

GENETICALLY MODIFIED CROPS FREE AREAS BILL 2003

Second Reading

Resumed from 7 May.

MR P.D. OMODEI (Warren-Blackwood) [8.13 pm]: The Parliamentary Liberal Party supports the legislation, albeit with some concerns that it will raise during the course of the debate. The parliamentary secretary in his second reading speech assured the community that the Minister for Agriculture, Forestry and Fisheries would not support the commercial release of genetically modified crops in Western Australia unless he was satisfied that there would be no detrimental impact on the market of the State's conventional crops. The minister seems to be having a bet both ways on this issue. At the end of the second reading speech the parliamentary secretary said that, in respect of GM canola, it was likely that the minister would designate the entire State as an area in which GM crops may not be commercially cultivated. He said that the Government would continue to adopt a cautious approach to the introduction of GM crops in Western Australian farming systems. He said that the Government was not opposed to GM crops but was prepared to intervene for marketing purposes. It seems as though the parliamentary secretary is playing the two ends against the middle. The truth of the matter is that Western Australia is not supportive of the introduction of GM crops at this stage. As the minister has said, the proponents of GM technology should meet any additional costs relating to its introduction.

The Bill allows the State Government to designate areas of the State or the whole of the State as areas in which specified genetically modified crops may not be grown. The second reading speech goes on to state that the Gene Technology Regulator is currently considering applications for the commercial release of GM canola varieties by Monsanto Australia and Bayer CropScience. I understand that they intend to plant up to 5 000 hectares outside Western Australia. In November 2002, the minister wrote to the Gene Technology Regulator to express his great concern about the possibility that GM canola would be licensed for commercial release in time for the 2003 planting season. He indicated that he did not believe the community of Western Australia was anywhere near ready for the commercial release of GM canola crops. That is true to a great extent.

The minister has also written to, and met with, Monsanto and Bayer requesting that they do not proceed with commercial plantings of GM canola in Western Australia this year should the regulator approve their licence applications. A possibility exists that 5 000 hectares of GM canola may be planted in Victoria this coming season. The federal Gene Technology Act also provides that the regulator must not issue a licence for a genetically modified organism if she is satisfied that issuing a licence would be inconsistent with the policy principle in force under section 21 of that Act. The intention is that once a policy principle is enforced, no licence for GM crops will be issued for areas designated to be GM-free.

The legislation will not prohibit field trials of GM crops. This is an area of concern for the Liberal and National Parties. They want stringent licensing conditions and monitoring by the Office of the Gene Technology Regulator in the trial and post-trial phases. The legislation will also not prohibit contained laboratory or greenhouse research involving GM food crops. The State Government states that it has no wish to deny Western Australian farmers the opportunity to assess technologies that have the capacity to enhance their international competitiveness while contributing to sustainable agricultural production in Western Australia. The trials need to continue, albeit with caution and stringent controls. If they do not proceed, Western Australia may be left behind in competitive agricultural production when compared with the international market. The minister stated that now is not the time to close off options one way or another, nor is it the time to commit Western Australian agriculture to a direction that may endanger its access to sensitive markets, including the Western Australian domestic market. There is no doubt that a number of growers in Western Australia want to access the GM-free market internationally. That should not be put under threat.

The Government's public consultation on GM-free zones found little support for the concept of GM-free areas interspersed across the landscape with areas in which GM crops could be grown. The idea of having regional areas exempt from GM crops would be very difficult to monitor. Areas of GM crops that are planted with buffers create a very complex issue.

The Primary Industries Ministerial Council has requested its standing committee to report and advise on industry preparedness for the commercialisation of GM canola and to provide options and recommendations for continuing government monitoring of industry arrangements. Through the Gene Technology Grains Committee, the industry has developed canola industry stewardship protocols intended to enable GM, non-GM and organic production systems to coexist. It is important to remember that the effectiveness of the protocols is unproven and remains the subject of continuing debate in the Australian farming community and the general community. Their effectiveness on commercial GM canola plantings elsewhere in Australia will be tested as soon as GM canola is approved for planting by the Office of the Gene Technology Regulator.

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The legislation will make it an offence to knowingly cultivate a GM crop in an area designated as GM-free for that crop. The legislation allows for substantial penalties to be imposed. I will refer to them later. Last November, the minister wrote to the Gene Technology Regulator expressing his grave concern about the possibility of GM canola being licensed for commercial use in time for the 2003 planting season. He indicated that he did not believe the community in Western Australia was anywhere near ready for the commercial release of GM canola crops. I think he repeated that a couple of times in his speech. The minister also wrote to and met with Monsanto and Bayer about the 5 000 hectares that they intend to plant outside of Western Australia - possibly in Victoria - this coming season. The minister's speech was quite repetitious. The minister virtually played both ends against the middle in that he said he is not opposed to GM crops but is prepared to intervene for marketing purposes.

The growing of genetically modified foods is a significant industry around the world. A research report from the Grains Research and Development Corporation and the Australian Bureau of Agricultural and Resource Economics titled "Genetically modified grains" states -

The first GM crop was commercialised in the United States in 1995 and since then the rate of adoption has been remarkable. In 2002 around 40 million hectares of GM crops were harvested throughout the world, mainly soybeans, maize, canola and cotton. This represents about 15 per cent of the total area planted to these crops in 2000. The main producing countries are the United States (67 per cent of the total GM area in 2000) and, to a lesser extent, Argentina (24 per cent) and Canada (8 per cent).

In Australia, no GM crops have yet been commercialised, but canola, lupins and field peas are at advanced stages of development. The only GM broadacre crops that have reached commercialisation are an insect resistant cotton that accounted for around 34 per cent of total Australian plantings in 2000 and a herbicide tolerant cotton that accounted for a further 3 per cent.

There is significant production of GM crops internationally. The report states also -

Consumer acceptance is a key driver. GM crops seem to have been widely accepted in the United States and Canada but are meeting strong consumer resistance in other countries, particularly in Europe.

That is of concern to farmers in Australia, because the European market is quite prominent, particularly for GM-free grains and products. The report continues -

This concern has progressed to the point where a few governments (notably in the European Union) are refusing to accept some GM products . . .

Members may recall the rejection of maize by the EU. The report states also -

Another key driver of the spread of GM crops is the market power generated through the comparatively recent (1980) ability to patent gene sequences and whole species of GM plants, as well as key enabling gene technologies.

The report states also, under the heading "What if Australia adopts GM canola?" -

Commercial release of canola varieties that are genetically modified to be tolerant of particular herbicides in Australia is possible in the next few seasons. ABARE's assumption about the agronomic benefits of these crops is that they will offer a yield advantage of around 7 per cent, compared with conventional varieties, and a decrease in weed control costs (including seed costs) equivalent to a 3 per cent reduction in total production costs.

Assuming only agronomic benefits (yield improvement and reductions in the cost of production), it is estimated that the adoption of the GM variety would result in Australian canola production increasing by nearly 9 per cent by 2010 and Australian oilseeds exports increasing by around 12 per cent. For Australia to produce the same quantity of canola if it remained GM free, the premium for non-GM canola would have to be around an estimated 10.4 per cent - a level that does not seem to be available on a wide scale in world markets.

The report states also, under the heading "Market implications of GM wheat" -

One GM plant developer has flagged that it would like to release GM wheat commercially as early as 2003 in the United States. Wheat grower organisations and wheat marketers in both the United States and Canada have stressed that the appropriate identity preservation arrangements need to be in place before wheat varieties of this type are released.

To assess the impact on world markets for agricultural commodities if half of US wheat growers adopted GM wheat, it was assumed that wheat yields rise by 10 per cent compared with existing wheat varieties but at the expense of a 1 per cent increase in total production costs.

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On the basis of agronomic benefits alone of these crops, world wheat prices are estimated to decline by 2.6 per cent and the United States is estimated to increase its exports by over 11 per cent, largely at the expense of its competitors in the world wheat market. The loss in comparative advantage in wheat production in Australia would flow through to an estimated 2.6 per cent reduction in wheat exports.

That is, of course, if Australia adopts a no GM grains policy. These are just some of the documents that I have been able to access. The surveys vary slightly in the amounts and volumes of crops produced overseas. A document I have from the Library and Information Services titled "Genetic Engineering in Agriculture: Australian Farming at the Crossroads" is written by the Economic, Commerce and Industrial Relations Group. I find the kinds of genetically modified foods that can be produced interesting. In relation to farmers, this document indicates that -

At present it is far too early to estimate what the potential benefits of GMOs to farmers are likely to be. Most of the attention of the industry has been devoted to herbicide tolerance (in crops such as maize, soybeans, canola and cotton) and insecticide inclusion in crops. The inclusion of the natural pesticide *Bacillus thuringiensis* (Bt) -

I think he plays centre half forward for the Eagles at the moment -

in maize and cotton plants is designed to kill certain pests, such as *Heliothis* (the cotton boll worm). The target insects ingest lethal doses when eating the plant, thus avoiding the need for an insecticide application. In Australia, the only GMO which has been commercially available to farmers is Bt cotton.

One reason that farmers are interested in this technology is increased returns to farming. This can occur by a change in yields or input costs or a combination of the two. It is important, though, that knowledge about the change in one of those factors does not give an indication of the total effect. For example, a decrease in yield, resulting in lower gross returns does not disadvantage a farmer if the decrease in input cost (such as cost of seed and pesticide) compensates for this loss. Furthermore, a technique that permits a change in rotation may also be an advantage without any change in yields.

