

**GENETICALLY MODIFIED CROPS FREE AREAS REPEAL BILL 2015**

*Second Reading*

Resumed from 18 May.

**HON KEN TRAVERS (North Metropolitan)** [8.07 pm]: I am excited to be able to continue my remarks about the Genetically Modified Crops Free Areas Repeal Bill 2015. Before we went on a break, I sufficiently highlighted that the act this bill will repeal currently allows Western Australia to determine which genetically modified products it will allow into Western Australia and where they would be. I think the National Party at one point suggested the original bill should even go so far as to allow local governments to decide about whether they want to be GM free, by being able to declare different parts of the state GM free. If we repeal that substantive piece of legislation—the 2003 act—we will completely hand over all decisions to the commonwealth regulator. As I said before, I remember when conservatives in this Parliament used to rail against the idea of handing over Western Australia's powers to the commonwealth. Although they continually used to do it, they certainly made a big mistake when they handed over the powers to collect the GST without getting proper amendments to its distribution, and we all still suffer the consequences of that to this day; it is clearly an issue. If this bill were to remain in place, it would still come back to this place to determine what happens. Ironically, if in the next Parliament Labor is elected to government, even if this bill is successfully repealed, there is nothing to stop the Labor Party bringing that legislation back in. If it is the will of the house to allow that, it will be the will of the lower house, because it would be a Labor government elected with a clear mandate to bring back this legislation. Then it will get to this house and it will be a decision for this house.

**Hon Simon O'Brien:** So you want to run an election on this bill; is that what you're saying? That is what you're saying.

**Hon KEN TRAVERS:** If Hon Simon O'Brien knows what I am going to say, please feel free to continue my speech by way of interjection!

**Hon Simon O'Brien:** I might add a little bit of intellect to it!

**Hon KEN TRAVERS:** I am not sure—unless someone else has written it for him!

**Hon Simon O'Brien:** But the point is that you've just said that this bill needs to go to an election to give you a mandate to pass it and you have declared that you won't pass it come hell or high water. You really need to improve your debate or perhaps sit down. Between 11 of you, you have contributed nothing.

**Hon KEN TRAVERS:** I take it that the Leader of the House is not in a hurry to get this legislation or anything else through.

**Hon Simon O'Brien:** You're clearly not!

Several members interjected.

**Hon Simon O'Brien:** I'm not being grumpy; it's just that sometimes the level of bollocks that's exhibited by some of the people in this place gets beyond a certain level.

**Hon KEN TRAVERS:** I might seek leave to continue my remarks at a later stage of this day's sitting so that Hon Simon O'Brien can get to his feet to give his speech if he likes. Would he like me to seek leave? Come on; tell me. Does Hon Simon O'Brien want me to seek leave—yes or no?

**Hon Simon O'Brien:** No; I want you to sit down.

**Hon KEN TRAVERS:** In that case, be quiet and let me finish. Hon Simon O'Brien has now taken up more of my time. I hope that the leader will give me an extension for every minute of interjection I have had from his uncontrollable backbench.

Let us be clear about what this debate is about.

**Hon Simon O'Brien:** Please!

**The DEPUTY PRESIDENT:** Order, members!

**Hon KEN TRAVERS:** Please be quiet just for a second! I know that sometimes Hon Simon O'Brien is entertaining, but tonight he is not. He is almost sounding highly emotional.

**Hon Simon O'Brien:** Oh, dear—we struck a nerve, did we?

**Hon KEN TRAVERS:** No, because I am trying to make some comments.

**The DEPUTY PRESIDENT:** Order, members!

**Hon KEN TRAVERS:** I do not mind a bit of high-level intellectual bloody interjection, but I am not enjoying this rubbish! I want to make a serious point, and the last time Hon Simon O'Brien did that in this chamber was probably 20 years ago.

**Hon Simon O'Brien:** Can I get you a saucer of milk?

**Hon KEN TRAVERS:** I seek leave to continue my remarks at a later stage!

**The DEPUTY PRESIDENT:** Order, members!

**Hon KEN TRAVERS:** If Hon Simon O'Brien is going to keep interjecting, he should have the courage to get to his feet and make a speech if that is what he wants to do.

**Hon Simon O'Brien** interjected.

**The DEPUTY PRESIDENT:** Order, members! I was prepared to let it go a little, but now it has got out of control. Hon Ken Travers has the call and should be heard in silence.

**Hon KEN TRAVERS:** The point I was trying to make before I was so rudely interrupted is that between now and the next election, nothing will happen. It is clear that the current government has flip-flopped a bit, but I doubt that it will flip-flop again on genetically modified crops. GM crops will continue to be allowed to be grown in Western Australia and this legislation will not be used to prevent them from being grown in Western Australia. Labor has made it very clear that we are opposed to allowing the GM crops that are currently grown in Western Australia to be grown in Western Australia, and I will come to the reason for that down the track. If we are successful in getting into government, there will be a mandate for us to reintroduce this legislation and there will be the numbers in the lower house because clearly Labor will have won the lower house.

**Hon Robyn McSweeney:** You're dreaming!

**Hon KEN TRAVERS:** That is the simple fact of the matter. We will have a clear mandate, because we will have made it clear before the election what we are going to do, as we have done for some considerable time. That is, by any definition in politics, a mandate. Hon Simon O'Brien, as a member of the Liberal Party, might get confused about mandates because he comes from a party that does not think it has a mandate to do something even if it promises it. It actually does not do it. We heard today that it has killed off the Metro Area Express light rail, which it went to the election promising it would do. I understand why members opposite have a hard time dealing with the concept of a mandate. There is not one issue on which parties get elected; there is a range of issues, and the issues that parties go to the people seeking to get elected on give the parties a mandate to do them.

The question then is: what will happen in this house if this legislation is or is not repealed? If the legislation is successfully repealed before the election, Labor will have the capacity to reintroduce similar legislation and this house will either accept it or reject it. Labor, with the other parties, could have the numbers in this house. It will be interesting to see whether other parties in this house respect the fact that we clearly went to the election with an intention of what we were going to do about GM crops. The question will be whether they respect that, and that will be a decision for them to make.

Either there will be the numbers in this house to reintroduce the legislation or there will not. If there are not the numbers to reintroduce the legislation, and the minor parties that do not win government but potentially win control of the upper house because of the electoral system for the upper house choose to reject the public mandate and block that legislation, they will have the capacity, under the structure of the current legislation, to block any decision of an incoming Labor government to issue orders, because they are disallowable. We have had debates in this place previously when decisions by governments about orders made under the 2003 bill have been disallowed and have then been reintroduced. Even if we wanted to introduce an order, the numbers in this house would still control the decision.

We are spending an awful lot of time on a piece of legislation for one reason only—that is, to remove the option for Western Australia to have a say on GM crops and hand it over to the commonwealth. This is not the first time that this government has come into this place and sought to water down Western Australia's capacity to deal with GM technology. We have previously debated bills that have allowed the commonwealth regulator to control the process and we do not have to do anything in Western Australia. If members opposite think that giving control to Canberra is a good thing, so be it, but be it on their heads.

