate it. We are saying that if the Office of the Gene Technology Regulator does not approve it as being safe, it will not be allowed to be brought into Australia, and if it does deem it to be safe, it will be allowed to be brought into Australia. If it is brought into Australia and grown and there is no market for it and it cannot be sold, silly grower; but, essentially, the bottom line of all this is that the growers will grow produce if there is customer demand to buy it. It is going to come down to a simple equation of supply and demand economics once it has been deemed safe by the Office of the Gene Technology Regulator.

Mr P. PAPALIA: Following on from what the minister just said, how many applications have proponents made to the Office of the Gene Technology Regulator to introduce individual GM crops to Australia? Of that total number of applications, how many have been rejected by the Office of the Gene Technology Regulator?

Mr J.M. FRANCIS: I am advised that that information is publicly available on the Office of the Gene Technology Regulator's website. I do not have a laptop in front of me so I do not have that information in front of me, but the member should be able to find it. It is publicly available information. I am advised that some people have applied for —

Mr P. Papalia: The deep research you were claiming earlier didn't include determining how many applications had been made to the authority that you are ceding our state's control of GM crops to. You didn't even determine how many had been made, and of those applications, how many had been rejected.

Mr J.M. FRANCIS: I cannot tell you that as I stand here without a computer in front of me, but I am informed that it is publicly available on the regulator's website.

Mr P. Papalia: Did any of your advisers seek that information?

Mr J.M. FRANCIS: Some have been rejected; obviously, they deem them safe.

Mr P. Papalia: Do you know what percentage?

Mr J.M. FRANCIS: If any member wants to look up the website on a computer, they will probably find that information now.

Mr P. Papalia: You ridiculed me before for googling.

Mr J.M. FRANCIS: I am standing here without even a phone in front of me, so I cannot provide that information. It is publicly available information.

Mr M.P. MURRAY: If the minister and the adviser do not know how many, could we then know who has applied?

Mr J.M. FRANCIS: I am advised it is an open and transparent system. It is publicised on the website. The member can look at it. I do not have it in front of me right now.

Mr P. ABETZ: Could the minister clarify for the benefit of the chamber that when it comes to agricultural and veterinary chemicals, my understanding of the system is—I have worked in it so I am pretty sure I am right—that the Australian Pesticides and Veterinary Medicines Authority evaluates whether a chemical is safe. It sets the parameters such as withholding periods and all that kind of thing. The state has ceded that right to that commonwealth body of bureaucrats to make decisions and it makes those decisions. We do not have a way of saying, "Sorry, you can't use that chemical in Western Australia," because that decision is made at a national level. Given that we have ceded that right to the commonwealth and given that agricultural chemicals are very toxic substances so we have ceded that authority, I understand that we have not ceded any other right to the OGTR. That body makes the decision and it covers the whole nation, so it is in keeping, is it not, with the philosophy of all our agricultural industries in the regulation?

Mr J.M. FRANCIS: The short answer is, yes. However I point out that the two crops grown in Western Australia now—canola and cotton—could not have been grown in Western Australia regardless of state legislation without the approval of the Gene Technology Regulator that it was safe. The answer is, yes, but even as of right now, everything that is done still needs OGTR approval.

Mr M.P. MURRAY: I have more of an interjection, I would say, than a question about that, but maybe the minister can help. I am now getting a little confused about whether it is sprays, chemicals or GM crops, but I understand that that is not necessary. The answer given under the guise of answering a question is not necessarily so if we come to fruit-fly sprays.

Mr C.J. TALLENTIRE: To get to the point that the member for Southern River is raising, I think there are controls under the Biosecurity and Agriculture Management Act on the use of sprays; perhaps the member might like to investigate that further. My particular question is: can the minister tell me of any GM crops that have been refused by the Office of the Gene Technology Regulator or Food Standards Australia New Zealand?

Mr J.M. FRANCIS: I am advised that no crops that have been applied for have been knocked back, but a species of fish called a GloFish—I am serious—was knocked back because of concerns that it might contaminate the natural environment. Apparently, a genetically modified GloFish was refused.