The article continues -

The University of Wisconsin carried out a survey in eight states of Northern USA on Roundup Ready soybean (a variety tolerant to the herbicide Roundup). The survey shows decreases in comparison with the non-GMO crop at an average of seven per cent for the top variety, six per cent for the top five varieties and five per cent for all varieties . . . Seed companies found similar figures in trials in southern Wisconsin and central and southern Minnesota. No net farm returns were calculated.

The US Department of Agriculture has published figures of its analysis of different crops, but warns that figures for yields and pesticide use from farm survey data, as they supply the data, are biased . . . Yields of herbicide tolerant maize are shown as between -10 and +25 per cent different from non-GMO crops, measured in different states in the years 1996 to 1998. For soybeans the comparable figures were between -6 and +21 per cent, and for cotton between -12 and +19 per cent. The Bt crops -

Which have pesticide in them -

showed a more positive picture, with maize varying between -2 and +30 per cent, and for cotton up to 26 per cent.

Iowa State University took the USDA's figures for Iowa and calculated farm returns for GE and non-GE crops. In 1998 just over 40 per cent of the area under soybeans were sown to GE varieties, which showed a 4 per cent decrease in yield . . . Bt maize in the same state and year yielded 9 per cent higher. Calculations of returns showed GE soybeans to have a marginally lower return to land and labour (US\$357 as compared with US\$360 per hectare for non-GE crops). Bt maize returned US\$9.80 per hectare more than non-GE maize.

It goes on. A host of information is available about what is happening in the United States and Canada and the gains being made in those countries. Australians cannot ignore this. In this country, particularly in Western Australia, we are adopting a cautious approach to genetically modified crops. I believe that the majority of growers in Western Australia support that approach at this stage.

I also refer to a report by Andrew Fowler, who was an Australian Nuffield farming scholarship winner and was sponsored by the Grains Research and Development Corporation. He went to a number of countries - first to Singapore, Malaysia and Thailand, and then to the United Kingdom and France. He took some time to look at the potential for GM crops. Of course, one of the great objections to GM foods is a result of the publicity about Frankenstein foods. Farmers are worried about the dominance of a few large multinational companies in the

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breeding programs, and supermarkets are using the label of GM free as a selling point. A battle is going on between people who want to sell GM foods and those who see niche markets for non-GM foods. A number of people in agriculture in Western Australia believe that, from a marketing point of view, it will be an advantage to have non-GM foods. Andrew Fowler states -

In the US farmers are benefiting from GM crops, this year they could potentially harvest a record corn and Soybean crop. The effect of this will be to reduce world prices for grains. It is hard to state the exact effect on yield and cost of production derived from using GM crops, but the fact is the benefit is real and under the US government assistance package good farmers are experiencing record income in times of record low grain prices.

This means the Australian farmer with no access to the technology is at a disadvantage. We are faced with lower prices without the ability to compete using the same technology as the US farmer.

If Australia wishes to gain access to the technology we will need to develop mechanisms, which enable the owners of the technology to extract value from their investment. An end point royalty system could be the most equitable . . .

He goes on. That young farmer obviously went to those countries with an open mind and produced a report. Part of that report states that although the majority of farmers in Western Australia are seeking to ensure that the legislation to protect Western Australian crops from genetically modified organisms and to put in place the five-year moratorium is passed, we must realise that the competition in the market will be from overseas countries that produce crops in a corrupt market, in that most of those countries enjoy some kind of farm subsidy as compared with Australian farmers who do not receive any subsidy. If Australian farmers are to be competitive in the market, they must certainly keep abreast of all the latest technology.

I recall clearly when Sir Gustav Nossal became the Australian of the Year. For those members who do not know, Sir Gustav was a celebrated endocrinologist who studied mankind and the effects of technology change on mankind. When he was in Western Australia visiting the Manjimup Senior High School in my electorate, one of the very good questions to Sir Gustav from a student group at the school was, "Do you support genetically modified foods?"

The answer was quite astounding. He stated quite graphically that he strongly supported genetically modified foods. The reaction on the students' faces was one of surprise. He went on to explain that the foods in some countries are nutritionally deficient and stated that, for example, a particular gene may increase the level of vitamin B in rice, which could save 30 million lives in India. He further stated that genetic improvements to other nutritionally deficient foods may save the lives of people in other countries. His answer gave me a new perspective on genetically modified foods. It is quite a complex issue. It is not just a question of seeking a genetically modified free market; it is also a question of many other things, such as world competition. If world competition changes because our international competitors are able to produce grains at a lesser cost - the market is already corrupt because of subsidies - Western Australian and Australian farmers will be placed at a disadvantage. All these things must be taken into account. The Opposition supports the legislation because the feeling in rural Western Australia is that although genetically modified crops should be held back for a five-year period, there must be some flexibility should the market change dramatically. I am sure that the farmers will make their concerns known to the Government of the day, which can then act.

If the trials continue - I understand that they will - there must be stringent guidelines on how they are undertaken, particularly if the majority of farmers are concerned about the spread or effect of genetically modified foods on other crops. For example, genetically modified foods may change a crop's herbicide tolerance. Further, the development of a wild plant - it could be a grass or a weed - may require increased herbicide control. We must take that into consideration.

I have a large amount of information that I could read into *Hansard* for the record. There are a range of issues about genetically modified free zones. Again, they will be very difficult to police in Western Australia. The buffer protocols will have to be thorough. When considering herbicide buffers as compared with different crop buffers, it is interesting to determine whether there should be buffers of normal non-genetically modified grains or canola to ensure that there is no cross-pollination of those areas. I will be interested to hear what the parliamentary secretary has to say about that. From my point of view, although the minister will put a moratorium on the growing of genetically modified grains or crops in WA, at the end of his speech he left the door open for any necessary changes. It is important that we listen to what the WA farmers have to say about genetically modified foods. We must be conscious of the fact that some countries may be given the commercial advantage of lower costs of production if they grow genetically modified foods and grains. There must also be a proper labelling system. All the things set out under the federal and state protocols must be put in place to ensure that the State's future is protected. There is no doubt that there is a strong feeling among a very large

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group of farmers that we should retain a genetically modified-free situation for a period until more information comes forward. We think that seems to be commonsense at this stage, and that is why we support the legislation.

MR T.K. WALDRON (Wagin) [8.39 pm]: I will try to speak specifically to the Genetically Modified Crops Free Areas Bill 2003 and keep on track. This Bill will allow parts or the whole of Western Australia to be declared free of a specific genetically modified food crop. It will make it an offence to knowingly cultivate a GM food crop in a GM-free area. Provisions have been prepared that impose quite substantial penalties. The National Party will support the legislation, but there are some shortcomings in the Bill owing to its simplicity and quite draconian policing approach.

The National Party's position is to continue the moratorium on GMOs in Western Australia. My colleagues and I will not support commercial releases until the markets and the environmental impacts have been properly evaluated. The ability to contain the product and the risk of contamination of non-GM crops are definitely major issues. The member for Warren-Blackwood has just spoken about some of those issues.

It is pleasing that the Bill allows for an individual GM food crop to be specified, for an order to be revoked, and for the exclusion of field trials and laboratory research from prosecution. The agricultural community has raised concerns about crops such as GM canola owing to the potential for crosspollination to occur with non-GM crops if grown in the field. The Bill attempts to shore up the Government's moratorium, but it also raises many more questions than it answers.

In the second reading speech the parliamentary secretary said that in determining the need to make orders under the Act, the minister would consider evidence of the proven effectiveness of industry protocols, market impact assessments and advice from industry and the marketers of agricultural products. First, I ask the parliamentary secretary to indicate what evidence the minister will use. Will he consider and apply research gained from overseas studies? How can the minister consider evidence when we do not grow GM crops such as canola? Secondly, where are the provisions in the Bill for consultation with industry and the marketers of these products? There are no clear provisions for such consultation, which we think is particularly important. As the Bill stands, the minister can make an order designating an area of the State as GM free without consulting anybody. The National Party will propose an amendment to make this process more open and accountable, particularly to stakeholders.

There also are no provisions for notifying landholders when an order is made for the destruction of a crop. The legislation gives an authorised officer the power to enter land and, if necessary, to enter the premises upon that land to seize and destroy a crop. However, nothing in the Bill mentions notifying the landowner. I have just been dealing with the Royal Society for the Prevention of Cruelty to Animals over a different matter. We must always remember people's basic rights. This Bill seems to infringe on people's basic rights to have the opportunity to explain their position or, in this case, to show to the officers that the officers may be in the wrong before the owner's crop is destroyed. The National Party will move an amendment to rectify this omission as well.

It is a small and fairly simple piece of legislation, but it gives the department immense powers to enter properties, destroy crops and impose fines. We have some concerns because the potential ramifications of this policing role are enormous. It is a simple Bill, but we need to consider what it could mean. It needs to include some protections.

The National Party will also seek to amend clause 16 to delete the provision for review of the Act after five years. Instead, we will propose that the Act cease after this time. There are two reasons for that amendment. First, it is not enough to state that the Act will be reviewed in five years. Inserting a clause for the review of an Act does not ensure that the minister of the day, whoever is in power, will conduct a comprehensive review of the impact of the legislation and whether it is meeting its purpose. Reviews are conducted all the time. They do not always do what they were intended to do. By inserting in the legislation a sunset clause for the Act to cease after a certain day, the National Party feels that this would force a rigorous review of the legislation. If a moratorium were required for it to stay in place, the process to extend it would be quite simple.