In the time I have available to me, I want to touch on the question of whether GM technology is safe, but before I do that, I point out that I think that one of the great scandals in this country is that we still do not have proper GM labelling. Even those who support GM crops, if they are so confident about its safety, should support better labelling of GM products. But we do not see that; all we are seeing is the removal of any control by Western Australia to protect our valuable agricultural industries, should we, as a Parliament of two houses, make

a decision in unison on that issue. The question is whether GM is safe. As members know, after the last state election, I was given the role of shadow Minister for Agriculture and Food, which I very much enjoyed and was very honoured to be given. Knowing that the issue of GM technology would be quite controversial, I made a conscious decision to go into that debate with an open mind. I was prepared to listen to the debate. I did not start with a preconceived position on the debate. I was prepared to listen and I tried to understand the debate. It is one of the more complex and difficult debates I have encountered as a member of Parliament in terms of reaching a decision on it. I have never known an area in which acclaimed scientists can so rigorously attack and question the credibility of each other. It is very difficult for a member of Parliament, and even for those who are probably far more versed than I in agriculture or even science, unless they are experienced in this particular area. I had to start to learn about the difference between a horizontal and a vertical gene transfer. I wonder how many members in this place understand the significance of that and what those terms mean, because they are significantly important in this debate.

The simple fact of the matter is that I relied on people like Hon Kim Chance who originally brought the GM bills to the house. I spoke to Kim because I knew from my past experience with him that he did not have a closed mind on GM. He was one of the people whom I am confident could see the potential of GM but he also accepted that we need to make sure that it is safe. I knew him and I think I told the story before about when we went to the Kimberley and he found out that Bt cotton was being grown in one of the areas that is now branded as Water for Food, south of Broome. He was really keen to go out and have a look at the cotton and how it was growing, and to learn about it. He was someone I knew who did not come from an ideological position of opposing GM for the sake of opposing GM. Kim explained to me that when he was the minister, he could not find a clear scientific study that looked at the longitudinal impacts of GM on humans. As a result, one of the things that Kim did as a minister, rather than just having a closed-off mind and saying no to GM, was to seek to engage someone to undertake a study in the area that he thought had a deficiency in terms of his capacity to find a reliable study to help him make decisions about the safety of GM. In this case it was GM canola because that was the main crop that was being considered. As far as I understand, Kim got the department to come forward with somebody who could undertake that study. To the best of my knowledge, and I have no evidence to the contrary, the person who was chosen by the experts down at the Department of Agriculture and Food to undertake that study was Judy Carman.

**Hon Brian Ellis:** She was totally discredited.

**Hon KEN TRAVERS:** This is the sort of nonsense that is thrown back. In a peer-reviewed journal, how was she discredited?

**Hon Brian Ellis:** Because it was not peer-reviewed.

**Hon KEN TRAVERS:** This explains exactly the problems that I face. There is this mantra—this nonsense—from people. If members accept all the critique that howls down Judy Carman—and I do not—the question is: where is the alternative to her study? If the minister was unsatisfied and of the view that the Judy Carman study had flaws, I would have thought that a responsible minister would have gone off to try to identify another study. As far as I understand it, one of the interesting things about Judy's study is that it raised issues about—I want to make sure I get this right—severe stomach inflammation and enlarged uteri in pigs that were fed on the GM diet. The reason pigs were used is that they have a very similar intestinal system to the human body—one of the closest. The study raised concerns about that, showing an issue between the GM-fed pigs and non-GM fed pigs. To me—I think even Judy Carman would accept it—that raises a whole range of questions that need to be answered by further studies. For those who are pro-GM and just shout those comments —

**Hon Brian Ellis:** Will you take an interjection?

**Hon KEN TRAVERS:** No, not unless the member can guarantee that I will get an extension of time.

**Hon Brian Ellis** interjected.

**Hon KEN TRAVERS:** Can I get an extension of time, Leader of the House? No. Well, it is fair enough because I am getting all the interjections from members opposite.

**Hon Brian Ellis** interjected.

**Hon KEN TRAVERS:** I would love to have interjections. If I can get an extension of time, I will take the interjection.

**Hon Brian Ellis:** More pigs died that did not eat the GM food. It was an animal management problem.

**Hon KEN TRAVERS:** We could go through and pull apart all the bits but the simple fact is that the study raised questions. For me, that argues for further studies. Those who just run the mantra of attack do the GM industry a disservice, in my view. This is where I think someone like Kim Chance came from in this debate; in his heart of hearts, he wanted to be able to show that GM was safe and be confident in his own mind that GM was safe. The reason he wanted to do that was he could see the potential benefits to the industry. Industry players simply

shout down anyone who raises concerns instead of taking the concerns and getting proper studies done to find out, one way or another, about the issues that were raised as a result of the Carman study and to go to the next stages of trying to see whether there is a causal link. As I joked last week, there is a statistical link between Hon Donna Faragher being a minister and dolphins dying in Perth rivers. The point I am trying to make is that that does not necessarily mean there is a causal link. I think it is a really good example; there is a statistical link and that is why if members opposite are so confident about GM and if they want to see GM, then they would want to move from statistical links to causal links. Issues were raised as a result of Carman's study and I am not the only person to make that point; it is not as though I am an orphan here. As president of the National Party back before the 2008 election, Wendy Duncan certainly said that she did not support the commercial production of GM foods in Western Australia. She stated, "As far as GM food is concerned we believe caution is the best way to go at this time."

As I said, we do not even allow consumers to make their own decisions about this because we do not have proper labelling. There is a shrill debate about the Judy Carman study, which raised a whole range of questions that, for me, we need to find answers to. However, there are those who choose to simply attack the study rather than saying that we should make sure that we are safe. History is littered with these examples. One really difficult thing that I discovered in this area as I tried to work through all these debates was trying to understand the whole question about peer review. If people do not like a particular study, they challenge who did the peer review but, equally, on the counter side of the argument, the studies that are often referred to to suggest that there is not a problem have links back to the companies that make profits out of these GM products. I look forward to people giving me the studies that clearly look at GM on a longitudinal basis and do the sort of study that Judy Carman did. If people are unhappy with Judy and her researchers, they should get somebody else to do it who is completely independent. Often, that is very difficult —

**Hon Jim Chown:** Here's one; read this one!

**Hon KEN TRAVERS:** Which one is that?

**Hon Jim Chown:** It will defeat your debate.

**Hon KEN TRAVERS:** All right.

**Hon Jim Chown:** It is an independent study.

**Hon KEN TRAVERS:** By whom?

**Hon Jim Chown:** It is out of the UK; Graham Brookes.

**Hon KEN TRAVERS:** What are the little symbols on the bottom left-hand corner?

**Hon Jim Chown:** CropLife.

**Hon KEN TRAVERS:** Yes, okay.

**Hon Jim Chown:** Hang on, you said, "Oh yeah" —

**Hon KEN TRAVERS:** Who funded the study?

**Hon Jim Chown:** Read it.

**Hon KEN TRAVERS:** Who funded it?

**The DEPUTY PRESIDENT:** Order! Hon Ken Travers has the call.

**Hon KEN TRAVERS:** Who funded it?

**Hon Jim Chown:** It is all here. You have got five minutes.

**Hon KEN TRAVERS:** If it is sponsored with CropLife on the front of it, no disrespect to it; it is an industry advocacy body. It has a particular position and its funding comes from a particular area and this is the problem.

