

GENETICALLY MODIFIED CROPS FREE AREAS REPEAL BILL 2015

Consideration in Detail

Clause 1: Short title —

Mr C.J. TALLENTIRE: I see the title is Genetically Modified Crops Free Areas Repeal Bill 2015 and I have to wonder why the government is not being a bit more honest with the title and calling it the “Genetically Modified Promotions Bill”. I wonder why that is not the title of this legislation because the government is not just repealing the existing legislation. The existing legislation serves as a check and a means of controlling genetically modified crops and gives us a chance to review whether or not a crop should be planted in Western Australia, and the government is here to do the bidding of the GM companies promoting genetically modified crops in that it is allowing them free access to Western Australia as long as they meet the requirements of various federal government agencies. I think the government needs to justify the short title of the bill because it is quite misleading. The reality is that this legislation is all about promoting GMs; it is not about allowing their eventual use subject to the constraints and checks and balances that were provided under the Genetically Modified Crops Free Areas Act 2003, which had a very clever mechanism. It meant that eventually, as we saw with canola, the approval could be put in place. However, it gave us in Western Australia the opportunity to check things and to be able to see if a potential crop was suitable for our marketing endeavours. I have already heard it mentioned a couple of times this week that Western Australia has a clean, green image for agriculture. Why would we want to put that at risk when in other global markets some of these crops are not seen as being clean and green? Why would we want to leave our marketing decision-making at the behest of federal government agencies? If this legislation were to be described really accurately, it would be called the “genetically modified crops promotion bill”, because it is not repealing the sensible piece of legislation Hon Kim Chance brought in in 2003. I would like to hear the minister comment on why the legislation has been so named, because the bill will not only repeal one piece of legislation; it will also promote a genetically modified organism technology that is used in some areas and that the government is giving open slather to. The government should be honest and clear about that when it comes to the name of the bill before us. To say that it is simply a repeal bill does not tell the whole story. It does not allow people to understand what is at stake here. The government is not telling people that what is in place at the moment is a means by which sensible market decisions are made. It will not be our decision whether we allow GM wheat in the future; it will be the decision of the Office of the Gene Technology Regulator. The government has to be honest about that. If the government is prepared to relinquish responsibility on the important decision of what crops we grow in Western Australia, it should be honest with the Western Australian public. It should also answer this question at the same time: why would it not want Western Australians to be in a position to decide what GM crops we grow in Western Australia?

Mr J.M. FRANCIS: I am advised that there is a longstanding convention on naming bills that repeal acts; they are called after the name of the act that they will repeal, followed by the words “repeal bill” and the year it is introduced.

I have been here for eight years and I have seen a lot of bills go through this house. This is one of the short bills. It is a very small bill; there is not too much to it. Effectively, all it will do is repeal the Genetically Modified Crops Free Areas Act, which is why it is called the Genetically Modified Crops Free Areas Repeal Bill 2015. I do not know how much simpler I can explain it.

Mr P. PAPALIA: In my second reading contribution I flagged that I would ask some questions in the consideration in detail stage. The questions I have relate to some of the claims the minister made in his second reading speech when he introduced the bill. Noting that the bill, as the minister said, is very small and does not have many clauses, I hope that we might be able to pursue that information under the guise of this first opportunity. The first question I have is about the claim in the second reading speech that states —

On average, adoption of GM technology globally has reduced chemical pesticide use by 37 per cent, increased crop yields by 22 per cent, and increased farmer profits by 68 per cent.

Would the minister provide the chamber with information on the references on which those claims are made? What countries were referred to specifically for gains in crop yields and whether in fact there is any evidence, as opposed to anecdotal evidence—I am talking about real evidence independent of the producers or the seed suppliers—for the claim of 22 per cent increase in yield in Australia, and in Western Australia specifically, because I am interested in our own set of circumstances? Does the increase on average of 68 per cent in farmer profits refer to Western Australia or is that another claim based on somewhere like India?

Mr J.M. FRANCIS: The member is correct. I will deal with it in this way.

The SPEAKER: I just want to say that you have to keep the question germane to what we are dealing with here.

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Mr P. PAPALIA: As I indicated at the outset, the second reading debate was a difficult environment in which to elicit that information. As I said in my initial statement, I flagged to the minister during the second reading stage that I would be keen to seek information on this during the consideration in detail stage and because the bill is so small, it was difficult to see where else I could have done that.

The SPEAKER: The minister will take that.

Mr J.M. FRANCIS: I will take it. Although we are on the title of the bill clause, I will provide some information to the member. If I get advice to deal with it later, we can deal with it later.

I will provide the advice I have on the data the member is talking about. I am not the Minister for Agriculture and Food but the minister responsible for the carriage of the bill, which has already passed the Legislative Council, so it is not my second reading speech. The member is talking about the Minister for Agriculture and Food's second reading speech.

Mr P. Papalia: Was it, or is this one yours?

Mr J.M. FRANCIS: No, because the bill has already passed the Council. That is when it was done. I think the parliamentary secretary to the Minister for Agriculture and Food read the second reading speech, but I get the thrust of what the member is asking, so I am going to interpret his question on the data on worldwide planting of GM crops. The annotation is that it was adapted and summarised from the web page of the International Service for the Acquisition of Agri-biotech Applications, a not-for-profit organisation that is dedicated to alleviating poverty and environmental degradation through crop biotechnology, by Kevin Chennell, executive director biosecurity and regulation with the Western Australian Department of Agriculture and Food on 22 March 2016.