The second reason for proposing the sunset clause is that the legislation may prove to be onerous and restrictive on the development of new technology. Simply stating that a review must take place after five years could mean that the moratorium could be in place forever and a day. It has already been mentioned that much could change over the next five or six years. Science is unpredictable. In this modern, technological age, things can move very quickly in certain areas. The opportunities offered through advances in gene technology could prove imperative to many people. We do not want this legislation to be too restrictive. We need the ability to change when scientific evidence and advances are so great that they will provide sufficient assurances to satisfy

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community concerns. The member for Warren-Blackwood spoke about the community concerns. We share those concerns.

The applications of gene technology are evident in medical research, the production of therapeutic goods, the environment and various other industries. Once proven, GM products could provide significant benefits. In agriculture specifically, Australia has witnessed the development of GM cotton, which is now being grown on a commercial scale. A range of genetically modified organisms and GM products are already regulated under commonwealth legislation. There is the potential to produce disease and insect-resistant GM crops, which could possibly lead to a reduction in chemical use and increased yields. Overseas studies have shown that the development of GM crops has led to the reduced use of pesticides, increased yields and increases in net profit. Gene technology is leading to the development of crops that can tolerate climate and soil stresses such as drought, salinity and frost. If the salinity problem in our State and such things as frost and rust could be overcome by using GMOs, there might be some changes in the attitudes of different people. The prospect for crops to be grown on salt land could provide hope to many farmers and our State in general. It would change the face of farming and allow the use of a lot of our saline land. A trial not of genetically modified crops but of some different strains is occurring in my area. There has already been some success in growing some crops on saline areas. I have no doubt that saline land will be productive one day. I do not know to what level, but I think it will happen. If genetically modified crops allowed that to happen, there could be a bit of a change in attitude. There is no doubt that there is a danger of cross-pollination and contamination with some GM crops. It will only be as technology is further developed that we will discover the associated risks. There is no doubt that safety and containment must be our priorities at the moment. I agree with many of our farmers that we must protect our export markets.

The National Party supports the Bill. As I said, we foreshadow three amendments to the Bill. I look forward to the parliamentary secretary's comments on those proposed amendments that we will also vigorously pursue with the minister in the upper House. The whole issue of genetically modified organisms is very contentious. We must move therefore with great caution and be very sensible with anything we do relating to them.

MR B.K. MASTERS (Vasse) [8.50 pm]: I believe the Government is pursuing this legislation because genetically modified organism technology, which is part of a broader field of biotechnology, is both new and complex. It is not new in the sense that it has been researched for only a short time; in fact, research has been under way for more than 20 years. It is new in that it has just come to the attention of the broader community. It is certainly an understatement to say that the technology is complex. Because the technology is both new and complex, a significant number of people in the community are uncertain about what it means. The Government therefore wants to bring in this legislation to try to control the way in which genetically modified crops will be grown - or not grown - in this State.

Genetically modified organisms are not well understood by farmers or consumers or - dare I say it - by politicians. Farmers were surveyed recently. One of the country newspapers - either the *Countryman* or the *Farm Weekly* - reported that about 60 per cent of farmers did not understand enough about GMOs to be able to decide whether they should be used in their area or in Western Australia. Because GMOs are not well understood, I can understand, therefore, why the Government wants to make haste very slowly on this issue. I believe also that the Government wants this legislation because genetically modified organisms of any sort attract strong opposition from one or all of the three following groups: firstly, people who are genuinely concerned about GMOs; secondly, activists - I will get back to them in a minute; and, thirdly, people who stand to profit from the continuation of the current technology.

I return to the people who are genuinely concerned about what GMOs will mean for their future livelihood and other aspects of their existence on this planet. Some people believe that when genetically modified organisms are released into the environment, they will be uncontrolled and uncontrollable and, as a result of that, a genetic trait that may turn out to be dangerous or to have an impact on the environment or on human health could spread very widely because there would be no way of controlling it. That is one concern that people have.

People are also concerned about the potential reduction in market penetration for food from Australia if it was seen to have lost its clean and green image at the expense of the use of genetically modified organisms. I find that notion a bit strange because virtually no crop is greener than a genetically modified crop. By definition, significant benefits will be gained from the use of fewer pesticides and the better use of fertilisers, water and so on. Ultimately the clean image of our products would be enhanced if we were to go down the genetically modified organism path.

The question of whether GMOs are green is somewhat contentious. However, we would enhance our green image in the eyes of the wider world if we used fewer pesticides and produced the same amount of crop products from a smaller area of land - GMO crops require smaller areas of land - and thereby planted trees, for example,

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on the surplus land. Nonetheless, they are some of the issues raised by people who are genuinely concerned about genetically modified organisms.

The second group I mentioned were the activists. I have no doubt that there are individuals and groups of people who are keen to make sure that any topic that can create a bit of emotion and media or community opposition to a proposal by government or by a company -

Mr M.P. Whitely: That is how you described my attitude to SWERF technology.

Mr B.K. MASTERS: That is not a bad point. The member for Roleystone is doing it for political reasons. The groups campaigning against GMOs to which I have referred are doing it for their own reasons. They include people with political ambitions, people trying to retain an image for their part of world - Luddite is a term that comes to mind - and those who are basically trying to influence public opinion in a way that would see their interests pursued and furthered at the expense of other equally genuine interests of people who are not quite as active or otherwise involved.

Mr M.P. Whitely: Do you still support the SWERF technology? Have you done any research on it?

Mr B.K. MASTERS: I hope the SWERF technology can prove itself to be a clean, green and totally acceptable technology.

Mr M.P. Whitely: What do you know about the experience in Wollongong?

Mr B.K. MASTERS: I have only been there twice. I could ask the member what he knows about it. The bottom line is that it is a trial facility. It is not allowed to operate unless it gets everything right. At the moment it does not have everything right. When I had discussions with the company last year it had an emission problem with arsenic - I think - so it had to install appropriate equipment to remove that problem. I cannot tell the member what has happened since then.

Mr M.P. Whitely: I can -

Mr B.K. MASTERS: Perhaps another time. The member is trying to set himself up as a Luddite and say, "We do not want this here because it will pollute, kill and contaminate everything else." The member is not prepared to allow the Environmental Protection Authority to set conditions that, if met by the company, would enable the technology to be totally acceptable as clean, green technology.

Mr M.P. Whitely: I think you really need to research what has happened in Wollongong.

Mr B.K. MASTERS: Nothing has happened in Wollongong. There is no pollution, no-one has been sick and the company is not allowed to operate until it gets it right. I do not see any reason for scaremongering because the member wants to get a few additional votes in his favour.

Mr M.P. Whitely: Thank you for putting your position on the record.

Mr B.K. MASTERS: I thank the member for Roleystone; it is a pleasure. I have only done it three times before.

The third group of people who oppose GMO technology are those who stand to profit from the continuation of old technology. In this place members always talk about conspiracy theories and the Central Intelligence Agency working with -

Ms M.M. Quirk: That is in the upper House.

Mr B.K. MASTERS: Okay, there as well. However, I assure members that if genetically modified organisms are used in the way that some of the research bodies want them to be used, there will be significant losers in the world economy. For example, some companies that produce the old-fashioned style of biocides - pesticides, herbicides and so on - or that derive their income from supplying fertilisers, will be affected because some of those fertilisers will not be needed to the same extent as previously. In other words, many people stand to lose from the application of genetically modified technology just as many other people stand to gain from its use. It is a complex issue. Again, I can understand why the Government is bringing in this legislation. The Bill seeks to give the Government, through the minister, the ability to declare all or part of WA a genetically modified organism free area. I have outlined the reasons the Government wants the legislation. The issue of genetically modified organisms is new, complex and not well understood, and attracts strong opposition. There are also concerns about the marketability of Western Australian products should it go down the GM path. As a corollary of that, our clean, green image could be tainted in the eyes of people overseas.

The Government needs to understand three important messages about what will be result if this Bill's provisions are used and a GM ban is declared in Western Australia, whether it be for one day or five years. First, if Western Australia is declared a GM-free zone for any period, the Government must spend considerable time, money and effort educating the wider community about the pros and cons of GM technology. It must have the

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goal of getting the wider community to understand all the issues involved in the use of genetically modified organisms. If the Government does not go down that path, we will be in exactly the same position in five years; that is, people will still not understand the technology and be scared by activists who make outrageously incorrect or extreme statements about the consequences of GMOs. To make sure that in five years we do not find ourselves in the position we are in today, it is very important that the Government put time and effort into implementing an education process so that the wider Western Australian community, and particularly the farming and rural community, understand what genetically modified organisms are and the pros and cons associated with their use.

The second important message for the Government is that there will be times when it must stand up to those people or groups who are deliberately or otherwise scaring people with false claims about genetically modified organisms. I pass onto the House three examples. A couple of years ago there was huge concern in the world community about scientists producing genetically modified peanuts. I do not know why anyone would want to do that. Presumably the production of these genetically modified peanuts resulted in fewer environmental impacts or enhanced food content. However, those people got it wrong. The peanuts contained a chemical to which some people were severely allergic, to the extent that they could be killed by ingesting a small amount of the chemical. However, no-one was killed or made ill. No-one ate the peanuts because the research companies involved carried out the appropriate chemical analyses of the peanuts to see if the chemical or group of chemicals was present. When they found that they had moved into the peanut a piece of genetic information that they did not want, they tore up the genetic model and started again. There was never any serious or genuine risk to the wider community, human health or the environment.

The second example of scaremongering with which I am very familiar was carried out by green groups in North America. They said that researchers had fed monarch butterflies on the pollen from genetically modified canola, and that all the butterflies had died. The story was accurate, but the reality is that no monarch butterfly worth its salt will eat nothing but the pollen from genetically modified canola. The butterflies are not known to have the biggest cranial capacities in the world. Nonetheless, they do not preferentially eat something they know will kill them. Instead, they will try a bit of pollen from genetically modified canola, realise they do not want it, and then fly away and eat pollen from other species.