**Hon Jim Chown:** You are saying that it is not relevant because it has been sponsored by someone.

**Hon KEN TRAVERS:** No. The point I am making, Hon Jim Chown, is that one of the difficulties in this whole debate is the question —

**Hon Jim Chown:** You are not prepared to listen to good science and the facts.

**Hon KEN TRAVERS:** I am saying that the challenge is trying to find the good science and the good debate that is completely free —

**Hon Jim Chown:** We are not hearing it from you.

**Hon KEN TRAVERS:** I think we are getting a pretty good example of the problems that we face when we delve into this issue and try to get to the nub of whether GM is safe. The position I take on these sorts of matters is the precautionary principle. Until we are confident that GM is safe, we should be careful about it. However,

having said that, we also need to be confident that GM will have significant commercial advantages for Western Australia. We are talking about “Another Day in Western Australia”. We are talking about trying to get a brand for Western Australia. When we look at the brands that are working very well and the niche marketeers in beef and other agricultural produce in Western Australia, they are targeting the middle class in China with a premium product that is clean and green. We know the difficulty that we as legislators have in understanding this debate. Imagine how difficult it must be for members of the public who are not able to put in the time to get to the bottom of this debate and are just sitting on the outside. That is the reality of this situation.

**Hon Paul Brown:** That is not what this bill is about. This bill is about market protection. It is not about safety.

**Hon KEN TRAVERS:** The two things are linked. It is around market protection. That is because markets will pay a premium for non-GM. If we cannot keep those two separate and we cannot control those debates, we will damage our brand in those markets. That is why we need to maintain control at the state level. If members opposite want to make the decision to go ahead with GM, this bill enables them to do it. This bill does not make the blanket statement that no GM will ever be grown in Western Australia. It does not say that we are preventing the growing of GM. It simply gives us as a Parliament the capacity to control which GM products are grown and where they are grown, to ensure that we as Western Australian legislators are the ones who make those decisions. As much as I can try to get to the bottom of which of the different studies is right, the general public perception when we try to sell these products is: will the market accept them, and is the market convinced that these products are safe? That is why I say that those who simply get into a shrill debate of attacking every study, instead of saying let us fund another study —

**Hon Brian Ellis:** We are attacking one study, with \$90 000 of taxpayers' money.

**Hon KEN TRAVERS:** If Hon Brian Ellis wants to talk about money, we could go through the continual wastage of money by this government on a range of things. If we want GM crops to be grown in this state, the most important thing we can do is provide confidence to the future consumers of those products. Those people who simply want to get rid of this bill are automatically anti-GM farmers. That is because they are allowing the zealous non-GM farmers to get the upper hand in this debate, and that is the problem. I will test my luck. I seek leave to continue my remarks.

**The ACTING PRESIDENT (Hon Liz Behjat):** Is leave granted? Leave is granted.

Several members interjected.

**The ACTING PRESIDENT:** Excuse me. I am in the Chair. I did not hear any noes. I heard the ayes. Leave is granted.

**Hon Ken Travers:** That is okay, Madam Acting President.

**The ACTING PRESIDENT:** I give the call to Hon Stephen Dawson.

**HON STEPHEN DAWSON (Mining and Pastoral) [8.34 pm]:** Thank you, Madam Acting President. It is my pleasure to make a brief contribution on the Genetically Modified Crops Free Areas Repeal Bill 2015.

**The ACTING PRESIDENT:** I must say, member, that I have it in my records here that you have already made a brief contribution on 17 May.

**Hon STEPHEN DAWSON:** I have, Madam Acting President, but I sought leave.

**The ACTING PRESIDENT:** Okay, but nobody wrote it in the book. It was very remiss of people not to write it in the book. My apologies. Please continue, and do not take it off his time!

**Hon Peter Collier:** But don't start from scratch!

**Hon STEPHEN DAWSON:** If there are no interjections, I will not start from scratch and will keep going. I do not propose to speak for 40 minutes.

Can I say from the outset that I am not a scientist and this is not my area of expertise. However, I do have a view on this bill. Before I kick off, I want to touch on one thing that the parliamentary secretary raised by way of interjection. He named the organisation CropLife. A few weeks ago, when I began my contribution on this piece of legislation, I had received a joint media statement by way of email from CropLife, WAFarmers and the Pastoralists and Graziers Association of Western Australia. The joint media statement is headed “Don't play silly politics with farmers' livelihoods—support farmer choice”. The press release goes on to state —

Matthew Cossey, Chief Executive Officer of Australia's plant science industry peak organisation CropLife Australia, said “putting narrow misguided party politics ahead of good policy is irresponsible when so many growers rely on the choice of making farming more profitable and more environmentally sustainable with GM crops.”

I take issue with Mr Cossey. Members on this side are not playing petty politics. We are raising an issue that has great currency in the community at the moment. The jury is still out on the safety of GM crops and products. The community has real concerns about the labelling of GM products. At this stage, no-one has addressed those concerns. I am certainly of the view that we should tread very carefully on this path, because we may well live to rue the day. Hon Darren West, who made a very expansive and good contribution to this debate, mentioned that when the cane toad was introduced many years ago, people thought that was a great solution to all sorts of things.

**Hon Simon O'Brien:** Oh! What Liberal government did that!

**Hon STEPHEN DAWSON:** No. I am not saying it was a government of any persuasion.

**Hon Simon O'Brien:** Let's have some more self-flagellation!

**Hon STEPHEN DAWSON:** I am just saying that many years ago, governments of whatever persuasion thought that the introduction of the cane toad was a great initiative. Look at the pain and havoc that cane toads are causing across the north of this country. In my electorate, over the last few years they have been causing a massive amount of havoc and killing native animals.

**Hon Simon O'Brien** interjected.

**Hon STEPHEN DAWSON:** No, I am not. I am focusing on my contribution tonight. It may be 38 minutes or it may be less than that, depending on the interjections that I receive in the meantime. Hon Simon O'Brien is welcome to make a contribution when I sit down.

Mr Cossey said that we are putting narrow misguided party politics ahead of good policy. I disagree. The media statement said that we are playing silly politics with farmers' livelihoods. We are not playing politics at all. We are raising in this place the valid concerns of many people throughout the community. That is not just people in the metropolitan area. There are people in regional areas, too, including some farmers, who have issues with GM crops. We know from the second reading speech that was delivered by Minister Collier on behalf of the Minister for Agriculture and Food in November last year that GM crops have been around for about 30 years. I have to say that over those 30 years a huge number of concerns have been raised in the community and nobody has been able to get to the bottom of the issue or been able to provide a definitive study of the benefits or to give us an assurance that there are not massive risks attached to genetically modified crops. We are not playing politics with this issue; we have concerns. We remain unconvinced about the commercial production of GM crops because there are implications for overseas markets. This state has been a trailblazer in the area of clean and green food production, but with GM crops we see our fine reputation put at risk. I contend that we should not risk our reputation while the jury is still out. We are happy to have a conversation with the community, but for people to suggest that we are playing politics with people's livelihoods or that we are opposing it for the sake of opposing it because we are in opposition is plain wrong, because there are concerns about GM crops. We know from the minister's second reading speech that GM crops have been around for 30 years and it is very interesting that after 30 years a huge number of consumers are concerned about the use and safety of GM crops. GM crops have been planted across Australia for a number of years. When Labor was last in government, we put some restrictions in place. Hon Darren West and Hon Ken Travers mentioned Hon Kim Chance, who brought the Genetically Modified Crops Free Areas Bill into this place in 2003. In his second reading speech, when he delivered the bill in this place, he said —

I have assured the community on many occasions that I will not support the commercial release of a genetically modified food crop in Western Australia unless I am satisfied that there will be no detrimental impact on the market for the State's conventional crops.