Further to that, in 2014 global biotech crop plantings continued to grow for the nineteenth consecutive year of commercialisation, with 18 million farmers in 28 countries planting more than 181 million hectares, which was up from 175 million hectares in 27 countries in 2013. I think the answer to the second part of the member's question is, it is worldwide, if that is what he was looking for.

Mr P. PAPALIA: Can the minister tell us a little more about the International Service for the Acquisition of Agri-biotech Applications? Who exactly are they? Who funds it? Where does it garner its information from?

Mr J.M. FRANCIS: I would have to find out that information for the member. I cannot possibly answer that question.

The SPEAKER: This clause is to do with the title of the bill.

Mr M.P. MURRAY: Certainly, Mr Speaker. Before the name of the Genetically Crops Free Areas Repeal Act 2015 was settled upon, what if any lobby groups on both sides of the debate were met or engaged with? I include those people who are pro-GM and anti-GM. How did the government come to the name when at this moment in Western Australia only 30 per cent of farmers use GM crops?

Mr J.M. FRANCIS: There was no consultation on the name. As I said before, the name of a bill is based on the longstanding process of naming repeal bills in the Western Australian Parliament. It is pretty clear how the name Genetically Modified Crops Free Areas Repeal Bill 2015 came about.

As for consultation, the Department of Agriculture and Food consulted with the following key industry representatives on their views: the Grain Industry Association of Western Australia, which is the peak body that represents the interests of those in the supply chain; Co-operative Bulk Handling Ltd, which is Western Australia's grower-owned and controlled cooperative; and the Ord River District Co-operative, as an independent agricultural operator based in the Ord River.

Additionally, outside the formal consultation process, there have been meetings and correspondence with anti-genetically modified crops groups and concerned members of the public about the potential repeal of this legislation. The concerns raised have been mostly around the safety of GM crops and the potential for contamination of non-GM crops. Safety and health considerations are covered by the commonwealth Gene Technology Act 2000, not the Genetically Modified Crops Free Areas Repeal Bill 2015, and segregation has been effectively managed by the industry since 2010.

Mr M.P. MURRAY: As the minister was able to name the pro-GM groups that he met with, could he now name the anti-GM groups that he met with?

Mr J.M. FRANCIS: No, I cannot, because I am not the Minister for Agriculture and Food. But, as a member of Parliament, I have had a lot of email correspondence on this issue over the years, as the member and all other members in the chamber would have done, from people both pro and against this issue. People are entitled to their opinions. I realise there is not consensus on this issue, but as a member of Parliament, and as all members do, I listen to the views of people who raise issues with me.

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Mr M.P. MURRAY: I am concerned that the minister is unable to name any of the anti-GM groups he met with, yet he is able to table a list of the pro-GM groups he met with. To me, that shows a bias before this bill came before the chamber.

Mr P. PAPALIA: I return to the subject that I raised about the reference the minister gave me and the name of the individual within the Department of Agriculture and Food who drafted this speech. What did that individual—I cannot recall his name —

Mr J.M. Francis: It's Mr Kevin Chennell, the executive director, biosecurity regulation.

Mr P. PAPALIA: Did Mr Chennell declare any knowledge of the organisations that fund International Service for the Acquisition of Agri-Biotech Applications, which he referred to as the source of the information in this speech?

The ACTING SPEAKER (Mr N.W. Morton): Minister, I am sorry to interrupt you. I have only just jumped in the Chair —

Mr P. Papalia interjected.

The ACTING SPEAKER: With great respect, I am speaking. This debate is on clause 1, which is the title of the bill. I cannot see a reference to the title of the bill in this line of inquiry. Obviously, if the minister is willing to take the question, we will take it.

Mr J.M. FRANCIS: It is a very short answer. I am happy to accept questions. I am happy if Mr Acting Speaker wants to rule otherwise and move on. I will take the same questions in debate on another clause. The answer is: my understanding is that he did not declare it.

Mr P. PAPALIA: I asked the question because it is such a short bill and we have to deal with the issue sometime. In my second reading contribution I flagged that I have questions about the minister's—not this minister, but the Minister for Agriculture and Food—second reading speech, which made some quite broad and unreferenced claims. I want to seek out the reference material. In about two minutes I googled and located the ISAAA website, which, as the minister indicated, is principally sponsored by philanthropic foundations and co-sponsored by a donor support group consisting of public and private institutions. One of the private institutions listed as a donor is Monsanto. Does the minister not think that it would have been appropriate for the individual in the Department of Agriculture and Food who proposed the drafting of this bill and who obviously drafted the speech for the minister to notify the minister that a clear interest in having this bill repealed is accorded to Monsanto and that in the event that the legislation is repealed, it might be something to declare? If the minister is going to quote an organisation that is funded by Monsanto, should he not declare that that is where his data came from?

Mr J.M. FRANCIS: I have a pretty simple answer: no, I do not think it was necessary. I have not looked at who else funds that organisation. Probably a lot of people and organisations have an interest in the technology of GM crops.

Mr P. Papalia: With vested interests.

Mr J.M. FRANCIS: Vested or not, a lot of people are driven to improve technology to see millions of people lifted out of hunger. If it means we can grow crops that are more environmentally accommodating to a drying climate or salinity and that somewhere else in the world they can grow more crops, whatever they might be, the government thinks that is a good thing. In fact, probably few people who donated to that particular organisation were not somehow involved in GM technology.