Mr M.P. Whitely interjected.

Mr B.K. MASTERS: That is a different issue, and I am running out of time.

When monarch butterflies were captured and fed by researchers with a choice of genetically modified and non-genetically modified pollen, the butterflies preferentially went for the non-GM pollen, and not one of them died. I may stand corrected - I have a figure of three per cent in the back of my mind; however, there was a minuscule impact on the monarch butterfly in North America. All the doom and gloom and exaggeration coming from the anti-GM activists on the issue of butterflies was simply incorrect, and definitely scaremongering.

The final example I will give is the fear that super weeds will be created. In other words, the genetic modification in Roundup Ready canola will transfer to its near relative, the wild radish, which will then not be susceptible to glyphosate. That super weed will then get out of control and take over the planet. The reality is that dozens of herbicides are available on the market today. If a genetically modified wild radish has picked up the modifications from GM canola and cannot be controlled with glyphosate, dozens of other herbicides can be used to kill that weed and stop it becoming a super weed. Over the next five years the Government will have to stand up to all the people and groups in our society who, deliberately or otherwise, go out of their way to scare people about GMOs by making false claims about the environmental, social or health impacts of GMOs.

The third thing the Government must do over the next five years - or whatever period the ban is in place for - is determine whether our markets are at risk if we, as a State, allow GM crops to be grown anywhere in the State. Many comments are being made that we will not be able to sell a certain product into Japan, and other products into Europe, and so on, but to date not one sales contract has been brought to my attention as having been stopped because it has come from a genetically modified region of the world. The Government must talk to other governments, consumer groups and agricultural bodies in those countries that are our overseas markets and find out what, if any, would be the real impact of Western Australia growing genetically modified organisms.

[Leave granted for the member's time to be extended.]

Mr B.K. MASTERS: I will touch on some other issues. I acknowledge that the separation distance between GM canola crops and non-GM canola is an issue that has not been handled well in the past. I understand that the Gene Technology Regulator has said that she will allow a separation distance of as little as 10 metres; yet there is evidence from elsewhere in the world that separation distances measured in the hundreds of metres - maybe

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even a kilometre or more - may be necessary to stop genetically modified pollen being blown into a non-genetically modified canola crop downwind.

I am trying to provide a little understanding of the genetically modified crops issue. When a canola crop is harvested, the seeds are collected and pressed to extract the oil. The oil is the product that is used by human beings and sold on the world market. When that oil is analysed it does not contain genetic information. It may come from a genetically modified crop, but there is no genetic information within it because the genetic information remains with the crushed material; that is, the seed and the other parts of the crop. Therefore, oil from a genetically modified canola crop, in theory, should not be considered a genetically modified product because it does not contain genetic material.

It is important that in Western Australia we continue to do field and laboratory trials of genetically modified organisms to make sure that if and when any ban imposed on the use of genetically modified crops is lifted, we are in a position to use world's best technology to make sure that we gain the most benefit possible from the use of genetically modified crops. The Bill is a little limited in that the provisions focus only on genetically modified food crops. Quite a number of other crops are being researched at the moment. I wonder whether this Bill will be able to prevent genetically modified cotton being grown in the Ord region, should that be sought in large acreage. I am not sure of the intention of the Government and whether it will use this legislation to stop all genetically modified crop material or just food crops. I suspect that the matter needs to be investigated a little further.

Clause 16(1) states that the minister is to carry out a review of the operation and effectiveness of the proposed Act as soon as is practicable after the expiration of five years from its commencement. I hear the member for Wagin say that the National Party will try to have the Act cease to exist after five years. If that fails, I will suggest that clause 16(1) be modified so that the review occurs before the expiration of five years, not after.

Mr P.D. Omodei: I have that amendment.

Mr B.K. MASTERS: That is excellent. When I discussed the Gene Technology Bill in this House last year, I said that biotechnology, and in particular gene technology, was the fourth human revolution. The first revolution was the agrarian revolution, which occurred some 10 000 years ago when human beings were able to change their hunter-gatherer lifestyle to come together to live social lives in groups that were able to grow crops and therefore did not have to hunt and gather. The second major human revolution was the industrial revolution of some 200 to 300 years ago, in which machines took over much of the work and significantly increased the amount of food that came off the land, replacing the fairly meagre living people eked out with poor returns from the land. In addition, there was the increased industrial output that increased society's wealth. The third human revolution was the electronic revolution about 30 years ago, particularly of the computer.

We are now in the fourth revolution; that is, the biotechnology or genetic modification revolution. We will soon be able to manipulate the genetic data contained within virtually any living organism and produce outcomes that will both scare us and put us in awe of the technology. The promise of gene technology still holds true from what I first indicated 12 months ago in this place. If they wish, farmers in India can now grow rice that contains enhanced levels of vitamins that will prevent blindness. Currently, more than one million people on the Indian subcontinent are each year affected by blindness from vitamin deficiency. Farmers in China will be able to grow Bt cotton, just as it is grown in eastern Australia. The benefit is significantly enhanced productivity with a 70 per cent reduction in the use of pesticides. Hopefully, Western Australian farmers will be able one day to grow salt-tolerant crops, especially wheat, either on salt-affected land or using highly saline water and receive the same economic return they receive today from land not affected by salt.

The future holds the promise of amazing outcomes. People are researching growing plastic in plants. When harvested, the plastic material can be turned into a crude oil substitute. Other researchers are looking at growing drugs in very common food crops such as bananas. Instead of having to inject themselves with insulin several times a day, diabetics will have to do nothing more than eat a banana. While we must be cautious about the use of genetically modified organisms, we must not be overcautious. Government must use all or part of the five-year period this Bill will declare Western Australia to be a GMO-free area to undertake the three important tasks I outlined earlier. The tasks are education and understanding, pointing out when people are not telling the truth about GMOs and determining if our markets are at risk by growing GMOs.

I have no doubt that when the time is right, Western Australians will use GM technology for enormous benefits environmentally, economically and socially. This is the fourth revolution and we must be part of it.

DR J.M. WOOLLARD (Alfred Cove) [9.16 pm]: I find this Bill very confusing. The second reading speech states that the Minister for Agriculture, Forestry and Fisheries has assured the community on many occasions that he will not support the commercial release of a genetically modified food crop in Western Australia unless

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he was satisfied that it would have no detrimental impact on the markets for the State's conventional crops. In May 2001, the minister announced an interim five-year moratorium on genetically modified crops. It is claimed that the Bill will allow the State Government to designate areas of the State - or the whole of the State - as areas in which specific genetically modified food crops may not be grown. That means there must be areas in which they may be grown. The Bill adds to the confusion. Clause 4 states -

- (1) The Minister may, by order published in the *Gazette*, designate an area of the State as an area in which a genetically modified food crop specified in the order must not be cultivated.
- (2) An order, or a combination of orders, may designate the whole of the State.

The word "may" appears continually. I will not discuss the science of GMOs today. During consideration in detail I would like the parliamentary secretary to state the profits Western Australia receives because it is seen as GM-free. I have recently discussed this with people in the rock lobster industry. Much of that industry's exports go to Japan. It is a very good market because the rock lobster is a non-genetically modified food. The American food crop is genetically modified. Therefore, if we continue to go down the line of not genetically modifying our crops, we may be able to export more crops than we currently export.

The parliamentary secretary said in the second reading speech that in May 2001 the minister announced an interim five-year moratorium. I hope the Minister for Agriculture, Forestry and Fisheries will keep his promise, unlike some of the other ministers. The five-year moratorium will finish in 2006. However, the review of this Bill will be five years from its commencement. That will be in 2008 or 2009. Therefore, that promise will not be able to be met during the lifespan of the Bill. As a promise was made for a five-year moratorium, the review should be conducted in such a way that it will accommodate that promise.

I hope that during consideration in detail the parliamentary secretary will give us the facts and figures about the costs and benefits to Western Australia of having genetically modified crops free areas or whether, as is stated in the Bill, the minister will designate part of the State as an area in which genetically modified crops can be grown. I find the Bill very confusing. I am not sure whether the minister is giving a guarantee in the Bill, because the wording of the Bill leaves the door open for the Government to go either way. I would like the Bill to be tightened so that the community will know what the outcome of the Bill will be.

MR R.N. SWEETMAN (Ningaloo) [9.24 pm]: I, like the speakers before me, support the Genetically Modified Crops Free Areas Bill. From my brief observations of the Bill, I do not have any difficulty with it, although we are prepared to consider the amendments proposed by the National Party, particularly to clause 16, which deals with the duration of the Act. The National Party's amendment is for a sunset clause under which the legislation would terminate on a given date; that is, 30 June 2008. I support the member for Blackwood, the opposition spokesperson for agriculture -

Mr P.D. Omodei: Warren-Blackwood. You said Blackwood. That is what the Electoral Commissioner is trying to do.

Mr R.N. SWEETMAN: The member for Warren-Blackwood is a bit ticklish about the boundary!

Mr P.D. Omodei: Yes.

Mr R.N. SWEETMAN: It could have been worse. The Electoral Commissioner could have called the member the member for Warren.