That was in 2003, and the concerns that Hon Kim Chance had then are very valid now. The same concerns are held by the community. Nobody can tell us that there will not be a detrimental impact on the market for the state's conventional crops if there is widespread use of GM crops in the state. I will not go into *Marsh v Baxter*, but this issue has caused a great deal of concern in the community; it has pitted farmers against farmers and neighbours against neighbours. I know from talking to people in my electorate that they have concerns about this issue and that their questions about it have not been answered. We should be cautious as we move forward.

I have not received a great deal of correspondence to my office about the bill, but I have had a few letters. It has probably been four to one against GM crops versus those who are in favour. One person who wrote to me and who I had the pleasure of meeting around the time that this bill came before the Parliament is Janet Grogan. She wrote to me some time ago and I am going to place her email on the public record. She first wrote to me on 20 November 2014, and her email reads —

Dear Mr Dawson

The WA Liberal Party State Conference in August this year passed a motion to repeal the GM Crops Free Areas Act 2003 ...

I am writing to you as representative of FOODwatch, concerned that the repeal will be attempted without due process, ignoring the precarious reality of GMOs ... on the global stage.

This email is specifically for your information and response.

This is about food and growing food. Food is something that each one of us, including yourself and your constituents, engages with typically three times a day. The food choices that we have available to us are important, and maintaining these choices is often down to political decisions, and that means you.

The WA GM Crops Free Areas Act 2003 is an essential part of the national regulatory system, to control which federally-approved GM crops are grown in WA and where they are grown based on economic and market considerations.

With the change of government in 2008, exemptions to the statewide moratorium on GM crops were made for the first time. The exemption to permit commercial GM cotton production was made in 2009, although it has yet to prove an economic success. In fact I believe there is no commercial production of GM cotton in WA at the moment.

GM canola was exempted in 2010 and currently makes up less than 20% of the state's canola production.

I ask you to take some time to find out more about this issue by engaging with the links below, and to support a transparent review of the Act (a recommendation of the previous Calcutt review), and also to advance some form of Farmer Protection Legislation to protect farmers (and beekeepers) from the negative consequences of GM contamination.

For many reasons, GM crops attract worldwide controversy. Your informed vote will be essential to protect a sustainable and economic food future for you, your family, and Western Australia.

Regards, Janet Grogan  
FOODwatch spokesperson

I looked at those links, and I followed through and spoke to people in my local community to get a sense from them of their issues with and their views about GM crops. Ms Grogan mentioned beekeepers in her email, and I am aware that in the federal Parliament in 2007–08, the House of Representatives Standing Committee on Agriculture, Resources, Fisheries and Forestry held an inquiry into the future development of the Australian honeybee industry. The Tasmanian Beekeepers Association Incorporated, like us in this state, is very proud of its clean and green image, which it has used as a marketing tool over the years. I will read from its submission to that inquiry, which states —

Tasmanian honey like other Tasmanian products currently has a clean green image. This image maybe challenged with the potential introduction of GM crops. The State Government is reviewing the prohibition of GM crops in Tasmania. Bees are very sensitive to the environment. Colony Collapse Disorder, CCD, is an epidemic sweeping the bee populations of Europe and America. It has resulted in beekeepers incurring huge losses of stock and reduced production. As yet the cause is unknown; GM crops are one of the many suspected risk factors under investigation

This is a live issue today. Colony collapse disorder has swept through the bee populations of Europe and America and has essentially wiped out the bee population in some places. We are lucky that in this country we have not faced that issue. Then, as now, the cause of CCD is not fully known and people suspect that GM crops may well have contributed to colony collapse disorder. This is something that we should not discount. Our bee population and our beekeepers are very important. Although I am not a massive honey fan—I think Hon Sue Ellery and others on this side of the chamber may well be—I am aware of the good work that bees do by keeping our plants growing and producing fruit.

**Hon Sue Ellery:** Can I just do a shout-out for Vic Park Honey? Little bees zoom around in Vic Park and beekeepers collect their honey, which they deliver to your door. It's fantastic!

**Hon STEPHEN DAWSON:** There we go—clean, green products, such as honey from Vic Park Honey. The Tasmanian beekeepers were concerned about the impact of GM crops, and even though this submission was lodged a number of years ago, it is a concern that I know exists today. Janet Grogan was one of the people who raised their concerns with me. Another was a lady named Helen Eisenmann. She wrote to me in August 2014. This email went to a number of Labor members of Parliament, I presume. It reads —

Dear Labor Party Members

The Liberals are trying to rush this legislation because they know that Labor has other plans if they get in power.

PLEASE, for the sake of our agricultural industry, stop the Liberals from making it open slather for GMO's.

Several members interjected.

**Hon STEPHEN DAWSON:** Madam Acting President (Hon Liz Behjat), I am trying to be good and to keep my comments coming through you, but I am actually having problems hearing myself. I would be grateful if I could make my comments in silence. I will do that as quickly as possible, so we can get on to the next speaker. The email reads —

The Liberals are trying to rush this legislation because they know that Labor has other plans if they get in power.

I have an issue with that first sentence. The Liberals have not been trying to rush this legislation. The legislation first came before us in November 2015, and here we are in June 2016, only getting to it now. The first sentence is wrong.

**Hon Peter Collier:** I thought you said we are trying to rush it through.

**Hon STEPHEN DAWSON:** I am reading from a letter, and I am saying that I have an issue with that first sentence, because the government has not tried to rush this legislation through. However, I do not have an issue with the rest of the email. It reads —

PLEASE, for the sake of our agricultural industry, stop the Liberals from making it open slather for GMO's.

Several members interjected.

**The ACTING PRESIDENT:** Order! One person at a time. At the moment it is Hon Stephen Dawson.

**Hon STEPHEN DAWSON:** Thanks, Madam Acting President, and I will stop swinging on my chair. It is a favourite thing of yours to tell me not to do it, so I will make sure that I do not. The letter continues —

PLEASE, for the sake of our agricultural industry, stop the Liberals from making it open slather for GMO's. As mentioned before, the world is turning against GMO's and clean, green food is being sought. We don't want to ruin our agricultural industry forever and miss out on the \$\$ that will inevitably flow from being clean and green. There are many statistics available showing this to be true.

PLEASE, would all politicians open their eyes to the hard LIVING PROOF in the rest of the world. We just cannot afford to start to implement technology that the rest of the world is waking up about and moving away from.

WA does not need to be a puppet for Canberra.

Article reproduced below:

“The State Government” is moving rapidly to scrap laws that give WA the power to veto local farms growing genetically modified crops approved by Commonwealth authorities. Agricultural Minister Ken Baston signalled the death knell for the laws at the Liberal Party State Conference at the weekend. Mr Baston and Cabinet had agreed to a scheduled review of WA's GM Crops Free Areas Act. He indicated strongly that the laws would be repealed once the review was completed, as part of moves to cut “Unnecessary” red tape in agriculture. The Liberal Party's rush to repeal the Act comes in the knowledge that if Labor gained power it would stop farmers planting GM canola.”

Kind regards,

Helen Eisenmann

A Liberal Voter who will no longer vote Liberal because of this issue.