Mr P. PAPALIA: I will conclude my investigation of that particular claim. I will just confirm, minister, that none of those statistics relate at all to Western Australia, and this speech refers to no benefit accrued to Western Australian farmers. No evidence has been presented of increased returns for farmers for yield increase or increased profits. I understand that the purported benefit from a reduction in the use of chemical pesticides in Western Australia is weed management for future years as a consequence of farmers being able to spray more glyphosate in the year that they are cropping with GM canola. That is the only accrued benefit to a farmer using GM canola in Western Australia at the moment, unless some other benefit that has not been notified or documented is to be had from GM canola, which is the only genetically modified crop in commercial use in Western Australia.

Mr J.M. FRANCIS: Information is available on the take-up in Western Australia and Australia. As I outlined last week, different states have different rules. It is obviously no big secret that Queensland is pretty much unfettered, New South Wales and Victoria have some restrictions, and in South Australia a trial that has taken place is being assessed. Tasmania is the only state that has no GM crops. We have to keep in mind that if we want to look at accurate data to assess the take-up of a particular crop technology in Western Australia, whatever it might be, we need to have a fairly decent amount of time to assess it. We are talking about five or six years since 2010 and a limited amount of data is available, but, clearly, if the take-up rate for canola farmers is now 30 per cent, there must be a benefit.

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Mr P. Papalia: That's not science.

Mr J.M. FRANCIS: Let me put it this way —

Mr P. Papalia interjected.

The ACTING SPEAKER: Member for Warnbro!

Mr J.M. FRANCIS: I and other government members have faith in a farmer's ability to make the best decision knowing the ground that they work. If farmers choose to plant that crop, that is their commercial decision. I am not going to pretend, as the Labor Party clearly wants to pretend, that I know better than the farmer who owns the land. It is that simple. If the take-up is 30 per cent, clearly, there must be a benefit for farmers. If they got it wrong on GM crops, that is their commercial decision. If they got it right, good luck to them. I am not going to pretend that I know better than the farmer.

Mr P. PAPALIA: I have a final point to make, minister. The crux of the issue, to me and other members on this side of the chamber, is not so much whether farmers are competent and capable of making that decision or whether it is going to impact them financially, it is the impact on everybody else—the 70 per cent of farmers who have not taken up GM canola. People like Steve Marsh who live next door to a farmer who chooses to use GM canola will have their livelihoods impacted because the government is removing this legislation. That is where the concern comes from. If the government's only reference material is sponsored by Monsanto, it raises concerns about the credibility of its claims and about the threat to those farmers.

The minister is overlooking this. The extent of the oversight Liberal government ministers have given to this whole process is extraordinarily flimsy and shallow, as evidenced by the fact that the minister did not know anything about it. I know that the minister only has carriage of the legislation in the Legislative Assembly, but the minister in the other house was not asked the question, otherwise the minister would have been able to answer my question when I first asked it. The government has put so little scrutiny on this whole subject that it would not have a clue whether it is being led by the nose by someone in the Department of Agriculture and Food who has an axe to grind on this—someone who has potentially compromised themselves through their own behaviour and has a motivation other than the best interests of the majority of farmers in Western Australia. The government has not even asked the question, so it does not know. The government does not even know where the reference material came from. That is not the only reference. Other claims made in the second reading speech beg a lot of questions, such as claims about global productivity. I assume that claim is based on the same reference from the International Service for the Acquisition of Agri-biotech Applications. Did the claims that global crop productivity has increased over time come from ISAAA? What about references to the gain in cumulative farm income for genetically modified canola in Australia? Who gave the minister that data? Who gave the minister that statistic? How much of that is in Western Australia as opposed to in other states?

Mr J.M. FRANCIS: I take this opportunity to provide the member for Warnbro with more information, because I can assure him that every statement made in the second reading speech that was originally delivered in the Legislative Council is referenced with a source. For example, let me give the member some statistics. Between 2008 and 2013, the cumulative farm income gain for GM canola in Australia was \$54 million.

Mr P. Papalia: What does that mean?

Mr J.M. FRANCIS: It is the cumulative farm income gain.

Mr P. Papalia interjected.

Mr J.M. FRANCIS: That is from page 52 of the 2015 G. Brookes and P. Barfoot paper, "GM crops: Global socio-economic and environmental impacts 1996–2013."

Mr P. Papalia interjected.

The ACTING SPEAKER (Mr N.W. Morton): Member for Warnbro, you can seek the call again and ask another question. Please do not interject while the minister is trying to answer your first question.

Mr J.M. FRANCIS: I will get to the member for Warnbro's question in a second.

My second point is that in 2013 alone, GM canola generated an average farm income gain of \$78 per hectare for Australian growers, with a total farm income gain of \$17.8 million. That is from the same authors G. Brookes and P. Barfoot in their 2015 article, "Global income and reduction impacts of using GM crop technology 1996–2013". The point is that all those claims made in the second reading speech were researched and sourced.

Mr C.J. TALLENTIRE: This is an extraordinary situation because the current Minister for Agriculture and Food never spoke on the Genetically Modified Crops Free Areas Repeal Bill 2015 in the other place. I do not know the new Minister for Agriculture and Food particularly well, but I know his background, and given the talent pool on the other side, he is probably a good selection for agriculture minister. However, it is an

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extraordinary situation to be looking at legislation upon which the current minister has not even spoken and the minister is acting with carriage of this bill in this place, but he is the first to admit that he has no expertise about it. When questions are put about the validity of some of the claims, they have to be challenged. Where does the figure of \$78 per hectare for Australian growers come from? The minister suggested it is from Brookes and Barfoot, but let us just think about what that statistic could actually mean. GM canola generated an average farm income gain of \$78 per hectare. Can the minister tell me what the typical per hectare return is on grain farming in Western Australia so that we can make a comparison? To throw a figure out there of \$78 per hectare is meaningless.