The debate about genetically modified organisms is very interesting. I recall going to Murdoch University about this time last year for a seminar organised by groups that were anti GMOs. A series of speakers were there. I represented the Opposition as its shadow spokesperson at that time. My views have not changed since then. I did some considerable research prior to attending that seminar. I still find the science exciting. That should not be lost in this debate. I understand the position the Government has taken and I support it, like other members who have spoken before me. However, we must be sure that the moratorium does not let the technology walk. The Commonwealth Scientific and Industrial Research Organisation and the private sector in Australia are doing a lot of work on gene technology. A lot of work, resources and capital are being invested in further developing the genetic modification process. Those people should not be discouraged. The Government must be mindful of the signals this type of legislation will send to the industry, even though it is understandable. Five years is a long time. If for some reason we stifle the development of the science and, by so doing, do not get a dozen or two patents at the end of the research and development process, Australia could ultimately end up the poorer for it. Like many other people, I believe it is a matter of time before the world gets its mind around genetically modified organisms. As has been said previously, we must be mindful that already many genetically modified products are being distributed and consumed worldwide in great volumes.

Having said that, and while supporting the legislation and the moratorium, I want to give some consideration to the people involved in this debate. The broader community of Western Australia and Australia is involved in this debate; everybody has a say. This debate is a little like the debate on the Regional Forest Agreement. At the end of the RFA process, no amount of science would convince some people that the RFA had much, if any, credibility left. As members of Parliament, we must ensure that the debate on genetically modified organisms does not degenerate to the extent that happened during the RFA debate did, when a lot of myths and misinformation took root. The RFA debate should have been rational.

Many people in the community are scared out of their wits. They do not have a significant amount of information on which to make a reasoned, rational decision on genetically modified organisms. For example, some people think man is trying to play God. Fifteen or 25 years ago a lot of people, particularly those from religious organisations, considered that the development of technology and the procedures that were available in many of our hospitals were a case of man being too smart by half. They believed that man had taken it upon himself to play God. I know that many people - particularly religious people - chose not to avail themselves of many things doctors could do for them. It took some time before many of those people accepted that technology. For example, people suffered ailments and discomfort because they believed it would compromise their faiths or codes of beliefs if they submitted themselves to a doctor and underwent a procedure that would deliver them a better quality of life. It was not until some people started to die from a variety of illnesses, particularly cancer, that they suddenly availed themselves of that technology. They were able to get their minds as well as their faiths around that new technology. I am sure no-one today would say that because many ailments can be cured and various procedures can be performed, man is playing God. Today, those practices are acceptable.

An element of that hysteria is at work within this debate. Man is being seen to be too smart by half. People are afraid of the unknown. There is a lack of information on which people can make informed decisions. Many of the people who told me their views on GMOs were women, particularly mothers. Perhaps their maternal instincts told them that they were not comfortable about it. They are worried about the effects GMOs may have on their children. They said that it did not matter what arguments I put to them, they would oppose it for as long as they drew breath. Those people must be given time to adjust. Maybe in the end we will never win an argument with them, but we must try.

Earlier in the debate it was said that there are reasons for people not accepting this information. Multinational muscle is seen to be behind the technology. The member for Vasse referred to it as a conspiracy by some of the multinationals. However, I think he referred to the conspiracy being applied more to the people who control the existing technology and provide services and product to the existing non-GM industry. Equally, the conspiracy allegation is being levelled at multinationals which already have patents and which have already developed the science to some extent across a range of crops and have that product for sale to growers who are able to grow their product.

In addition, some people are not necessarily in tune with the science itself. I recall that a businessperson - a marketer, in fact - said to me after the seminar at Murdoch that he did not give a damn about the argument one way or the other. He simply saw it from a marketer's perspective. He said that he could not see a time in the future when the world would be totally comfortable with this technology. As a marketer, he could not see the embracing of GM technology delivering any immediate advantages to this country. He said that more money would be made by our growers value-adding their product as a clean, green product and marketing it on that basis. I did not totally agree with him, but I had to bow to his experience. He is a very successful businessman in Western Australia who runs a profitable franchise group. Therefore, why should I doubt his observations on the marketplace internationally, because he has had a lot to do with it over a long period? All these issues must be considered.

In my mind, each side in this debate is on an equal footing. Each has good as well as negative arguments that indicate that this legislation is a step in the right direction. While there is an argument and a countervailing argument, we need a time out. The five-year moratorium is a sound suggestion. In that time, we must take a lot of the emotion out of the debate so that we can be mature, methodical and, above all, careful about the way in which we arrive at a conclusion on this delicate issue, which ultimately will be important economically and also for the wellbeing of the people in this State. I can see us easily losing our way. I referred previously to the technology walking. If research into and development of genetically modified organisms in this country stop, it may well be taken up by other countries - who knows - South East Asia, China, India and Africa. Even as I speak, I am sure that multinational companies are assisting those countries to develop GM crops. It may well be that, once and for all, they will prove to the world that there is nothing to worry about with GM crops. However, they may also have one or two disasters that set back the development of GM organisms for a long time. I believe Australia has a part to play in ensuring that during this moratorium period we do whatever we can to not only assist this country but also accept an international responsibility to ensure that the science is developed in a

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sound way and at a pace that the people in this country can absorb and understand, and then agree with the final conclusion, whether that is to extend the moratorium or perhaps to permit certain crops to be grown.

It has not helped the debate on GMOs that, at about the same time, issues of cloning and stem cell technology have almost superimposed themselves over the argument. Many of the debates, particularly on stem cell technology, were taking place in the federal Parliament while a lot of public argument on GMOs was taking place over here over here. The two do not cohabit. One type of science and technology must be considered in isolation from the other. I do not want this issue to be caught up with and inextricably linked to the resolution on stem cell technology and cloning.

I refer to some of the advantages that genetically modified organisms will deliver, particularly to farmers. As the opposition spokesperson on salinity, I have repeatedly been told that genetic modification will provide us with the best opportunity of farming arid land or land that has been severely depleted and degraded as a result of salt encroachment. In my opinion, that is good and bad. I hope we are slow to develop that science because my priority is solving our salinity problem. That will be a long and expensive scenario. However, I do not think we can afford to compromise on that issue. We have an environmental crisis - a calamity - to which we must apply sufficient resources. To a certain extent, if we try to develop crops that grow on salt-affected land, we will be admitting defeat because all of a sudden the pressure to stop the advance of that insidious evil - the salt encroachment on the farmland of Western Australia - will be lifted. We must be careful not to think that growing crops in salty soil will give us an opportunity to solve our salinity problems. Overall, I applaud the Government for bringing in legislation that effectively gives the State of Western Australia, and the members of Parliament who represent the broader Western Australian community, time to arrive at a reasoned and mature decision. I applaud the Government for bringing this legislation before the Parliament.

MR F.M. LOGAN (Cockburn - Parliamentary Secretary) [9.37 pm]: I will respond to the submissions that have been put forward by members opposite as part of the second reading debate on the Genetically Modified Crops Free Areas Bill 2003. First, I thank the members for Warren-Blackwood, Wagin, Alfred Cove, Vasse and Ningaloo, who contributed to and supported not only the thrust but also the content of the Bill. The member for Wagin has put on notice that he will seek to amend the Bill in three areas, and the member for Warren-Blackwood recently provided me with an amendment that he will put forward during the consideration in detail stage.

I will address some of the issues that have been raised, particularly by the member for Ningaloo. The issues he raised reflect the views expressed by the general population. People can see the practical benefits of genetically modified organisms because the reduction of pesticide and nutrient application and other proteins that are applied to crops to help them grow may lead to the creation of crops that will ultimately benefit the environment. However, at the same time they are unaware of what genetically modified organism crops may do to them personally and to the environment generally should there be cross-pollination. Those are the two key issues that are expressed when we enter into a debate on this issue with people from the farming industry or business sector, the general public in the metropolitan area, regional people or the environmental groups who are aware of these issues. They are the two key points that arise time and again.

I remind the House why the Government is doing what it is doing. The State's capacity to introduce this type of Bill, which basically gives the Minister for Agriculture, Forestry and Fisheries significant powers to designate genetically modified organism free areas, is available to the State under section 57 of the Commonwealth's Gene Technology Act 2000. Members will be aware that last year this House passed the Gene Technology Bill, which reflected the Commonwealth's Gene Technology Act 2000. That legislation did not give the minister the power to specify where and how genetically modified field trials would take place or whether genetically modified food crops would be commercially released at all. Prior to the introduction of that Bill - part way through 2001 - the Minister for Agriculture, Forestry and Fisheries announced a five-year moratorium on the commercial release of GM crops, but said that he had no legislative power to do so.

Mr P.D. Omodei: Is that five years from the introduction of this Bill or from the time of the announcement?

Mr F.M. LOGAN: If the member reads clause 16, he will see that it is the application of this Bill. Prior to the introduction of the Gene Technology Bill, the Minister for Agriculture indicated that that was the thrust of where the Government was going with the moratorium. The Gene Technology Bill, which is now before the upper House, does not contain powers allowing the minister to designate whether Western Australia will be free of commercial GM crops or whether even particular areas or regions will be free of commercial GM crops, although section 57 of the commonwealth Act allows States to have that power. Effectively, in introducing this Bill, we are taking advantage of the powers of section 57 of the commonwealth Act to give the Western Australian Minister for Agriculture the power to enforce the moratorium on the commercial release of GM crops.

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Mr P.D. Omodei: That is in relation to crops rather than food, because I presume we already have genetically modified foods in Western Australia.

Mr F.M. LOGAN: They are not grown in Western Australia.

Mr P.D. Omodei: This relates to crops rather than to foods.

Mr F.M. LOGAN: This legislation relates to all crops. As the member for Warren-Blackwood is aware, field trials of both food and crops generally are taking place in Australia as we speak. There is also an application by a number of companies to release on a commercial basis food crops in Victoria. That application is currently before the Office of the Gene Technology Regulator. I understand that the commercial release of GM crops in Victoria has not yet taken place, but it will occur.