This is an issue that transcends politics. People on the right and the left, Liberal voters and Labor voters, have concerns about this issue. Many people in the community have real concerns about this issue. I will leave that issue for now.

People have said that the bill now before the house removes unnecessary red tape. I do not think that is the case. Representatives of farming groups have said in the media that this is not red tape, and this bill does not remove red tape. I am all for removing red tape, but in this case I do not think this is about red tape. This is an issue because of concern in the community, and we should not be sending it to public servants or bureaucrats in Canberra to allow them to make decisions. This is an issue for which we should be holding onto responsibility in Western Australia. Just as members of the government have been very vocal about the National Disability

Insurance Scheme, and allowing bureaucrats, in Geelong in this case, to make decisions, so too we should be concerned about sending powers over to Canberra, and allowing people over there to make decisions about what is best for this state, particularly when there is so much concern in the community about the issue.

The issue of labelling in particular concerns many people in the community. Madam Acting President, you would be aware, as others are, of the advent of farmers markets on the weekends. They mostly happen in the metropolitan area. They have always happened in the regions, but there has been a wave of establishment of farmers markets in the metropolitan area. They have taken off, and big crowds of people attend to buy fruit and vegetables directly from the producers. People bring their recycled shopping bags and shop at these places because they think it is better for the environment, ensuring that we are getting produce direct from the farm gate. In many cases it is organic, and has not had all sorts of chemicals sprayed over it. People like that, and want more of it. However, GM tarnishes that clean, green image, and causes a great deal of concern in the community.

There is lots more that I could say about this bill, but they are the points that I really wanted to make tonight. I would hate the government to suggest that the opposition might be filibustering this bill. We are not; we are raising issues in this debate because they need to be raised. We are not playing politics with the issue. There are concerns about GM crops. We are concerned about their impact on export markets and we are concerned that they will damage our image as a clean, green producer. We are happy to work with the farming community and the industry on this issue, but it is our view that we should transition away from GM crops over a period of time. We oppose the repeal of this act, because, as I said, we want future decisions about GM crops to be made here in Western Australia, not over east. Finally, we support moves for the proper labelling of GM foods, because it gives consumers greater choice. It allows them to make a decision when they go to a supermarket and pick up product and can see on the label that it does or does not contain GM ingredients. It is my view that if consumers were given that option, they would not buy those GM products. With those few comments, I conclude my remarks.

**HON SUE ELLERY (South Metropolitan — Leader of the Opposition)** [8.58 pm]: I too rise to indicate the reasons I will be opposing the Genetically Modified Crops Free Areas Repeal Bill 2015. Essentially, we remain unconvinced about the commercial production of genetically modified crops in Western Australia for a number of reasons: first, the impact it has on export markets; second, the damage to our image in Western Australia as a clean and green food producer; third, consumer concerns about GM foods generally; fourth, the discounted price between GM and non-GM foods; and, finally, the potential widespread resistance to glyphosate. Despite those concerns, our position is that we understand that GM canola is currently being commercially grown, therefore our approach to GM canola would be to work with farmers and the industry to transition to non-GM crops over a suitable time frame; review contamination laws to ensure the protection of non-GM canola and organic farmers; oppose the repeal of the GM crop laws, so that future decisions about GM crops can be made here in WA by Western Australians; and support moves for the proper labelling of GM foods to give greater choice to consumers.

I was a member of this chamber back in 2003, when the Genetically Modified Crops Free Areas Bill was introduced into this place and supported by everybody in the chamber. The reason it was supported by everybody in the chamber at that time was that it actually offered something to each of the major stakeholders. It offered something to everyone, as opposed to this bill which excludes a major stakeholder in the debate about GM—that is, consumers. The bill back in 2003 offered something to the growers and industry. It did not rule out GM completely; it provided a regime of exemptions. It allayed consumers' fears of unfettered introduction of GM in WA. The bill before us today is not a total package that addresses all the concerns of the respective stakeholders. It addresses the interests, the needs and the desires of industry and the growers, but it offers consumers nothing. I think we go down that path at our peril, and I will talk about consumers in some detail in a minute.

Essentially, by repealing the Genetically Modified Crops Free Areas Act 2003 the government is asking the house to pass on the authority of the decision-making about genetically modified crops and really anything else related to GM crops from the Western Australian elected Minister for Agriculture and Food to the authorities in Canberra. There has been a large increase in the planting of GM canola in WA. When I listened earlier in the debate on this bill to the exchange between Hon Darren West and Hon Jim Chown, who has carriage of the bill on behalf the government, it was agreed between them that there was about 260 000 hectares of GM canola put in the ground by farmers in WA and that that effectively represents around 20 per cent of the state's agricultural land footprint. Twenty per cent is significant, but it is not huge. I think it demonstrates that there is in some part a move from growers and industry to growing GM, but it is not telling us that the majority of the industry is rushing to plant.

I will touch on the issue of consumers, because we have been told by the government, and indeed the major industry advocates say it as well, that GM is safe and we should trust that and take it on face value. I think that is where the industry and, in this case, members of the government have very long way to go to convince consumers that is the case. If there was a big label on every product that had GM ingredients, I think the majority

of consumers would stay away from that product; they would not purchase it. I think that is why there has been some resistance to labelling. That adage the customer is always right is undoubtedly true, and it is a foolish businessperson who assumes they know better than the customer. The customer's level of information, access to information and buying patterns are fundamentally changing, and this piece of legislation does not take account of those changes or offer anything to consumers. I think that will be to the government's peril for a number of reasons. People in Western Australia who are growers or are associated with growers may well hold the point of view that GM is safe and that there is nothing to worry about, but the majority of Western Australians who live in metropolitan Perth do not hold that view and level of trust, and they are the majority of people who will make a decision about who forms the next government. That is why the point made by Hon Ken Travers was quite right. The government ignores those people from metropolitan Perth who are thinking about how they will vote in March next year at its peril. This legislation is not a package, it is a bill, and in it the government has given those people nothing. That is at the government's peril. Not only do I think the government has made a policy mistake generally, not only do I think the government has erred on the side of science that is not agreed on, but also I think the government has made a political mistake as well because the majority of people who will decide who forms government are the people in metropolitan Perth and they do not like what the government is putting up here. They do not trust that the science is solid and strong enough to convince them that GM is safe. That is the political problem that I think the government has and it is one that it has created itself because it did not take the approach that we adopted in 2003 in making sure that the package that we put before the house had something for everyone. The government has not done that. It thinks it is on safe ground to proceed to pursue the interests of growers and industry who want to plant more GM crops, but I think the government will pay a political price for that, and that is the point that Hon Ken Travers was making. I will come back and touch on that a bit more in a minute.

I am advised that the discount on GM canola over conventional canola is around \$50. As the product is processed, consumers are happy to pay a premium for the non-GM product. That is what marketers in places like Tasmania and New Zealand, which have put a high premium on their clean, green status as food producers, have discovered to their benefit—that is, customers are prepared to pay a higher price for the degree of safety they feel that they get when they buy products that are non-GM, clearly labelled with where they came from and are organic or that are produced close to where they live with minimum food miles. Those are the kinds of marketing decisions that the Tasmanian food industry and parts of the New Zealand food industry have adopted very successfully. That discount, that difference in the price, is not to be underestimated.