Mr Chris Tallentire; Mr Joe Francis; Mr Mick Murray; Mr Paul Papalia; Mr Peter Abetz; Mr John Day

Mr C.J. TALLENTIRE: I thank the minister for that answer, but the minister has really just further raised my concerns. If the Office of the Gene Technology Regulator and the Food Standards Australia New Zealand people have no record of rejecting any GM crop—not one that the minister can name—that suggests that they are not bodies that we can necessarily trust; or is the minister suggesting that they are happy with every GM crop that comes along? How can it be that we are handing over such a responsibility to these bodies? The minister has really answered my question, but I wanted to go to another issue. In 2014, I took the time to have a briefing from the then Minister for Agriculture and Food’s staff and departmental officers on the Gene Technology (Western Australia) Bill 2014. I do not know what happened to that legislation. There is my question: what has happened to it, and what is the interplay between this legislation and its removal, and the proposed Gene Technology (Western Australia) Bill 2014? I am particularly concerned because when we look at the purpose of the Gene Technology (Western Australia) Bill 2014, it states —

This Bill will replace the Western Australian *Gene Technology Act 2006* with an Act applying the Commonwealth *Gene Technology Act 2000* as a law of the State. The new Act will ensure ongoing uniformity without the need for specific amendments to the State Act whenever the Commonwealth Act is amended.

It just seems that everywhere we go with gene technology, we are handing it over to the commonwealth. The minister might tell me that this legislation has not advanced because I think it had some constitutional problems; its constitutionality was to be questioned. It seems to indicate the recurring theme that the state of Western Australia does not want to take any control in this domain at all; we want to hand it all over to the commonwealth. Let us consider what that really means. We have unique biophysical features in Western Australia. We have our own climate. Why would we want to rely on the decision-making of a commonwealth body that looks only at certain safety aspects and the applicability of those to the whole nation? It will not look at the particular conditions that might arise in the south west of the state or in the Ord area where, obviously, the conditions are very different from elsewhere. There are many different climate zones and soil types. We are a very different place from other parts of the country. Obviously, we are proud of that; we often say in this place how different Western Australia is. When it comes to the biophysical nature of the state, the base upon which our agricultural produce is grown, the difference is extreme. There is also that huge barrier between us—the island effect—thanks to the Nullarbor Plain, which means we are protected from the mistakes made on the east coast. Why would we want to give that away? The minister must address the issue of what has happened with the Gene Technology (Western Australia) Bill 2014.

Mr J.M. FRANCIS: Member for Gosnells, I am advised that in 2001 a commonwealth Gene Technology Act was passed and there was government agreement from all the jurisdictions around the country to effectively have uniform legislation in each state to provide a national and consistent regulatory system throughout all states and territories. Obviously, the bill was introduced finally in 2014. Obviously, when Parliament prorogues, outstanding legislation has to be brought back in. It was brought back in 2014. I understand it was bogged down in a committee. I understand also that the purpose of that bill is to improve the vehicle by which Western Australia legislates for our component of the national scheme for the regulation of gene technology. The purpose of the national regulatory scheme is to protect the health and safety of people and to protect the environment from any risk that may be posed by gene technology. But, as I have pointed out, a 2001 commonwealth act covers the whole country on these matters anyway.

Mr C.J. TALLENTIRE: There is a commonwealth Gene Technology Act 2000. As the minister rightly says there, is the Western Australian Gene Technology Act 2006. The minister suggested that the 2014 bill is bogged down in a committee of the other place, but this bill seeks to make our gene technology legislation totally uniform with other legislation across Australia. The explanatory memorandum says that the new act will ensure ongoing uniformity without the need for specific amendments to the state act whenever the commonwealth act is amended. Is this not just another case of our ceding to the commonwealth all power for the regulation of GM technology in Western Australia?

Mr J.M. FRANCIS: The Gene Technology (Western Australia) Bill is entirely separate from the bill now before the house. Members seek only to confuse issues by mentioning it in the context of this debate. It is a separate issue.

Question to be Put

MR J.H.D. DAY: I move —

That the question be now put.

Division

Question put and a division taken, the Acting Speaker (Ms J.M. Freeman) casting her vote with the noes, with the following result —

Extract from Hansard
[ASSEMBLY — Wednesday, 19 October 2016]
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Mr Chris Tallentire; Mr Joe Francis; Mr Mick Murray; Mr Paul Papalia; Mr Peter Abetz; Mr John Day

Ayes (30)

Mr P. Abetz	Ms W.M. Duncan	Mr S.K. L'Estrange	Mr D.C. Nalder
Mr F.A. Alban	Mr J.M. Francis	Mr R.S. Love	Mr D.T. Redman
Mr C.J. Barnett	Mr B.J. Grylls	Mr W.R. Marmion	Mr A.J. Simpson
Mr I.C. Blayney	Dr K.D. Hames	Mr J.E. McGrath	Mr M.H. Taylor
Mr I.M. Britza	Mr C.D. Hatton	Mr P.T. Miles	Mr T.K. Waldron
Mr M.J. Cowper	Mr A.P. Jacob	Ms A.R. Mitchell	Ms L. Mettam (<i>Teller</i>)
Ms M.J. Davies	Dr G.G. Jacobs	Mr N.W. Morton	
Mr J.H.D. Day	Mr A. Krsticevic	Dr M.D. Nahan	