Issues relating to the marketability of GM crops were raised by the members for Vasse, Ningaloo and Alfred Cove. When announcing the moratorium, the Minister for Agriculture indicated that the Western Australian agricultural sector clearly wants to be seen in the markets into which it sells as a provider of clean, green Western Australian produce that has no implication of GM modification whatsoever. I point out that the European Union specifically excludes the supply of genetically modified crops into the area and has specified that it does not want them. Countries as poor as Zambia have rejected genetically modified food. Even though Zambia was faced with a drought last year and its people were starving, when the United States provided food aid -

Dr J.M. Woollard: Why does it say “may” in the Bill?

Mr F.M. LOGAN: I will deal with the member for Alfred Cove’s issue when I come to it. Even though the people of Zambia were starving and the United States was willing to offer food aid, the food aid that was offered was genetically modified wheat and maize. As members might remember, both the President and Government of Zambia rejected the food on the basis that it was genetically modified. Japan is another customer of Western Australia and has a clear record of not accepting genetically modified food, particularly grains. However, Japan weakened last year when there was a global shortage of wheat and the market was depressed internationally; it accepted genetically modified wheat for the first time. That may well be a portent for the future. Most countries have a clear position that they will not accept genetically modified food, particularly grains, unless they are forced to. They may be forced to if there is a decline in international supply. I hope that will not be the case. Growers in Western Australia certainly hope that will not be the case. Therefore, we will keep the moratorium in place, particularly for the next five years, to see how the genetic debate emerges.

The member for Warren-Blackwood highlighted the possible difficulty in policing GM-free zones in Western Australia. That is true to a certain extent. The responsibility for that falls to the Office of the Gene Technology Regulator prior to the approval of any licence for a field trial or, ultimately, the commercial planting of a GM crop. The issues of policing, control and distance from non-GM products and neighbours must be addressed prior to the issuing of a licence. We debated that issue and those questions were answered when we dealt with the Gene Technology Bill.

The member for Wagin asked whether the evidence for testing arrangements would come from Australia or overseas. I clearly indicated in the second reading speech that -

Testing their effectiveness in relation to commercial GM canola plantings elsewhere in Australia will occur as soon as GM canola is approved by the OGTR for planting in Australia.

The results of this testing will be of great interest to Western Australian industry and the Government.

As I indicated, the evidence for Western Australian field trials and the future after the five-year moratorium will be gathered from the work that is being done elsewhere in Australia, and particularly through the release of commercial GM crops, which appears to be taking place in Victoria.

The member for Vasse gave a brave-new-world vision of the future of genetically modified crops and foods and various other things, and indicated how GMOs would ultimately be picked up. He indicated during the debate on the Gene Technology Bill his view of the future in terms of the third revolution; not the electronic revolution but the biotechnology revolution. I think he is correct in his view of this ultimately being another industrial revolution. I do not share his view that GMOs are necessarily clean. His interpretation was that as crops could be modified to use less water, pesticides, fertiliser and other nutrients, they would be less environmentally damaging.

As indicated by the members for Warren-Blackwood, Ningaloo and Wagin, the jury is still out on the long-term effects of genetically modified crops, particularly the possibility of cross-pollination between canola and wheat crops that may be resistant to pesticides such as Monsanto Australia Ltd’s Roundup Ready or Bayer CropScience Pty Ltd’s InVigor; and, therefore, the creation of a super wheat. Although all the evidence so far

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has indicated that it is not likely to happen, the jury is still out on the long-term trials of those products and whether it could happen.

The member for Vasse said that during the moratorium in the next five years, the Government should provide more information to the general public and ultimately stand up to the scaremongers. I think those were his words when he tried to convince members that GMOs are a good, harmless, environmentally friendly product. It is not the role of government to promote genetically modified organisms -

Mr R.N. Sweetman: There is a role to play. There has been scaremongering on both sides.

Mr F.M. LOGAN: I point out to the member for Ningaloo, as I pointed out to the member for Vasse when he was present in the Chamber, that it is not the role of government to promote the benefits of products and their likely effects on the environment or on people's health when, at this stage, they are the products of multinational corporations. It is the role of those companies to convince the general public - either commercial planters or consumers - that the products will not have the effects that the public believes they will have.

The member for Alfred Cove said that the Bill was confusing, particularly the words may or may not be. The intent of the Bill is to confirm in legislation the five-year moratorium that has been set by the Minister for Agriculture, Forestry and Fisheries. It is not a question of whether the minister will break his promise. The Bill will confirm the commitment of a moratorium that the minister gave to the agricultural industry and the general public in Western Australia.

Dr J.M. Woollard: Until 2006?

Mr F.M. LOGAN: If the member would let me finish, I will explain it to her. The intent of the Bill is to ensure that the minister's commitment of a moratorium takes place by bringing this legislation before the Parliament. The Government is seeking to put the commitment given by the minister into a legislative framework. It is not a question of breaking or not breaking promises.

Dr J.M. Woollard: Clause 4 refers to the designation of genetically modified crops free areas after 2006. The promise that the minister gave to the community may be kept, but after 2006 he can review the legislation and bring it back to the Parliament. The moratorium will be set for five years.

Mr F.M. LOGAN: Madam Acting Speaker (Ms K. Hodson-Thomas), I ask the member for Alfred Cove to read clause 16 of the Bill. The Bill will have a life, prior to its review, of five years, after which its effectiveness will be reviewed as soon as practicable after the expiration of five years.

In 2001 the Minister for Agriculture gave a commitment for a five-year moratorium. Nevertheless, the effect of this Bill will take it to 2008.

Dr J.M. Woollard: However, clause 4 of this Bill states "may". That means that before 2008, genetically modified crops will be grown. In the parliamentary secretary's second reading speech he said that "the minister announced an interim five-year moratorium". This provision allows the minister to say next year, "Go ahead. Grow crops in this area."

Mr F.M. LOGAN: I ask the member to read the Gene Technology Bill and this Bill thoroughly, as they explain exactly what can and cannot be done with regard to field trials or the commercial release of genetically modified crops. As I indicated to the member, the minister has put in place a five-year moratorium.

I thank members opposite once again for their contributions on and for their support for this Bill. It is a critical issue because of the likelihood of commercial releases in Australia of genetically modified food crops and the planting of those food crops. The pressure is on Western Australia. The legislation must be in place to enforce the moratorium, which is exactly what this Bill seeks to do. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Consideration in Detail

Clause 1: Short title -

Dr J.M. WOOLLARD: The short title is not appropriate when one considers that the second reading speech states -

In May 2001, the minister announced an interim five-year moratorium . . .

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This Bill does not guarantee a five-year moratorium. It states that the minister may specify areas that are to be GM free and that the minister may designate the whole of the State. It does not state “will”. Therefore, if this Bill is passed with this title, it will be another broken promise by this Government.

Mr F.M. LOGAN: I reiterate what I said when I responded to the second reading debate. The Minister for Agriculture, Forestry and Fisheries has given a commitment to a five-year moratorium from May 2001. Following that, as the member indicated, the minister will have the power under clause 4 to continue that moratorium until 2008. It is a discretionary power. He may or may not designate a moratorium. It does not say that he must do so.

Dr J.M. WOOLLARD: That is precisely right. The parliamentary secretary has confirmed it. He said that the minister may or may not declare a moratorium. If clause 4 were titled “Designation of genetically modified crops free areas until 2006”, the current wording in the text would need to be altered. If the Government were being truthful to the community, the clause would then read “The Minister will, by order published in the *Gazette*, designate . . . the State as an area in which a genetically modified food crop . . . must not be cultivated.” That would reflect the promise given by the minister in May 2001.

The SPEAKER: That debate should be conducted when we deal with clause 4.

Clause put and passed.

Clause 2 put and passed.

Clause 3: Interpretation -

Mr P.D. OMODEI: Under this clause, a food crop means -

. . . a crop which, or any part or product of which, may be used for human or animal consumption;

What does that mean? I understand that some foods, such as cheeses and yeasts in bread, are genetically modified. Is there a contradiction?

Mr F.M. LOGAN: As the Bill indicates on page 2, lines 19 and 20, a food crop means a crop. It is a plant or piece of vegetation that is grown for the purposes of consumption.

Mr P.D. Omodei: The definition refers to “any part or product of” the crop.

Mr F.M. LOGAN: I understand that. However, it is still necessary for the food to come from a crop, which may be a plant or other type of vegetation that is grown for the purposes of consumption. Cheese or other forms of food products are not crops. By the way, no genetically modified food crop is grown in Western Australia. Cheese may well be genetically modified, but I am unaware of that. This definition refers to plant vegetation that is grown for the purpose of consumption by either humans or animals.

Clause put and passed.

Clause 4: Designation of genetically modified crops free areas -

Mr T.K. WALDRON: I move -

Page 3, after line 14 - To insert the following -

- (5) Prior to an order being issued, amended, or revoked, the Minister must consult widely with industry participants including leading industry groups and key stakeholders.

As the Bill stands, the minister could, without consulting anyone, make an order designating an area of the State to be free of genetically modified organisms. The stress there is on the minister making an order designating an area to be GM free. I have moved this amendment because the National Party feels that consultation is required to ensure that the minister makes an informed decision. It is practical and relevant that the minister consult with industry groups and stakeholders to make sure that the decision is not ill-founded, with the potential to cause further problems down the line. The minister should consult with such people as the marketers, exporters, processors and farmers, and such groups as the Western Australian Farmers Federation and the Pastoralists and Graziers Association of Western Australia. Consultation is very important, which is why I move this amendment.