The other point that needs to be made is about contamination or not contamination—whether or not it can be guaranteed that crops will not be contaminated. Hon Darren West gave the example of driving a load in the back of his truck to the wrong side of the sample hut at Co-operative Bulk Handling Ltd. As a consequence of that, a load of conventional canola had to be poured onto genetically modified canola because a bucket of someone else's seed had contaminated that load. That was not something that was done deliberately, it was an accident, but if it can happen to Hon Darren West it can happen to anyone.

The issue I really want to talk most in detail about is the question of the changing nature of how people make decisions when they purchase food. I will rely on a report by Deloitte. It is based in the United States, so the data it uses is US data, but I think intuitively that the Australian data would be stronger on this and would show that the trends identified in the US about the way consumers make decisions would be stronger in Australia because of the public debate that has gone on. I think we would be a bit ahead of the US. I do not have the data to prove that; it is my intuitive sense of where the market is in Australia. Anyway, the report prepared by Deloitte was for retailers and was entitled “Capitalizing on the shifting consumer food value equation”. The report looked at addressing, in the US anyway, the fact that the food and beverage industry continues to struggle with stagnant overall growth. This was a report prepared in 2014. The Deloitte Consulting Pty Ltd report states, in the executive summary —

... US food and beverage retail spending annual growth of 2.6% has roughly mirrored the annual inflation plus population growth of 2.3%. Though the overall spend has been flat, there has been a shift in where consumers are spending.

The report provides advice to the retail sector on finding ways to grow their businesses by —

... connecting with shifts in consumer purchase decisions and evolving shopping behavior.

Consumer-led disruptions —

I will talk in a minute about what “consumer-led disruptions” means —

are compounding the challenges of stagnant growth ... consumers have an unprecedented ability to access information about products and share this information via social media, making it more challenging than ever for companies to manage messaging. In addition, many consumers have signaled

a distrust of the established food industry in spite of retailers' and manufacturers' traditional efforts to keep consumers positively engaged with their brands. These consumer-led disruptions represent an opportunity, even an imperative, for manufacturers and retailers to reset and reposition themselves with consumers and shoppers.

Historically, consumers have made decisions based on taste, price, and convenience—what we refer to as “Traditional drivers.” While consumers have always considered factors beyond these three traditional drivers, only a small set of consumers actually made purchase decisions based on other factors.

However, things are changing.

Consumers have begun to weigh a new set of factors more heavily in their purchase, disrupting the consumer value equation in ways ...

That really challenges the food industry. This study was commissioned in collaboration with the Food Marketing Institute and the Grocery Manufacturers Association. The research included a survey of 5 000 consumers across the US and included interviews with company representatives; there was also a range of secondary research.

The report found that the traditional drivers of the consumer value equation remained intact, but that the number of consumers who considered a series of evolving drivers as a significant part of the purchase decision had grown substantially. This no longer reflected a niche portion of the market. These evolving value drivers included health and wellness; safety; social impact; experience; and transparency, which was an overarching driver.

The report continues —

From our findings, it is clear that the Evolving value drivers as a group have become meaningful for a sizeable number of consumers surveyed; roughly half say their purchase decisions are significantly influenced by these Evolving drivers.

This does not mean the Traditional drivers —

Such as proximity to the shops, taste and price —

are no longer important.

...

Rather, the Evolving drivers in the consumer value equation join the Traditional drivers as part of the full plate of influence when considering the drivers of consumer purchase decisions and take a greater share than in the past.

It's important to know that the shift towards Evolving drivers and a broader purchase consideration set is not driven by certain region, age or income groups. It is pervasive across region, age and income. This means that each and every consumer targeted by food manufacturers and retailers has changed in a fundamental and impactful way.

The report continues —

To make matters more complex for retailers and manufacturers, consumers who place more value on the Evolving drivers in their purchase decisions appear more likely to use social media, mobile applications, and digital sources to acquire information about products or brands on the path to purchase. They are also more prone to distrust the food industry in general.

I say to the government that when it puts together a package to address growers' and industry concerns and ignores consumers, it is taking a big risk, because consumers want more information and are saying that they do not trust genetically modified food.

The report then turns to the definitions of these evolving drivers of purchasing decisions. Each evolving driver has a distinct and varied impact on consumer purchase decisions. With respect to health and wellness, the report defines what consumers think that means to them —

The definition of Health & Wellness varies and includes attributes ranging from nutritional content to organic production to all-natural ingredients to fewer artificial ingredients.

This driver is the most important and complex of the evolving drivers.

With regard to safety, the report continues —

Safety applies to both product attributes such as absence of allergens and fewer ingredients, and company attributes like detailed accurate labeling.

The report then outlines consumer insight into safety —

Safety is considered both in the short-term (e.g., toxin free) as well as long-term (e.g., no carcinogens) and, as a result, has interplay with Health & Wellness.

With regard to what consumers think social impact means to them, the report states —

Social impact encompasses company attributes such as local sourcing, sustainability, animal welfare, and fair treatment of employees.

The key consumer insight on social impact is, according to the report —

The number of consumers reporting strong Social Impact preferences is small, but represents a loud and vocal group that can sway public opinion.

The report continues —

Experience includes retail store layout and services, channel innovation, brand interaction, and personalized engagement spanning pre, during, and post-purchase.

The report identifies transparency as an overarching driver and states —

Transparency requires product attributes such as clear labeling, certification by trusted third parties, and company attributes like access and trust.

The key consumer insight into transparency is, according to the report —

Consumers want access to many types of product/brand information and want to access it across mediums (e.g., website, in-store, apps, etc.) in real time.

With regard to implications for the industry, the report finds —

- Consumer purchase decisions will be based on mixture of both Traditional and Evolving drivers
- Consumer tastes and preferences will continue to fragment
- Retailers' role influencing consumer purchase decisions is increasing
- Smaller, newer companies will leverage new technologies, third party relationships, and improved engagement to earn consumer trust and to compete

I hasten to add that new technologies are around communication. The report continues —

- Larger competitors will adjust to fulfill new, unique value propositions
- Market success will be determined by building purpose-driven competitive advantages

Essentially, those were the findings. The report concluded —

It's clear that market leadership is being redefined by consumers, particularly those with an evolving value equation, driven by emerging factors such as Health & Wellness, Safety, Social Impact, Experience and Transparency. Nevertheless, informed, innovative, and forward-thinking retailers and manufacturers ...

Will match their products to those values. It is values that are driving how people are going to spend their purchase money. If the government thinks that people living in metropolitan Perth, who will go to the state election in March next year, are not demonstrating the same shift in the values they apply when they go into the supermarket, it is misguided. It needs to pay attention to this because these are the folks who are making decisions about whether or not unfettered access to GM is the way they want the agricultural industry to go. These are the folks who will not be happy that Western Australia is ceding decision-making out of Western Australia to the federal government.

That was an American study. The Australian research reflects the same kinds of values driving consumer behaviour. A "Thought for Food" bulletin produced by Australian Food News in May 2015 is titled "Research survey reveals more Australian grocery shopping habits", and makes reference to research that Roy Morgan Research was commissioned to carry out. The article reads, in part —

Australia's 14 million shoppers have shifted their shopping habits over the last decade according to the work of Roy Morgan Research.

...

The key determinants in grocery shopping habits include food safety, location and good value.

According to Roy Morgan research more than 12 million shoppers in Australia visited a supermarket at least once in an average seven days. A different survey conducted by AusVeg's Project Harvest has also revealed the once a week grocery shop is now dead with shoppers going multiple times within each seven day period.