Noes (12)

Ms J.M. Freeman	Mr F.M. Logan	Mr J.R. Quigley	Mr C.J. Tallentire
Mr R.F. Johnson	Mr M.P. Murray	Ms M.M. Quirk	Mr P.B. Watson
Mr W.J. Johnston	Mr P. Papalia	Ms R. Saffioti	Ms S.F. McGurk (<i>Teller</i>)

Pairs

Ms E. Evangel	Ms J. Farrer
Mrs L.M. Harvey	Mr M. McGowan
Mr J. Norberger	Mr R.H. Cook
Mrs G.J. Godfrey	Ms L.L. Baker
Mr G.M. Castrilli	Mrs M.H. Roberts

Question thus passed.

Consideration in Detail Resumed

Clause put and passed.

Clause 4: Act amended —

Mr C.J. TALLENTIRE: Clause 4 seeks to amend the Biosecurity and Agriculture Management Act 2007.

Mr M.J. Cowper interjected.

Mr C.J. TALLENTIRE: Sorry, did the member want to make a comment?

Mr J.M. Francis: The member has my attention.

Mr C.J. TALLENTIRE: I was curious to hear the member for Murray–Wellington's interjection.

In amending this state legislation, what implications are there for our main piece of legislation that covers the whole agricultural sector? What are the implications in removing any control that that legislation has for genetically modified crops? From my reading of the bill, if the Biosecurity and Agriculture Management Act 2007 is amended in this way, there will be no mechanism left to us by which we can control GM crops. If something is a GM crop, we can go for our lives, because this essential piece of agricultural legislation will have no control over that crop. A GM species may become a weed. However, we will not be able to apply the biosecurity provisions and the regional biosecurity groups to control that problem GM weed, because the minister has exempted GM from the Biosecurity and Agriculture Management Act. I want to hear from the minister why the main piece of legislation that governs all agricultural practices in Western Australia is proposed to be amended in this way and what powers are contained in this bill to control GM weeds. We only have to drive along the Great Eastern Highway bypass after the weeds have been sprayed to see the persistence of GM canola on roadsides. I am sure many members have passed through that area at different times. A couple of months ago, GM canola was very apparent, with bright yellow flowers. The City of Swan or Main Roads WA had sprayed the roadside verges with Roundup, and the only thing left standing was the GM canola. That is an example of the sorts of problems we will face. That is in the roadside context. I am asking the minister what will happen in the agricultural context if we find a GM weed.

The ACTING SPEAKER (Mr I.M. Britza): Thank you, members. You are a bit loud up there.

Mr C.J. TALLENTIRE: Will there still be any power under the Biosecurity and Agriculture Management Act 2007 to apply biosecurity mechanisms or create regional biosecurity groups to take action on things like skeleton weed or bovine Johne's disease—all the sorts of pests and diseases that potentially plague modern agriculture? We have a piece of legislation that can tackle those problems. However, I am concerned that with this amendment, the minister is cutting out any power that the Biosecurity and Agriculture Management Act would have provided to enable us to take action on problems that may arise in the future, such as GM weeds. I look forward to hearing the minister's answer to what powers will remain to us under the Biosecurity and Agriculture Management Act to tackle those problems.

Mr P. PAPALIA: That is a very reasonable question. This clause will remove GM crops from the Biosecurity and Agriculture Management Act, which gives us the power to prevent pests and diseases that may threaten our agricultural and horticultural industries from entering the state. Is it correct that as a consequence of this clause, we will now not be able to prevent any proponent, producer or intended grower of a GM crop that may inadvertently have a disease, or that may come from a country in which a disease is rampant that is not present in Western Australia, from coming into this state? I think that is a reasonable question.

Mr J.M. FRANCIS: The answer is no, because, firstly, GM and biosecurity are separate issues. Also, if we are talking about exotic pests —

Mr P. Papalia: I will explain what I am saying. Theoretically, if GM apples are being grown in Argentina, and those apples have a disease that is not currently prevalent in Australia or Western Australia, and the proponent wants to grow those apples in Western Australia, is the minister not disempowering the Department of Agriculture and Food from preventing those apples from being brought into this state because of this clause, which will exempt GM crops from being subject to the biosecurity act?