The ACTING SPEAKER (Mr N.W. Morton): Just before the minister provides his answer, if he is going to answer that question, I know that we have given the member for Warnbro some latitude in his line of inquiry before, but having had a chance to read the bill, clause 1 deals purely with the title of the bill. Clause 3 is probably more pertinent to some further investigation into what is being repealed. If members want to ask those sorts of questions, I think they are more appropriately asked under clause 3 rather than under the title of the bill, which is what is being dealt with now.

Mr C.J. TALLENTIRE: Further to that —

The ACTING SPEAKER: The member cannot seek the call consecutively.

Mr M.P. MURRAY: I understand what the Acting Speaker is saying about the title, but it is of concern that the choice of title gives the impression that there are no rules whatsoever on GM grains to be planted in the future. I am sure that even the Premier would have some concerns about that after listening to that speech some time ago that we spoke about and also following his meeting with the Japanese delegation who expressed concerns about the spread of GM. But when we look at the bill's title, in my view it means that there are no rules; it is open slather. The minister previously said that a farmer could plant what he likes when he likes, but what about if we use the title "GM free areas" again? Some people would like to keep areas GM free. There are no rules or regulations to stop contamination. It means people can grow GM crops anywhere and anytime. Could the minister please make a comment on that aspect?

Mr J.M. FRANCIS: I can only say so many times the naming traditions for bills that go through this chamber and become acts of Parliament. This bill is very black and white. It is a very short bill. It simply repeals the previous act, and I do not accept that there are no rules and regulations once this happens. A very strict commonwealth regulatory system will still apply in Western Australia as to what crops can and cannot be grown and where. That is an undeniable fact. If the member is suggesting otherwise, he is not helping the cause of the people he says that he represents who are against the use of this technology. He is promoting a falsehood. It has been made crystal clear in the Legislative Council and in here last week that very strict commonwealth regulations will still apply to growing GM crops in Western Australia.

Mr C.J. TALLENTIRE: I realise that we are debating the title of the bill, and, as I mentioned earlier, the title of the bill, in my view, is incorrect. This is a GM promotions bill. Yes, it seeks to repeal the one Western Australian check that we have—the Genetically Modified Crops Free Areas Act 2003. That piece of legislation was very cleverly designed, because it sought to put into a Western Australian context the issue of the use of GM crops. It was very cleverly done. The minister has just said that he thinks we have wonderful commonwealth legislation. I think he is referring to the Office of the Gene Technology Regulator. The minister might want to correct me if I am wrong on this, but to my knowledge the Office of the Gene Technology Regulator has no interest at all in the marketing issues around GM produce.

Point of Order

Mr J.H.D. DAY: As has been pointed out, this clause simply deals with the title of the bill. The debate that the member for Gosnells and others are progressing is the sort of material that should be and, indeed, was covered in the second reading stage. This is a very specific aspect. There are one or two other later clauses. These issues could be canvassed to some extent when considering one particular clause that repeals the previous act, but this is really just wasting time and shows the opposition's clear intentions. I ask them to be called to order to be relevant to the clause.

The ACTING SPEAKER (Mr N.W. Morton): Thank you, Leader of the House.

Mr C.J. TALLENTIRE: I do not believe we have had the opportunity to debate these issues given that we have a minister who is not an expert in the area. In the other place, we have a minister who never spoke on the bill. The Parliament has not adequately debated this legislation at all.

Several members interjected.

The ACTING SPEAKER: I will not have interjections across the chamber. The point of order has been made. The member for Gosnells has added to that. We are at the consideration in detail part of this legislation in this

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chamber. If there has or has not been debate up to this point, that is the member's prerogative, but I do take the Leader of the House's point of order in that we are dealing with clause 1, which is the title of the bill. Comments need to be very specific to that clause. Standing order 179 states —

Debate will be confined to the clause or amendment before the Assembly and no general debate will take place on any clause.

Members, if you wish to interrogate the title of the bill, that is what it must be confined to. That is my ruling. Further members seeking the call on this clause will need to confine their debate to the title of the bill.

Debate Resumed

Mr C.J. TALLENTIRE: The title is misleading; it is wrong. It is not just about repealing one piece of legislation; it is about opening up Western Australia to any form of GM crop without any Western Australian control or constraint.

Mr C.J. Barnett interjected.

Mr C.J. TALLENTIRE: The Premier says I am wrong. Can the Premier tell me what control or constraint Western Australia will have on GM crops? Can the Premier tell me?

Mr C.J. Barnett: I'm not in the chair. The minister answered that a moment ago.

Mr C.J. TALLENTIRE: Can the minister please tell me what constraint Western Australia will have?

Mr J.M. FRANCIS: Mr Acting Speaker, I do not want to canvass your ruling about relevance as to this particular question that we are on, which is the name of the bill; I think I have made it pretty clear. The member for Gosnells does not think it is properly named. The government has a different view. Over 100 years of parliamentary history in this place says that the government is right on the naming convention of bills. The member for Gosnells thinks it is wrong. He is entitled to his opinion.

As far as the member's other issue is concerned, which I do not believe is relevant whatsoever to the name of the bill, but I will, with a bit of latitude from the Chair —

The ACTING SPEAKER: A very tiny piece of latitude.