Mr P.D. OMODEI: Clause 4(4) mentions the Interpretation Act 1984 as applying to an order as if the order were a regulation. What is the difference between an order and a regulation?

The SPEAKER: The House is dealing with the amendment of the member for Wagin first; the member for Warren-Blackwood should comment on that.

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Mr F.M. LOGAN: I will deal first with the amendment of the member for Wagin. The Government opposes the amendment, which seeks to add subclause (5), effectively binding the minister to consult with industry participants, including leading industry groups and key stakeholders, before issuing an order for the control of genetically modified crops, either in a particular area or throughout the State, or before any action by the chief executive officer of the department for the implementation of this legislation, particularly when there is a breach of the legislation and genetically modified plants are likely to be sown. This is not the Gene Technology Bill 2001. This Bill has been specifically created for the purpose of giving the minister powers to deal with serious situations, when consultation is really inappropriate.

The Bill requires the minister to move quickly to fix particular problems. For example, when a large commercial operator has been granted a licence by the Office of the Gene Technology Regulator to grow or field trial GMOs in Western Australia, and the Minister for Agriculture wants to designate the area in which that planting is to take place as a GM-free area, he must move very quickly. There is no question of consulting; it is a question of being able to move quickly against an action by a large company with a licence from the OGTR. Consultation generally with industry about particular areas and the ethics of applying GM-free areas or allowing a particular area to become a GM area and encouraging people to take up field trial licences is dealt with under the Gene Technology Bill 2001. That Bill provides for three committees - the technical committee, the ethics committee and the committee of consultation. All those committees are to be set up to overcome the very issues that the member has raised. That is not to say that the issues the member has raised are not important and that they will not be addressed. They have already been addressed in this Chamber by the previous Bill.

Mr T.K. WALDRON: The parliamentary secretary said that a decision might have to be made quickly. It would not necessarily be so all the time. It could change with changing attitudes and changing technology. Would the minister not then need to consult to make sure that he was in touch with the reality out on the land and in the agricultural industry? The process may be streamlined, but it is still very important. If I were the minister, I would want to know what the people involved were really thinking about at the time. It is well worth considering this amendment for that reason.

Mr P.D. OMODEI: The presumption is that the minister is the repository of all wisdom and knows everything that needs to be done. He must provide for the order to be published in the *Government Gazette*, which would obviously take time. There would obviously be some warning of a company making an approach. I would have thought, therefore, it would be pretty simple to approach the major farm organisations and the farming community to ascertain their thoughts prior to making the order.

Mr F.M. LOGAN: I confirm that the intention is that the minister should consult on those issues, as he has already done in the creation of the Bill. The current Minister for Agriculture in our Government, and I am sure any future Minister for Agriculture in any Government, would consult widely with the industry over the creation of GM-free zones and non-GM-free zones. The Government believes that the Gene Technology Bill 2001 addresses the issues that the member has raised. The appropriate committees will be in place to deal with the technical aspects of GM application and the ethics of whether GM crops should be sown in particular areas. Obviously the community consultation committee will bind the Minister for Agriculture and the department to discussing those issues with the affected communities. This Bill is primarily to ensure that the areas that are deemed to be either GM free or non-GM free are protected. To do that the minister must act quickly. It is not an issue of industry consultation. Avenues for industry consultation are already contained in another Bill. This Bill has a different intent. For that reason the Government must reject the amendment.

Dr J.M. WOOLLARD: The words that the parliamentary secretary used were very pertinent when he said that the minister might have to act very quickly. Clause 4 (1) reads, "The minister may, by order published in the *Gazette* . . .", which means that the minister may, possibly by an order published in the *Gazette*, etc. I wonder whether the wording of the Bill is the result of poor or deceptive drafting. Will an order be published in the *Government Gazette* or will the minister simply go ahead and designate an area one way or the other, because an order may designate an area or the whole State, which means that an order might or might not be published. I believe that the member for Wagin is trying to make sure that there is some consultation before anything happens.

The drafting of the Bill does not fulfil the commitment that the Government gave in 2001 when the minister announced a five-year moratorium. The parliamentary secretary told me to get a copy of the Gene Technology Bill and look at the two Bills together. I will be happy for him to show me where the Gene Technology Bill explains the word "may" and gives certainty to the community that the moratorium will continue to 2006. I support the amendment because a commitment has been given and the Government should live up to it. The minister said there would be a five-year moratorium. Clause 4(1) states -

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The Minister may, by order published in the *Gazette*, designate an area of the State as an area in which a genetically modified food crop specified in the order must not be cultivated.

A literal meaning of that subclause is that the minister may not publish it in the *Government Gazette* - he may just make a snap decision. There may be pressure from certain groups and the minister may say yes or no. The member for Wagin is trying to give the community an assurance that they will know what is happening, which way the Government is heading, and what deals are being done.

Mr F.M. LOGAN: First of all I must take issue with the member for Alfred Cove's continuing misrepresentation of the minister's commitment on the moratorium. The minister has given the commitment for a moratorium of five years from May 2001. That means it will continue until May 2006. The Bill gives the minister the power to enforce the moratorium during that period.

Dr J.M. Woollard: No; not with the word "may".

Mr F.M. LOGAN: I am not entering into a debate with the member. I am pointing out the view of the Government. She may disagree. That is what the minister has done and that is what this legislation will do. Once passed, it will give the minister the power to enforce the moratorium until May 2006. The member is concerned with the issue of the word "may" after that period. After that period, the minister will have the discretionary power to continue the moratorium. Regarding the member's interpretation of the wording of clause 4(1), I reiterate the subclause -

The Minister may . . . designate an area of the State as an area in which a genetically modified food crop specified in the order must not be cultivated.

That is what the subclause gives the minister the power to do. Any order is published in the *Government Gazette*. It is not a case that he may or may not publish in the *Government Gazette*. He may designate an area of the State. When he does so, he will publish it in the *Government Gazette*. It is not a question of him hiding it from people or keeping it from the view of the general public. Once he makes a decision it will be published. The discretionary power given to the minister will be to designate an area of the State as an area in which GMOs specified in the order must not be cultivated. That is what it says.

Mr T.K. WALDRON: I believe ministers are there to make decisions. It is an important part of the process. I sometimes see legislation passed that takes away the role of a minister. In this case, with such an important issue, the decision should be informed. The amendment should be accepted, because it will put the onus on the minister to make sure he does not make a snap decision without some consultation. I am not saying the minister has to consult forever, but I nevertheless strongly recommend the amendment.

Dr J.M. WOOLLARD: Is the parliamentary secretary happy to give a commitment on behalf of the minister that no areas will be designated for the cultivation of genetically modified food crops until after 2006?

Mr F.M. LOGAN: I will not give a commitment of that type. The commitment has already been given by the minister.

Amendment put and negated.

Mr P.D. OMODEI: I repeat the question that I asked previously. Can the parliamentary secretary explain the difference between an order and a regulation? The issue that I think the member for Alfred Cove is trying to get some satisfaction about is with regard to the words "The Minister may". The other legal word is "shall". I understand there is a legal difference between the words may and shall. The member for Alfred Cove has put a reasonable argument; the order should be published in the *Gazette*. Can the parliamentary secretary explain why the clause is framed in this way?

Mr F.M. LOGAN: The question is the application of section 42 of the Interpretation Act 1984, as is specified in subclause (4). As the member would probably be aware, that refers to the requirement for the regulation to be tabled in the Parliament. The regulation can also be disallowed, and that of course would be the responsibility of the Executive Council and the Governor.

Mr P.D. Omodei: Therefore an order does not need to be tabled? Is that what you are saying?

Mr F.M. LOGAN: An order does need to be tabled.

Dr J.M. WOOLLARD: Can the parliamentary secretary assure me that the minister has given a commitment that no genetically modified food crops will be cultivated in Western Australia until after 2006?

Mr F.M. LOGAN: I can confirm for the member for Alfred Cove that the commitment that the minister has given is that from May 2001 there will be no commercial release of genetically modified crops until May 2006.

Clause put and passed.

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Clause 5: Offence -

Mr P.D. OMODEI: This clause states that a person commits an offence if the person cultivates a genetically modified food crop; the crop is cultivated in an area that is designated in an order under section 4; the crop is specified in the order; and the person knows, or is reckless as to whether or not, the crop is a genetically modified food crop. The penalty for that offence is \$200 000. If a person cannot pay the \$200 000, is there an equivalent jail penalty; and, if so, can the parliamentary secretary indicate what it is?

Mr F.M. LOGAN: No jail penalty or an equivalent to it would be applied to that situation, otherwise it would be specified in the Bill. The requirement is that a \$200 000 fine will be paid. If the person defaults on paying the fine, the normal procedures will take place.

Mr P.D. Omodei: It might have been his wife's. He might not have any money.

Mr F.M. LOGAN: Yet he still has the farm?

Clause put and passed.

Clause 6: Orders for destruction of genetically modified food crops -

Mr T.K. WALDRON: I move -

Page 5, after line 6 - To insert the following -

- (3) Prior to giving effect to an order under this section inspection of the property must have been undertaken according to section 9 or 10.