Mr J.M. FRANCIS: No. To give the member a practical example, the state has the ability to impose restrictions on the import of anything at all at the Western Australian–South Australian border, which the Department of Agriculture and Food controls and checks —

Mr P. Papalia: Under which act—biosecurity?

Mr J.M. FRANCIS: Correct.

The ACTING SPEAKER: Let the minister finish.

Mr J.M. FRANCIS: The member is talking about a hypothetical apple with an exotic disease.

Mr P. Papalia: Say it has *Alternaria* leaf blotch. It's a GM apple so it's not just an apple that is non-GM. You have now removed GM crops from the biosecurity act, have you not?

Mr J.M. FRANCIS: It would not make any difference. If we were concerned about exotic pests or diseases, under the Biosecurity and Agriculture Management Act, we would still be able to put restrictions on importations into the state of Western Australia. We cannot help the other states, although our GTR can help the country, but so far as crossing the Western Australian border is concerned, of course we can still do it. That is exactly the same reason why when we fly into the airport, there are quarantine dogs that are run by DAFWA. If we cross the South Australian–Western Australian border in a car, which I did not that long ago, we get stopped and searched. I declared tomatoes and they told me to put them in the bin; they were not GM tomatoes. Exactly the same provisions would still apply. Whether it is a GM apple or a non-GM cherry tomato, the state has the same ability to control the import of pests.

I have two minutes. While I am on my feet, I will refer to these notes. Clause 4 states that the BAM act is amended and clause 5 repeals section 4(2)(e) of the BAM act. The amendment simply deletes a reference to the act that is being repealed. Just bear with me and I will put this in *Hansard* —

4. Relationship with other Acts

- (1) Each of the following written laws must be read with this Act as if they formed a single Act —
 - (a) the Biosecurity and Agriculture Management Rates and Charges Act 2007;
 - (b) the *Land Tax Assessment Act 2002*, in its application to the assessment of rates payable under Part 6 Division 1 Subdivision 2;
 - (c) the *Taxation Administration Act 2003*, in its application to rates payable under Part 6 Division 1 Subdivision 2.
- (2) The provisions of this Act are in addition to the provisions of the following Acts —
 - (a) the *Agricultural and Veterinary Chemicals (Western Australia) Act 1995*;
 - (b) the *Animal Welfare Act 2002*;
 - (c) the *Environmental Protection Act 1986*;
 - (d) the *Exotic Diseases of Animals Act 1993*;
 - (e) the *Genetically Modified Crops Free Areas Act 2003*;
 - (f) the *Health Act 1911*;
 - (g) the *Poisons Act 1964*;

(h) the *Police Act 1892*.

- (3) Except as provided in section 40(3), if a provision of this Act is inconsistent with a provision of an Act referred to in subsection (2), the latter provision prevails to the extent of the inconsistency.

It is an inconsequential amendment; it simply deletes a reference in the BAM act to the act that is being repealed.

Mr P. PAPALIA: Could the minister explain the process by which Western Australia, the department and, subsequently, government will be notified by the Office of the Gene Technology Regulator that it has authorised the introduction of a genetically modified crop that is not currently grown in Western Australia once the act is repealed?

Mr J.M. FRANCIS: I am advised that when the Gene Technology Regulator makes a determination, it is published on the website. The office has a mailing list of interested persons that it has collated. It has a registered person in each jurisdiction—in this case, it would be through the Department of Agriculture and Food—whom it notifies. The office can also place public notices in newspapers. The office does what it can to get it out. If someone wanted to know about the determinations, it would be easily done.

Mr M.P. MURRAY: Exactly what the minister said earlier in the night that he would not do with this bill, if it passed, was that he would not be putting anything out to let people know, and they would have to find out in their own way through television or other sources. That is what he said earlier when I asked the question. Now, he is saying that the gene technology group will put out a promo to say that this is going to happen, but the government will not do it.

Mr P. PAPALIA: Following on from the answer the minister just provided, can he tell us who will be the person at DAFWA? Will it be the director general, or has someone else been nominated? I looked at the website for the Office of the Gene Technology Regulator, and it does not actually provide a list of all proponents, historically, who have applied and those who have been rejected. It does have a list of some that are currently being grown, and locations. It is probably statewide, but it does have a list like that. We were talking earlier about the likelihood that the website would provide that information. It does not provide the number of proposals, historically, and therefore a percentage or a number that have been rejected. That aside, can the minister tell us who at the department would be the nominated person? It has a client register, I think it is called, or something of that nature, under which anyone who nominates will automatically receive updates from the office. I am assuming somebody would be nominated as the point of contact.