Mr J.M. FRANCIS: I remind the member that the Legislative and Governance Forum on Gene Technology oversees the activities of the Gene Technology Regulator and that the Western Australian Minister for Agriculture and Food is the representative on the Legislative and Governance Forum on Gene Technology for the state of Western Australia.

The ACTING SPEAKER: Before I take any more members seeking the call, again, we are getting into the machinations of the bill. This is clause 1; I cannot say it any clearer. We are talking about the title of the bill, none of the machinations that are embedded in the bill or what we are repealing. If members want to continue to discuss the title of the bill, they can go for it.

Mr C.J. TALLENTIRE: The minister has just made a point suggesting that there is some sort of WA constraint; I am saying that there is not. That is why the title of the bill is wrong. The title of the bill is absolutely wrong. This bill removes any constraint that the state of Western Australia might have had on the production of GM crops. The suggestion that the minister just made is that constraint is the Legislative and Governance Forum on Gene Technology, which oversees the activities of the Gene Technology Regulator. What is our voice in that? That does not provide for Western Australia to take a separate view from the rest of Australia. It does not at all. The WA Minister for Agriculture and Food is our representative on that federal ministerial council but that is not a gatekeeper role for GM crop production that might be suggested for Western Australia. There is no constraint. The title is wrong; this title is absolutely wrong. It should say this is the "open slather GM crop production bill". That is what it should be about. That would be the only accurate title for this legislation that is before us. This is not just about repealing; this is about opening Western Australia up without any constraint at all. That is a major thing. We are going to lose all kinds of marketing advantages that we currently enjoy. Yesterday I heard the Premier say that we are a clean, green producer. We are going to lose that. We will be tagged an open slather GM producer. That is going to cost us. We are losing the one piece of legislation that gave us the right to decide when and where, if and when we were going to have any form of GM production. We are losing that ability. It was a very cleverly designed piece of legislation.

Point of Order

Mr M.H. TAYLOR: Mr Acting Speaker, you have said regularly and consistently that this debate needs to be about the title of the bill but it never has been. I ask that you either call the member for Gosnells to order or —

Several members interjected.

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The ACTING SPEAKER (Mr N.W. Morton): Members! There has been a bit of latitude in this debate both from the minister and from members interrogating through the consideration in detail process. It is getting a bit tedious. Under standing order 97, I am within my rights to call members if they persist in this line of interrogation. I do not particularly want to go down that path. As I said, I would like to confine comments to the actual title of the bill. If there are further questions about what we are repealing and what machinations lie within the new bill, they can be asked under clause 3. That is my ruling. I take the point, member. The commentary and questions need to be about the title of this bill.

Debate Resumed

Mr C.J. TALLENTIRE: I am making the case that the title of the bill is wrong and that it misleads the people of Western Australia and this Parliament. This bill is about removing constraints on the growing of GM crops. That would be an honest title for this bill. We are not doing that. Instead, we are misleading people —

Point of Order

Mrs G.J. GODFREY: The member for Gosnells is being very repetitive, giving the same responses.

Debate Resumed

Mr C.J. TALLENTIRE: This legislation is misleading the people of Western Australia. If some members find my demonstration of the point repetitive, they should join in arguing for the legislation to be properly named. They are obviously hearing my points and agreeing with them. We should be hearing from the member for Belmont why this is wrong. To demonstrate my point further—I have not had the opportunity to raise this yet—a claim is made in the second reading speech that the Genetically Modified Crops Free Areas Act, the legislation that is being repealed, is a disincentive for researchers to invest in Western Australia.

Several members interjected.

Mr C.J. TALLENTIRE: Clause 1 is the title of the bill.

Several members interjected.

Mr C.J. TALLENTIRE: The title of the bill is wrong; it is misleading people. A claim was made in the second reading speech that the bill we are repealing is a disincentive. However, no facts were provided on how it is a disincentive—no facts at all. It is absolutely disgraceful that we are misleading people. Anyone who reads and scans the orders of the day—the general public who look at our parliamentary website to see what legislation is coming up—would have seen a repeal bill. They did not see what this bill was really about—creating a situation in which there is no constraint on the commercial growing of GM crops. We are misleading people if we do not name bills properly. That is not something that we should be standing for. We should be making sure that our legislation is properly named and that people know what is going on. If everyone knew that we, with the passage of this legislation, are creating a situation in which the whole of Western Australia was open slather for GM crops, I think there would be an absolute outrage; there would be an outcry. People would see what it was going to cost us. They would see the marketing loss. They would see that we are losing one of our best marketing attributes. That is something that the Gene Technology Regulator and the ministerial council do not even look at or consider when they look at the potential for GM crops. I think this legislation is misleading in its title, and that is why this clause is such a significant 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 (Mr N.W. Morton) casting his vote with the ayes, with the following result —

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Mr Chris Tallentire; Mr Joe Francis; Mr Paul Papalia; Mr Mick Murray; Mr John Day; Acting Speaker; Mr Matt Taylor; Mrs Glenys Godfrey

Ayes (33)

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

Noes (18)

Ms L.L. Baker	Mr M. McGowan	Ms M.M. Quirk	Mr P.B. Watson
Mr R.H. Cook	Ms S.F. McGurk	Mrs M.H. Roberts	Mr B.S. Wyatt
Ms J.M. Freeman	Mr M.P. Murray	Ms R. Saffioti	Mr D.A. Templeman (<i>Teller</i>)
Mr R.F. Johnson	Mr P. Papalia	Mr C.J. Tallentire	
Mr W.J. Johnston	Mr J.R. Quigley	Mr P.C. Tinley	

Pairs

Ms E. Evangel	Ms J. Farrer
Mr L.M. Harvey	Dr A.D. Buti

Question thus passed.