The researchers found that in 2014, 55.8 per cent of Australian grocery buyers nominated high standards of food safety as one of the factors that mattered most to them when supermarket shopping. That was an almost identical

proportion of shoppers to those who said that having a location close to home influenced their choice of supermarket. That means that the traditional way of thinking is that if a supermarket is close to a large population base, that is all it has to do to attract shoppers to spend their money with it. But this research in Australia backs the research in America, which indicates that an increasing number of Australians are deciding that it is not just that they can get to the Coles, Woolworths or IGA because it is five minutes down the road, and I can get to all three of those from where I live within five minutes; 55.8 per cent of Australian grocery buyers need to be satisfied that the shop they are buying their food at has product within it that meets their high standards of food safety. From their knowledge and understanding of and commitment to genetically modified food products, a majority of Australians do not think it is safe. They do not think it meets their high standards of food safety. We can debate the science of it in this place. Frankly, I think that would be silly. I do not think anyone in this chamber is a food scientist, so we would not be the best informed at doing that, but we could have that debate. The point that this research is making is that nobody in the scientific community or in the retail marketing community, and no food growers or food producers, have yet convinced a majority of Australian shoppers that GM equals high standards of food safety. No-one has convinced them of that. So when the question is put to consumers whether they are happy to accept that food products with genetically modified ingredients meet what they believe constitutes a high standard of safety in food, consumers have not bought that line. There is nothing in the legislation before the house now that satisfies Western Australian consumers' desire to trust and therefore tick those values about how they will spend their money when they go shopping. That is the mistake that the government has made with this legislation. We can argue whether it is good or bad that we encourage people to grow GM crops, but we have not been able, and nobody in the industry has been able, to convince the people who go shopping in our supermarkets that they are buying the highest quality, safest food when they buy food with GM ingredients. There is nothing in this legislation to make them feel better about that. I think the government is taking a high risk in making a decision not to include anything for consumers in the bill before the house.

Australian Food News produces a series of "Thought for Food" bulletins. On 11 June last year, it stated —

Food safety and sustainability is fast becoming the number one concern for many consumers. Recent food recalls highlight the need to test food production and increasingly consumers want to know as much as possible about the food they put on their family's table.

Consumers want to know where their food is from, how it is produced and that it is sustainable. They also want to know the information they are given is trustworthy.

I think that backs up the Deloitte Consulting Pty Ltd report, which showed that our notions of how people make decisions about the food they buy are significantly shifting.

In October, in another "Thought for Food" bulletin by AFN, it noted that consumer rights, health and technology were among the key consumer trends for Australia and New Zealand in 2015 and that people were becoming more informed about their health and were increasingly seeking out food products that reflect their values around health and the production of food. On the trends that the AFN was reporting on at that time, it stated —

"Consumers will be buying less packaged foods, will demand more organic produce for a reasonable price, and will move beyond the supermarkets and towards farmers markets and the like if they can't get what they want," ... "Reduction of chemicals and additives is crucial, and the use of processes such as cold pressed and raw food will be more in demand," ...

...

Growing awareness of customer rights and corporate misbehaviour will see consumers demand more fairness and justice from companies, with consumer input becoming almost integral ...

It went on to state that consumers around the globe were exercising their rights at the cash register, purchasing only brands that align with their values. It stated —

"The consumer movement at hand finds consumers demanding openness from companies—more information, responsibility and accountability," ... "In the event that they do not feel that companies are forthcoming, they are willing to organise, even if it is just behind a hashtag. What's changing is that consumers are no longer just enlivened by the ability to protest, they also are coming to expect that even social media campaigns will force their desired outcome," ...

The bulletin went on to state —

... companies were facing real pressure from consumers who demand clarity on things like ingredients in food, treatment of workers and online terms and conditions.

The point that it is making backs up Deloitte's point—that people are applying a set of values around how they choose which cornflakes or tomato sauce they are going to buy and what soap they are going to use in the shower. It may well be the case that in the past the government has been able to argue that a small movement is applying a set of values in the grocery retail market and that it is at the extreme end of shoppers. However,

research from around the world is showing us that in fact the majority, not the minority, of people are applying those sets of social values to how they purchase their groceries. Therefore, when the government puts a bill before the house that will repeal the provisions that were put in place in 2003 around GM crops and hand over decision-making in Western Australia to Canberra, but it puts nothing in the package of legislation to assuage consumers' fears, I think it is making a political mistake, not just a policy mistake. I think it does that at its peril, but, frankly, its peril is its business, not mine.

**Hon Michael Mischin:** Will these people promise to vote for us if we withdraw the bill?

**Hon SUE ELLERY:** I do not know. I might be wrong, but my sense of the government's thinking as a collective is that it thinks that only a small group in the extreme worry about these things, and I am saying to the government that it has missed the boat if that is what it is thinking. If it wants to keep thinking that, that is its business.

**Hon Stephen Dawson:** I didn't think you were ever wrong.

**Hon SUE ELLERY:** That is true, Hon Stephen Dawson. I hope Hansard got that. Hon Stephen Dawson knows that I am never wrong!

Several members interjected.

**Hon Darren West:** I don't think Hon Stephen Dawson is ever wrong!

**Hon SUE ELLERY:** Exactly! This is called sucking up and I encourage it!

I also wanted to make the point about the real barriers that the 2003 regime put in place. It was then, and it is now, possible by way of exemption. I get that the government's view is that the default position should be that people can just grow it, but we say that the default position should be that people need to seek an exemption. That is the fundamental difference between us. However, in fact, I do not think it did impede the development for those who wanted to grow canola, because, if the minister chose under the 2003 legislation, the minister could create exemptions for not just canola, but also other crops if he or she wanted to.

**Hon Simon O'Brien:** But were any exemptions ever granted by Minister Chance?

**Hon SUE ELLERY:** That is the interesting question, because in the exchange between Hon Jim Chown and Hon Darren West in the debate about this —

**Hon Simon O'Brien:** I wasn't paying attention.

**Hon SUE ELLERY:** Really? This is what Hon Jim Chown said. Sorry. I will start with what Hon Darren West said. This will not happen very often, so Hon Darren West should take advantage of it! I am quoting from the *Hansard* of 10 May. Hon Darren West said —

It is significant that in six years since 2010, no other crops have been granted an exemption by a pro-GM government. I will let members think about that for a while. Genetically modified crops are all banned, except if an exemption is granted.

He said also —

Labor will not ban GM crops because they are already banned in Western Australia. ... With the mechanisms available, in six years this government has not allowed any further exemptions other than GM canola and cotton.

Hon Jim Chown interjected and said —

That is because none have been requested from industry at this stage.

Hon Darren West then said —

That is a very important point, Hon Jim Chown.

He went on to say —

Industry has not asked for any new crops in the last six years. Is that not an interesting addition to the debate?