Currently there are no provisions for notifying landholders when an order is made for the destruction of crops. As I said during the second reading debate, this legislation gives an authorised officer the power to enter land and, if necessary, enter the premises on that land to seize and destroy a crop. The Bill does not mention notifying the landowner. That seems to infringe upon people's basic rights to explain their positions or inform the officers that they are wrong before the crop is destroyed. Will people be able to take legal action because of that? It seems to infringe on people's rights. I have briefly dealt with the situation regarding the Royal Society for the Prevention of Cruelty to Animals. The right for officers to go onto people's property without authorisation could lead to a lot of litigation. Although this is only a small Bill, it has big consequences. This clause does not seem to have been properly considered. Before officers go onto a property, surely the landowner should be notified. The officers will be able to go onto a person's property and seize and destroy a crop without any notification.

Mr F.M. LOGAN: The Government will not accept the amendment sought by the member for Wagin. That would insert a new subclause (3). Effectively, it seeks to ensure that before the Chief Executive Officer of the Department of Agriculture gives an order to destroy a crop that might be in breach of the Genetically Modified Crops Free Areas Bill, an inspection of the property must be undertaken. The way the amendment is worded would not deliver what the member intends it to deliver. The member wants some notice to be given to the affected farmer. That is the thrust of the member's argument. He wants some notice given to the farmer so that the farmer is at least informed about what will happen to him. We oppose that for a number of reasons. Firstly, we do not believe that the member's amendment would do that. We believe it would simply confirm that an order would be issued and the inspection of the property would take place either with consent or by a warrant issued under clauses 9 or 10. Secondly, we oppose the amendment because we do not want to give notice to a farmer who is contravening the Bill. We do not want to give that farmer an opportunity to take away his or her crop or destroy that crop prior to action being undertaken by the Department of Agriculture. That is exactly what would occur. The farmer would be given prior notice to destroy the evidence, which would be destroyed anyway by way of the implementation of the Act; or, even worse, he would be given the opportunity to take off that crop and do other things with it, even though the crop had been illegally sown in an area that is GM free. That is the effect of that amendment, and the Government cannot accept it.

Mr T.K. WALDRON: I take the parliamentary secretary's point. However, what if a GMO crop is being grown unintentionally? What I am trying to get at is that the landowner should have a right to explain himself before a crop is destroyed or before premises are entered. If the parliamentary secretary feels that the way in which we have drafted the amendment is wrong, I still ask him to consider what we are getting at. When this legislation goes to the upper House, we will pursue this area further. The intention of the amendment is correct. This is an area that the parliamentary secretary needs to consider further.

Mr F.M. LOGAN: The issue that the member for Wagin raised was about the crop being destroyed unintentionally. I draw the member's attention to clause 7, compensation, on page 5 of the Bill. That effectively deals with that situation, should it occur. I point out again to the member for Wagin and to the House that the

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intention of the Bill is to ensure that GM-free areas stay GM free. When somebody is in breach of that, we will not give him notification that his crop is likely to be destroyed, and give him an opportunity to take off that crop prior to action being taken by the Department of Agriculture. I ask the member for Wagin and the National Party to think carefully about that before they pursue this amendment in the upper House.

Amendment put and negatived.

Point of Order

Mr P.D. OMODEI: On a point of clarification, it seemed to me that the parliamentary secretary voted for the words to be inserted and the member for Wagin voted against that. It should have been the other way around.

The SPEAKER: It does not really matter which way various members voted; it is the way I heard it that matters. I heard the clear majority vote against it, and that is how it is recorded.

Debate Resumed

Clause put and passed.

Clauses 7 to 15 put and passed.

New clause 16 -

Mr T.K. WALDRON: I move -

Page 7, after line 26 - To insert the following -

16. Duration of Act

- (1) This Act shall, subject to this section, continue in operation until 30 June 2008 and no longer.
- (2) Twelve months prior to this date the Minister shall undertake a review of the operation and effectiveness of this Act, and as soon as is practicable after the report is prepared (and in any event not less than six months prior to the cessation of this Act), cause it to be laid before each House of Parliament.

If this amendment is successful, I will move to delete clause 16. If not, I will not oppose clause 16. It is not enough to state that an Act will be reviewed in five years, because there is nothing to ensure that the minister of the day will conduct a comprehensive review. In my time as a member of Parliament there have been a lot of reviews. Having said earlier that ministers should be able to make decisions, the minister has too much latitude in this case and the insertion of a sunset clause to cease the Act on a certain date will force a rigorous review. If the moratorium is still required, the process to extend it will be quite simple. As I said during the second reading debate, the legislation may prove quite onerous to the development of new technology. Indeed, the technology may change as we go along. The review may take place after five years, but the moratorium could remain in place forever. The sunset clause will force action one way or the other; it will not allow a decision to drag on. It will put the onus on the minister of the day.

Mr F.M. LOGAN: As I indicated to the member for Wagin, I have discussed his amendments with the minister. The minister has clearly indicated the Government's position in the lower House. The Government rejects the amendment, because proposed new clause 16 attempts to insert a sunset clause. The minister does not support a sunset clause. I will reiterate the time table, the structure of the moratorium and the application of the Bill. The moratorium runs from May 2001 to May 2006. Under the Bill, the minister has the discretionary powers to continue the moratorium forever if necessary. As I tried to explain to the member for Alfred Cove, the moratorium may continue for particular areas of the State post 2006.

Mr T.K. Waldron: That is my point; it can go on forever. Things could change rapidly and the minister might exercise his right; however, he might not. My amendment will ensure that the review is done properly, so it is well worth considering.

Mr F.M. LOGAN: I understand the concern raised by the member for Wagin. Again, I remind him how, hopefully, the Bill will work when it comes into operation. It will give the minister the power to make an order to designate an area or the whole of the State as GM free. I will use the member's example in which things change radically. If, after May 2006, a completely different point of view is held by farmers in a particular region and they want it to be a GM area, the minister may not issue an order that it be designated a GM-free area.

The Bill gives the minister the discretion to designate the area GM free or to not issue an order, and therefore the area could be designated a GM area. That is the point I have been trying to make to the member for Alfred Cove. The sunset clause does not add to or detract from that provision. If things change so dramatically that the

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Bill becomes redundant, it can be repealed. However, it is the minister's intention to keep it in place so that the minister, after consultation, can retain the discretionary power to designate an area GM free after May 2006 or to not issue an order, and therefore the area could become a GM area.

Mr T.K. WALDRON: I understand what the parliamentary secretary is saying. I reiterate that I think ministers should have powers; that is a good thing. However, this is about the end period. If things change drastically - and the parliamentary secretary said that the minister could make the Bill redundant - my amendment would force the Bill to expire. We think that is the best way to go in this case. Again, I ask the parliamentary secretary to talk to the minister and reconsider the amendment for that purpose. We will most likely pursue the amendment in the other place.

Mr F.M. LOGAN: The Government does not agree with the opinion that has been put forward by the member for Wagin for the National Party. Because the Bill gives the minister the power to either issue or not issue an order, if things were to change so dramatically that the minister was not of a mind to issue any further orders to maintain areas as GM free, there would be no harm in the Bill sitting there. It would become redundant because it would not be enforced, but there would be no harm in its sitting there. At this point the minister prefers to keep the discretionary powers open and available to him.

New clause put and negatived.

Clause put and passed.

Clause 16: Review of Act -

Dr J.M. WOOLLARD: Clause 16 is a bit of a joke because it states that a review of the Bill should be done five years after its commencement and that the minister is to prepare a report and cause it to be laid before each House of Parliament no later than 12 months after the review. The Health Act was due to be reviewed in January 2002 and the report should have been tabled in this House in January 2003. I seek your guidance, Mr Speaker. Can something be inserted to ensure that if that does not happen, the minister gets the sack? People are expected to be accountable in other areas, yet this Government is not being accountable under the Health Act. Can you give me some guidance, Mr Speaker, on a modification to this clause so that we can ensure the requirement in this clause is fulfilled by the Government of the day?

The SPEAKER: No.

Mr P.D. OMODEI: The effect of my amendment would be similar to that of the amendment moved by the member for Wagin. I move -

Page 8 line 3 - To delete "as soon as is practicable after" and substitute "immediately prior to".

Subclause (1) currently states -

The Minister is to carry out a review of the operation and effectiveness of this Act as soon as is practicable after the expiration of 5 years from its commencement.

My amendment would allow the minister to review the operations and effectiveness of the Act prior to the end of the five-year period. There may even be a time when the Act must be reviewed before the five-year period is completed. Things could move very rapidly in the international market in relation to genetically modified foods, or there could be an imperative or opportunity for Australia to grow genetically modified foods for a specific purpose in very controlled circumstances. That may be something that the agricultural industry or large sections of it in Western Australia would like to do. I am seeking to have the Act reviewed prior to the expiration of the five-year period rather than after.

Mr F.M. LOGAN: The Government does not accept the amendment for several reasons. Firstly, the definition of "immediately prior to" means the day before. Therefore, it would not occur after the expiration of the five-year period but prior to it and would make subclause (1) impractical. Secondly, the substituted words would make no difference to the overall effect of the clause as subclause (2) states that the minister would have up to 12 months after the expiration of the five-year period in which to do the review. Therefore, the substituted words would not affect the capacity of the Government of the day to carry out the review up to 12 months after the expiration of the five-year period. To have an effect, an amendment would also have to be made to subclause (2). Reviews after five years are standard; it is not unusual to insert such a clause into legislation. As I pointed out to the member for Wagin in relation to the practicality of the argument that things may change dramatically over the five years, the minister will have discretion to cope with market change or attitudinal or cultural change among growers of GM crops because he may not issue an order designating an area GM free. If a change in the attitude to GM crops occurs, the minister will have the capacity, certainly after May 2006, to go along with that cultural or attitudinal change and reflect the opinion of the day by not issuing an order.

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Amendment put and negatived.

Clause put and passed.

Title put and passed.