Consideration in Detail Resumed

Clause put and passed.

Clause 2: Commencement —

Mr M.P. MURRAY: It is unfortunate that the process had to take place just beforehand, because there was only one speaker to go. If the minister wants to keep jumping the gun like that, we will extend each clause as we go through. That is unfortunate, but my question is about when the act comes into operation, and the exact process from here on in. I believe that the bill has been pushed through because of lobby groups that are frightened about the Labor Party getting in at the next election. A third of the farmers who want this measure belong to one particular group, which could not be seen as being friendly to the Labor Party. In saying that, what does the minister see as being the process once the bill has been passed, and what will happen on the ground? Does the minister see that there will be open slather, as has previously been claimed?

Mr C.J. TALLENTIRE: The commencement date is a serious issue. When we are dealing with agricultural crops, there is always an issue around commencement dates and timing. Noting our parliamentary procedure and the issue of royal assent, I want to know from the government what intentions it has for the commencement date. I accept that there may be royal assent matters beyond the Parliament's control, but I am curious to know whether there is an intention to have this legislation in place, and therefore the current legislation repealed, before the next seeding time, which could probably be dated to about April or May next year. I am keen to know whether that is the intention and whether we are looking at a situation in which, come the season for the seeding of next year's crops in the wheatbelt, there is the possibility of seeding any of the genetically modified crops allowed by the Office of the Gene Technology Regulator. As we have established, that is a body over which the people of Western Australia have no control. We have some input because our minister is on the ministerial council, but we have no control over the regulator's decision-making. Are we looking at the seeding season in 2017 being one in which anyone with a GM crop will be allowed to grow it? I want to know whether that is the case. When is the starting date for this legislation? When will it come into effect? I think that is a major issue. I know that people who are seeking to enter this Parliament have vested interests. I think it is correct that the Liberal candidate for the seat of Central Wheatbelt is one of those who authored the original Liberal policy on this matter, and I gather that that person has received preselection for that seat in the March election.

Mr S.K. L'Estrange: Relevance?

Mr C.J. TALLENTIRE: That is relevant, because we are talking about the timing of this legislation coming into effect. If some candidates are going to be claiming that they are partly responsible for the change in policy, we need to know about that. We need to know when the legislation will come into effect, because I want to know when Western Australia becomes open slather for the growing of GM crops. It should be an issue at the March election. It may well turn out that it is too late for anyone to do anything about it except voice their disapproval

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at the ballot box. March 2017 is also probably one of the latest dates on which people would be putting in their orders for the grains. I think the member for Central Wheatbelt will have a particular interest in this, given that the author of the Liberal Party's GM policy will be opposing her at the next election.

Ms M.J. Davies: We are in furious agreement.

Mr C.J. TALLENTIRE: You are in furious disagreement?

Ms M.J. Davies: I won't be voting with the Labor Party on this.

Mr C.J. TALLENTIRE: The member for Central Wheatbelt is in agreement with her opponents.

Several members interjected.

Mr C.J. TALLENTIRE: I think the member dismissed an opportunity there because —

Ms M.J. Davies: People call my office on a regular basis to ask for this bill to be passed. You are causing enormous concern and difficulty in my electorate because those growers want this passed. They are very, very happy for us to guillotine this debate and get on with it.

Several members interjected.

The ACTING SPEAKER (Mr N.W. Morton): Members! Members, I am on my feet! The member did direct a comment to the member for Central Wheatbelt, which makes it difficult for the Chair to then provide protection. If we could draw our comments back through the Chair and keep them to the clause that we are dealing with, and if members could desist from interjecting, that would be fantastic.

Mr C.J. TALLENTIRE: Commencement is a really important issue. The minister has advisers from the Department of Agriculture and Food with him I am very keen to know when the orders will be put in by officers from the Department of Agriculture and Food who are in contact with —

Mr S.K. L'Estrange interjected.

The ACTING SPEAKER: Member!

Mr C.J. TALLENTIRE: What was the member for Churchlands' comment?

The ACTING SPEAKER: No, let us not engage!

Mr C.J. TALLENTIRE: If he makes comments across the chamber, I want to be able to hear them.

The ACTING SPEAKER: It was not directed at you, which is why I called him up on it. Just continue, member.

Mr C.J. TALLENTIRE: Thank you, Mr Acting Speaker. I am really keen to know about the likelihood of farmers putting in orders for all kinds of genetically modified crops that they think they can grow in Western Australia when the next seeding time comes. I am talking about seeding.

The ACTING SPEAKER: Minister.

Mr D.A. Templeman interjected.

The ACTING SPEAKER: Sorry, member for Mandurah, I have already given the call to the minister. The member for Gosnells can seek the call again.

Mr J.M. FRANCIS: I am doing the job for the opposition Whip!

I can tell the member for Gosnells that it is the government's intention to follow the normal process once this bill passes through the Legislative Assembly—if it passes through the Assembly, and I am confident it will—to present it to her Excellency the Governor for consideration. I will not pre-empt when her Excellency may or may not do that; I am sure that she will follow the normal process. The member can make assumptions as to how long that may or may not take. I myself assume that it will not take too long. This bill will become an act and repeal the previous act; that is all it does. Out of the member's five minutes, that is really the only question that is relevant to clause 2, so I cannot add any more to it.