Mr J.M. Francis: I am advised that there are two designated people, and one of them is Dr Rosalie McCauley.

Mr P. PAPALIA: As a consequence of that, the process is that Dr McCauley receives any and all updates from the Office of the Gene Technology Regulator, because it just pumps out a group email to everybody. It is not specific to Western Australia, and there is no alert, alarm or flag or anything of that nature. Everyone on the list gets a notification.

Mr J.M. Francis: While you are on your feet, I think that is probably a good thing. My reaction would be: why would you break it down to one particular state? If the Gene Technology Regulator approved, hypothetically, a particular crop to be grown, why would you not advise every jurisdiction at the same time?

Mr P. PAPALIA: Just quietly—this is an observation, not a question—my speculation would be that the Office of the Gene Technology Regulator does not reject many GM crops. For those that are proposed, it seeks evidence from the proponent and accepts that evidence unquestioningly. It never conducts scientific research of its own, and then it approves the authority to grow, provided the state government has ceded all responsibility to it. That means that any GM would be allowed in Western Australia as a consequence.

Mr J.M. FRANCIS: Perhaps people, or corporations, or whoever it is, who try to advocate for a particular GM crop to be grown do not submit it to the Gene Technology Regulator until they have done their homework, and they have prepared for the assessment, and therefore it has passed. That could be another reason.

Mr P. Papalia: The Gene Technology Regulator doesn't do science; it does grey paper research.

Several members interjected.

The ACTING SPEAKER: Are you going to stand, member for Warnbro?

Mr P. PAPALIA: When was the last time that the Office of the Gene Technology Regulator did a field trial of a proposed GM crop?

Mr J.M. Francis: They don't.

Mr P. PAPALIA: Never, because it does not.

Several members interjected.

Question to be Put

MR J.H.D. DAY: I move —

That the question be now put.

The ACTING SPEAKER: The question is that the question be dealt with.

Question put and passed.

Consideration in Detail Resumed

Clause put and passed.

Clause 5: Section 4 amended —

Mr C.J. TALLENTIRE: This clause again relates to the Biosecurity and Agriculture Management Act 2007. I realise that this clause deletes one particular reference to the Genetically Modified Crops Free Areas Act from the Biosecurity and Agriculture Management Act, but I really think that the minister should tell us how the powers of that act will relate to the Genetically Modified Crops Free Areas Act. I will read out section 12 of the Biosecurity and Agriculture Management Act, which I note is about prohibited organisms. It states —

(1) The Minister may declare that an organism of a kind specified or described in the declaration is a prohibited organism if there are reasonable grounds for believing that the organism —

(a) has or may have an adverse effect on —

(i) another organism; or

(ii) human beings; or

(iii) the environment or part of the environment; or

(iv) agricultural activities, fishing or pearling activities, or related commercial activities, carried on, or intended to be carried on, in the State or part of the State;

or

(b) may have an adverse effect on any of those things if it were present in the State or part of the State, or if it were present in the State or the part in greater numbers or to a greater extent.

My question to the minister is: can those powers be used for a GM crop? I can use the example that I gave earlier about the GM canola that I see on roadsides in the Perth metropolitan area; if members drive around, they will see GM canola. We have tried to spray weeds from the road verges but the GM canola persists. Could that be declared a prohibited organism? Could the minister use those powers to declare any type of pest GM species, because there are now all sorts of things that we cannot foresee? I think it is inevitable that not just GM canola will become a problem as it is spilt around the place; many other species will become problems. Can the Minister for Agriculture and Food use the powers described in section 12 of the Biosecurity and Agriculture Management Act to declare a species to be a prohibited species? I think the minister's adviser will be able to tell him that a whole suite of actions can follow it up once that declaration is made. Can the minister please assure me that those powers will not be compromised by this repeal of the Genetically Modified Crops Free Areas Act?

Mr J.M. FRANCIS: I will go back to the point that I made about the previous clause, which is that there is obviously a difference that perhaps needs to be made clear between genetically modified organisms and biosecurity. Regardless of whether a crop is genetically modified, if it is a security risk, the answer is yes, it could be designated, as the member pointed out. If it is not, it would not be a risk because it would not have been approved in the first place by the Gene Technology Regulator.

Clause put and passed.

Title put and passed.