**Hon Simon O'Brien:** So much for the floodgates opening, then!

**Hon SUE ELLERY:** Maybe Hon Simon O'Brien is right.

**Hon Simon O'Brien:** Of course I am right!

**Hon SUE ELLERY:** No, not always. Let us grant this for a minute: let us say that Hon Simon O'Brien is right and there is no floodgate. I still think the government has not done anything to address the value that consumers apply to how they buy their food. That is why I think the government has missed an opportunity. There is

nothing in this legislation to give consumers any comfort. We already know that consumers have not bought the science that there is nothing unsafe about genetically modified crops; therefore, any food products that come from genetically modified crops are safe. Therefore, what is driving the buying pattern of consumers right now is the value that says, "I need a higher degree of food safety, and I am not convinced that GM gives me that higher degree of food safety." That is the point I am trying to make. Regardless of whether there is a deluge of applications to grow GM crops, the government has a policy problem and a political problem, because consumers are not convinced that GM products are safe.

**Hon Simon O'Brien** interjected.

**Hon SUE ELLERY:** Hon Simon O'Brien knows the point I am trying to make. The government has missed an opportunity here. We will not support the repeal of the Genetically Modified Crops Free Areas Act. We believe this legislation is short-sighted. We believe our position will give greater certainty to the industry. It will also give Western Australians the certainty that decisions about GM are made in this Parliament by the people whom they have elected to represent them. We will be actively engaging in supporting moves for the proper labelling of GM foods so that consumers can make informed decisions. All the research I have referred to so far shows increasingly that consumers are making informed decisions and applying a set of values that this legislation does nothing to give them any confidence about. For those reasons, we will be opposing this legislation.

**HON SIMON O'BRIEN (South Metropolitan)** [9.33 pm]: I also wish to make a contribution to the debate on the Genetically Modified Crops Free Areas Repeal Bill 2015. I know that the Leader of the House would be very disappointed if I noticed a fundamental flaw in the debate on a bill and did not bring it to members' attention, and I shall not let him down.

**Hon Peter Collier:** I would be devastated!

**Hon SIMON O'BRIEN:** Just relax; I will deal with it.

One of the things that bothers me from time to time in this place is when members get up and argue things just for the sake of arguing—not that I have ever done that! In this case, we have an enthusiastic Labor Party that is going to great efforts to delay the passage of this legislation. It is ignoring, as oppositions are wont to do, the fundamental fact that it ought to respect the fact that a house of Parliament still has to function, and that, whether we like it or not, a government should be entitled to at least have its legislation dealt with. Sure, oppositions should expose all the flaws in the legislation, speak against it, vote against it, and go out in the public domain and rail against it; however, what oppositions should not do, with respect, and what has been happening in large part in this second reading debate, is talk about things that are not in the bill and about things that clearly are not what the bill is about. That has happened in a number of ways. It is only because of the breathtaking honesty of the honourable Leader of the Opposition that it is now becoming very clear—gee; they took a long time to get there!—that the ALP has determined, "We've got a winner by opposing this. We've got a scare campaign for next February–March. That's what we've got."

**Hon Sue Ellery:** We don't need to run a scare campaign. You're doing that yourself, I have to say.

**Hon SIMON O'BRIEN:** We can tit for tat about these things by going through all the archives. I recognise that. It is give and take as well. We have to be prepared, if ever we advance something that contradicts what someone else has said, that a political opponent can, and will, throw that up, and that certainly happens. We are seeing plenty of that at the moment with the federal election, of course. We need look no further than the front page of today's *The Australian*, which has large banner headlines about the "gross hypocrisy"—that is the term used—of the ALP in running scare campaigns on the Medicare issue, which of course is not an issue. Words like "the big lie" are being bandied around. Madam Acting President, you might well ask how this relates to the bill before the house.

**The ACTING PRESIDENT (Hon Liz Behjat):** I am actually wondering about that.

**Hon SIMON O'BRIEN:** It relates very directly. Unlike one or two members who have participated in this debate, my remarks on this bill will be relevant. The second reading debate has been largely about setting up a state version of the Medicare "big lie" by saying that the Liberal Party in this state stands for certain things that clearly we do not stand for. The Labor Party is trying to run a scare campaign that, thanks to this Liberal government, the sky will fall because GM crops will run rampant and, as a result of our intemperate legislation, every product on the supermarket shelves will contaminate the food within and we will all die, not in our beds, but at least at our tables. That was the substance of what was raised just now by the honourable Leader of the Opposition in relation to this bill.

I will come to what this bill is really about, in contrast to what we have heard from members opposite during these sundry sitting weeks. The Leader of the Opposition would apparently have us believe, as she has told us at least half a dozen times, almost to the point of tedium, that we have missed out on some public mood that the ALP is going to latch onto; that is, if there is any hint of GM food going into foodstuffs on the

supermarket shelf, the punters will not like that, and people on all sides are very much against that. So, what would they do about that? People are certainly not going to elect to buy GM foods if that is how they feel about them. They will not buy those products. What will supermarket outlets do in response to that lack of demand? They will not sell GM products. That is a pretty basic exercise in how a free market works, but the Australian Labor Party does not seem to appreciate that. However, the ALP will not let that get in the way of developing the ground for a scare campaign for next year. I do not think it is entitled to do that, with respect, in this second reading debate. I will not turn to the Labor Party's tweets, hand bills, phoney ads or whatever it does for the election campaign and how it is trying to spread this campaign; I will turn to what the bill actually does.

I was interested to hear over and over again from sundry members opposite that we are handing over some power to Canberra and giving up some form of sovereignty or transferring power under a constitutional change. Hon Brian Ellis, who has been on the Standing Committee on Uniform Legislation and Statutes Review, knows about this, and I know about this. I chaired the Standing Committee on Uniform Legislation and Statutes Review during the whole session of Parliament a few years ago. It was technically a whole Parliament even though Premier Carpenter called a very early election that year. I have chaired that committee so I know a thing or two about the constitutional issues of referring powers. I ask rhetorically: what powers are being referred to Canberra via this bill?

**Hon Jim Chown:** Absolutely none.

**Hon SIMON O'BRIEN:** Absolutely none. So, hang on, what is going wrong here? This whole debate, which has been going on for sitting week after sitting week, is about developing the state equivalent of what has been labelled "the big lie" in the current federal election, yet it is based on a big lie that somehow we are referring a power to Canberra to exercise to the exclusion of Western Australia in the future. The Genetically Modified Crops Free Areas Repeal Bill 2015 is very short and it is about the repeal of a current Western Australian act. It is not about referring powers at all. The federal powers exist already and they apply all over —

**Hon Jim Chown:** The nation.

**Hon SIMON O'BRIEN:** — the nation. I understand that they do so via —

**Hon Jim Chown:** The Gene Technology Regulator.

**Hon SIMON O'BRIEN:** — the Gene Technology Regulator. The Gene Technology Regulator is —

**Hon Jim Chown:** The ultimate body.

**Hon SIMON O'BRIEN:** — the ultimate body. It is a commonwealth body. There is a horrible echo in here! I am doing all right without it. The commonwealth body already exercises its prerogatives over the entire nation.

**Hon Jim Chown:** Correct.

**Hon SIMON O'BRIEN:** I am getting full marks and every tick as I go, Madam Deputy President. Therefore what does this bill do if it does not do what members opposite have claimed over and over again? It repeals a particular Western Australian act that was brought in by a Labor government that said it was all too hard back in 2003–04. The Labor government said, "No, it's too hard for us; we're very sensitive to people protesting and we're sensitive to a scare campaign of the sort that we might raise in the future, so we're going to declare the whole thing dead in Western Australia!" In my brief remarks, I want to outline the folly of what has been said in this house in the last weeks but the good news is, I will not take weeks to say it.

Debate adjourned pursuant to temporary orders.