Mr C.J. TALLENTIRE: I want to know from the advisers who are with the minister when growers are likely to place their orders for various genetically modified crops—the grains to grow GM crops. That is essential information because if it turns out that, in fact, it is probably too late and farmers have already put in their orders for the grain that they will use in the 2017 sowing season, it gives us all some hope that with the victory of a Labor government, we might be able to overturn this legislation and thereby save Western Australia from becoming a genetically modified "grow whatever you want" place. I think it is really important to know the timing of this legislation and how it will interplay with the orders that people put in.

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Ms M.J. Davies interjected.

The ACTING SPEAKER: Member for Central Wheatbelt!

Mr C.J. TALLENTIRE: If it is the case that it will be too late for people to put in their orders, there is some hope of keeping Western Australia GM-free—except for canola; for the time being, the horse has bolted on canola.

Mr M.H. Taylor interjected.

The ACTING SPEAKER: Member for Bateman!

Mr C.J. TALLENTIRE: However, as far as other crops go, there may be some hope that we can keep them GM-free. The only hope is the election of a WA Labor government in March 2017. I need to know when the orders for seed are likely to be placed. I am relying on the advice of the officers from the Department of Agriculture and Food to provide that information.

Mr J.M. FRANCIS: There are only two crops; it is not open slather. Only two GM crops can be grown in Western Australia once this bill is assented to. Does the member know what they are?

Mr C.J. Tallentire: Canola and cotton.

Mr J.M. FRANCIS: So it is not open slather, is it?

Several members interjected.

Mr J.M. FRANCIS: No, member, it is not open slather, is it?

The ACTING SPEAKER: Through the Chair!

Several members interjected.

The ACTING SPEAKER: Members, I am on my feet, again!

Mr J.M. Francis interjected.

The ACTING SPEAKER: Minister, I am on my feet. Please, through the Chair. Minister, can you direct your comments through the Chair. When people do not direct their comments through the Chair, it opens it up for this chorus of interjections across the chamber that does not make it easy for anyone, particularly the Hansard reporter who is trying to get an accurate record of this.

Mr J.M. FRANCIS: Member, when this bill is assented to, two GM crops will be allowed to be grown.

Mr C.J. Tallentire interjected.

The ACTING SPEAKER: Member!

Mr J.M. FRANCIS: In Western Australia, they are cotton and canola. I repeat that that does not equal open slather. It does not; let me make that clear.

Mr C.J. Tallentire interjected.

The ACTING SPEAKER: Member for Gosnells, you can seek the call.

Mr J.M. FRANCIS: Having said that —

A member interjected.

The ACTING SPEAKER: Member for Albany, you are not even in your chair.

A member interjected.

The ACTING SPEAKER: Member for Albany, I call you to order for the second time. You are not in your chair. I gave you a warning but you were still not listening to the Chair.

A member interjected.

The ACTING SPEAKER: My point exactly. I call you to order for the second time.

Mr J.M. FRANCIS: If a farmer chooses to order a GM crop—if they go down that path—it is a commercial decision for the farmer. I will not pretend to advise farmers when I think that they should order their grains and seeds to grow these crops. I will certainly not ask the advisers from the Department of Agriculture and Food to suggest to me that I provide that commercial advice to farmers. It is a commercial decision for them if they choose to grow a particular crop, such as cotton or canola. However, I will take this opportunity to clarify with the member for Gosnells exactly what the opposition policy is, so we are crystal clear on it. From what the

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member has just said, am I wrong or am I right: if the Labor Party were to win the next election, it would repeal this repeal bill? Is that the Labor Party's policy?

Mr C.J. Tallentire: We'll see if we can.

The ACTING SPEAKER: Minister! Minister!

Point of Order

Mr M.P. MURRAY: Exactly what you ruled, the minister is now canvassing.

The ACTING SPEAKER (Mr N.W. Morton): Thank you, member. I was actually in the process. Minister, through the Chair, please. I have asked other members to do it.

Debate Resumed

Mr J.M. FRANCIS: Sure, Mr Acting Speaker. Having listened to the member for Gosnells' claim and to make sure that we are crystal clear on it, I am curious to know what the Labor Party's policy is if it wins the next election. Is the Labor Party's policy, which claims to be pro-diversifying the economy, pro-technology, pro-science and pro-everything else —

Mr M.P. Murray interjected.

The ACTING SPEAKER: Member!

Mr J.M. FRANCIS: To be crystal clear, if the Labor Party wins the next election, will it bring back these restrictions and repeal this repeal bill? That is not the government's position. We have made our belief in the technology and science crystal clear in seizing the opportunities to diversify the economy, especially in the agricultural sector. I do not want there to be any doubt whatsoever about this amongst the voters in regional Western Australia.

Mr M.P. MURRAY: Having heard that political speech, it is with a little bit of concern that the orders have been coming from the Chair thick and fast about sticking to the bill, so I will try to do that.

The ACTING SPEAKER: I will make those rulings, member.

Several members interjected.

The ACTING SPEAKER: Members!

Mr M.P. MURRAY: I am trying to say that I will very much try to do that; I will try to be very good and stick to the bill and talk about clause 2, which is "Commencement".

The ACTING SPEAKER: It will be very good if you can stick to clause 2, member, and direct your comments through the Chair. It would be greatly appreciated, member for Collie-Preston. Thank you.

Mr M.P. MURRAY: One can only wonder what the word "Commencement" means when we look at this.

Several members interjected.

The ACTING SPEAKER: Members!

Several members interjected.

The ACTING SPEAKER: Members!

Mr M.P. MURRAY: Again, one can only wonder when, how and what the word "Commencement" means under this bill. I am trying to find out whether members opposite understand where we are coming from. I can see that with the provisions in this bill, not many of the representatives from the farming community have stayed in the house; they bolt out because previously, they have had different opinions.

The ACTING SPEAKER: Sorry, member. I think you started your remark by saying you would keep your commentary to the clause before the house.

Mr M.P. MURRAY: I did, but I am talking about when this bill will commence. That is what they were talking about and that was what I was saying. But they have commenced to leave the house, and that is what I am concerned about. I am concerned about the commencement part of the bill. More seriously now, I think the commencement time is a very, very serious issue when we talk about neighbour versus neighbour. That concerns me. It concerns me that there may not be enough time for neighbours to converse with each other about where they are going to plant and what rotations they are going to have, which are issues we have previously seen problems with. I think that is a serious issue with commencement times. That is why the question has been asked.

Mr D.T. Redman interjected.

The ACTING SPEAKER: Minister!

Mr M.P. MURRAY: That is why we are asking about commencement times as per the bill. I think that is a serious issue and some of the reasons for that have been explained from the member for Gosnells' point of view. Having seen previous fights, arguments and court cases over who grows what and when, we will not have enough time for these people—farming groups—who want to be GM-free or who want to grow GM —

Mr D.T. Redman interjected.

The ACTING SPEAKER: Minister for Regional Development!

Mr M.P. MURRAY: There are concerns with people who want to be GM-free and contamination—about weeds beside the road. It is very important to give the commencement times so that people can start the dialogue before we get into the growing season. That is something that I think is very, very important and I would like to hear from the minister about it.

Mr J.M. FRANCIS: I did not ever envisage that I would be explaining the definition of “commencement” when I chose to run for Parliament. “Commencement” means “start”, “day one” and “the beginning”. It means that similar to all kinds of government regulations, there are sometimes start periods. It is like the situation with fisheries. In some fisheries there are commencement dates when people are allowed to fish and there are final dates when they are allowed to fish. It is the same principle. Take marron, for example, or all kinds of fish —

Several members interjected.

The ACTING SPEAKER: Members.

Mr J.M. FRANCIS: The member for Collie–Preston of all people should know about commencement dates for things such as fisheries.

Several members interjected.

The ACTING SPEAKER: Members! Minister, through the Chair.

Mr J.M. FRANCIS: I really cannot make it any clearer. “Commencement date” is spelt out clearly in the bill. I have explained before that I am not going to pretend to guess when Her Excellency might consider providing her signature to this bill to turn it into an act.

Mr P.B. Watson interjected.

The ACTING SPEAKER: Member for Albany.

Mr J.M. FRANCIS: I would assume that it is probably not going to take too long once the bill has passed through the Assembly. I cannot really make it any clearer than that.

Mr M.P. MURRAY: I think it is incumbent on government to address how it is going to converse with 4 000 farmers about this commencement date. Will there be a letter? Will there be one of those press releases that generally go in the bin? Will we be talking about fish, for God's sake, which we were talking about two minutes ago, or will there be an ad in the *Countryman* or maybe even in the *Farm Weekly*, for goodness sake, to let people know that there is a commencement date? What will the government do about it?

Mr J.M. FRANCIS: The member says that there are 4 000 farmers and he may be right; however, since that number was originally conceived, there might have been some amalgamations of farms. All that aside, I am confident that every single person who wants to grow the two crops impacted, canola and cotton, in Western Australia is watching this debate very closely. I hope they are paying attention to the position taken by the Liberal Party and the National Party and I hope they pay attention to the position taken by the Labor Party so they can make an informed decision come the next election—as they did last election, by the way—about the two political parties on this side of the house and the one on the other side. When they go to vote they will know our positions about enabling farmers to seize the opportunity and plant an authorised GM crop. As I said, I expect this bill to pass through Parliament fairly quickly now; however, I understand —

Mr P.B. Watson: Did you do any research on this bill?

The ACTING SPEAKER: Member for Albany!

Mr J.M. FRANCIS: If the member for Albany was here last Thursday at 5.30 pm, he would have heard me explain at length how in 2009 I spent a lot of time at Curtin University with professors who were developing and knew a lot about this kind of technology. That was way before I had anything to do with the carriage of legislation in this house. I have done a bit of research over the years on this. But to cut to the chase, the point is that I get that the Labor Party does not support this bill and that is fine. That is the magic of democracy. The Liberal party and the National Party—the government—supports this legislation, and I think we are just going to have to agree to disagree.

Mr Chris Tallentire; Mr Joe Francis; Mr Paul Papalia; Mr Mick Murray; Mr John Day; Acting Speaker; Mr Matt Taylor; Mrs Glenys Godfrey

MR J.H.D. DAY: I move —

That the question be now put.

Mr P.B. Watson interjected.

The ACTING SPEAKER: Member for Albany, you are on two calls.

Division

Question put and a division taken, the Acting Speaker (Nathan Morton) casting his vote with the ayes, with the following result —

Ayes (33)

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

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Mr M. McGowan	Ms M.M. Quirk	Mr P.B. Watson	

Pairs

Mrs L.M. Harvey	Dr A.D. Buti
Ms E. Evangel	Ms J. Farrer
Mr B.J. Grylls	Mr F.M. Logan

Question thus passed.

Consideration in Detail Resumed

Clause put and passed.

Debate interrupted, pursuant to standing orders.

[Continued on page 7384.]