

GENETICALLY MODIFIED CROPS FREE AREAS REPEAL BILL 2015

Second Reading

Resumed from an earlier stage of the sitting.

MS S.F. McGURK (Fremantle) [4.33 pm]: I will make a couple of comments.

The ACTING SPEAKER (Mr N.W. Morton): Members, either keep the noise down or leave the chamber, please.

Ms S.F. McGURK: I do not think I would be worth my salt as the member for Fremantle if I did not comment on the Genetically Modified Crops Free Areas Repeal Bill 2015.

The ACTING SPEAKER: Members, I have conversations happening in the chamber, in the Speaker's gallery. Either take conversations outside or please be quiet.

Ms S.F. McGURK: I was saying that the Labor Party is opposed to the Genetically Modified Crops Free Areas Repeal Bill. Since the early 2000s, and certainly since Labor came to government under the premiership of Geoff Gallop, the Labor Party has been very clear about its concern over genetically modified organisms; but most importantly, keeping the state GM free gives Western Australia a market differential for our producers. For some time, and it is still the case, the Labor Party has had public opinion on its side and people overall are concerned at widespread use of GMOs in crops and within foods and what that means for community safety and the necessity for clear food labelling, for instance, which we do not have at the moment.

Recently in New South Wales, the state government made an announcement to ban greyhound racing and the subsequent reaction resulted in a decision to transition that industry. This showed that rather than just announcing that an industry will be closed down within a relatively short period, any government will need to be sensitive about transitioning. Even in the case of Labor becoming the state government after the next election and if our position on a GM-free state is able to get through the Parliament and is implemented, we need to transition that sensibly. The debate that occurred in New South Wales over the greyhound racing industry showed the need to be sensitive to the livelihoods that are attached to industries and, if a decision is made to move away from an existing industry, as in the case of greyhound racing in NSW, people need to be given proper notice to manage that change and to retrain. Labor has a good track record in that regard, particularly with ceasing logging in old-growth forests and also when the state transitioned away from whaling, which was an important change that needed to be made.

Apart from greyhound racing, we have live animal exports. Just last week, I joined hundreds of protesters in the annual protest across Stirling Bridge where people stood and protested against live animal exports, saying they do not believe it is humane management of our livestock. We are better off slaughtering and manufacturing chilled meats in this state; it would be better for jobs and animal welfare. That is another example of a difference between our parties. Importantly, even if Labor is able to implement that policy, it will be important to have a sensible transition, because it understands that people's livelihoods are now dependent on live exports. In fact, the export of live animals to China is growing, but I think public opinion is on the side of those of us who have grave concerns about live exports. However, this bill is about GM crops. I make the point that how we manage the transition away from GM, if Labor is able to implement its policy when in government, will be an important consideration and one that I am confident it will be able to handle sensibly.

Like most speakers who have contributed to this debate, perhaps with the exception of the member for Gosnells, who has an agricultural degree and qualifications, I do not think many of us have science —

Mr J.M. Francis: The member for Southern River is a walking encyclopaedia.

Ms S.F. McGURK: I do not know what sort of qualifications he has.

Mrs M.H. Roberts: I wouldn't like to guess really.

Ms S.F. McGURK: I would not like to guess.

Several members interjected.

The ACTING SPEAKER (Mr N.W. Morton): Member for Bassendean, you are on three calls. I think we have had enough drama in the chamber in the last hour. If we can just see at least the next 20 minutes through with relative quiet, that would be greatly appreciated, at least by the Chair.

Ms S.F. McGURK: I do not pretend to understand the science behind GM and what the concerns are, but I would probably err on the side of caution and side with those people who say that there are no solid longitudinal studies to give consumers the sort of comfort that I think they deserve. Importantly, even if the

jury is still out on that point, if we leave it up to consumers, the move towards GM has left us exposed. We had an opportunity to maintain a point of difference and join those states that elected to stay GM free and maintain a clean and green image for their agriculture. That would have been sensible. A former member of the other place, Hon Ken Travers, made the point many times that this bill before us cedes control of that issue to Canberra rather than keeping it within the state by repealing the bill that enabled the state to make the decision about whether we would have GM or GM-free areas and where they would be. We are vacating the field and leaving it up to Canberra. We know that all too often, that can be a mistake.

I want to make another quick point about the issues surrounding Monsanto. I think the takeover of Monsanto by Bayer is still proposed or is likely to go ahead. An article that appeared in *The West Australian* a couple of weeks ago refers to a \$65.7 billion takeover of Monsanto by Bayer and what that might mean to the European Union's current GM-free status. There were concerns about that. We need to be aware of the ability of Monsanto to control huge swathes of the agriculture industry in both developed and developing countries. People may be aware of Janet Grogan, a resident of Yokine. She wrote a letter to the editor about this issue that was published in *The West Australian* today. She is calling on this Parliament to think carefully about the repeal bill. I also received correspondence from her alerting me to the International Monsanto Tribunal, which is taking place in The Hague this weekend. A Western Australian woman, Shirley Collins, is attending that event. Janet Grogan's correspondence states —

The aim of the Tribunal is to give a legal opinion on the environmental and health damage caused by the multinational Monsanto. This will add to the international debate to include the crime of Ecocide into international criminal law. It will also give people all over the world a well-documented legal file to be used in lawsuits against Monsanto and similar chemical companies.

I understand that although those events do not have particular legal standing, the data that is brought together at that central point can be used in future cases. The hearings of the tribunal are being held this weekend. There is some Western Australian participation.

The question about whether GM is safe is probably best illustrated by the World Health Organization's position on glyphosate. Members would be aware that in March last year, the World Health Organization came out with a position. The World Health Organization's International Agency for Research on Cancer —

Mr J.M. Francis interjected.

Ms S.F. McGURK: I ask the minister to let me finish. The International Agency for Research on Cancer stated that glyphosate, the active ingredient in the herbicide made by Monsanto, was "classified as probably carcinogenic to humans". That position was taken by the World Health Organization's International Agency for Research on Cancer in March last year. Just over a year later—in May this year—a co-analysis by the United Nation's Food and Agriculture Organization found that the chemical was "unlikely to pose a carcinogenic risk to humans from exposure through the diet". Those two findings ended up contradicting each other. A senior policy officer from the Food and Agriculture Organization stated —

"These conclusions relate to exposure through the diet—that is very important ... "It is not a general conclusion because anything beyond the diet was not in our mandate.

I think the jury is still very much out on this question about whether glyphosate or GM is damaging to our health. At the very least, consumers should be left to make an educated choice about whether they buy products that are GM and may have been impacted by some of these chemicals. At the moment, that is not the case. The move to repeal the Genetically Modified Crops Free Areas Repeal Bill before us today is a backwards step and is a concern to most Western Australians.

MR D.J. KELLY (Bassendean) [4.48 pm]: I will not take very long. I just want to put on the record my opposition to the repeal of the Genetically Modified Crops Free Areas Repeal Bill 2015 and express my concerns about further expansion of GM farming in Western Australia. I think that one of the pluses or one of the ticks that Western Australia has around the world for its produce is the perception that we are clean and green. That is put at risk by the proliferation of genetically modified food production. Just recently, the government was spruiking its support for Marine Stewardship Council accreditation for our fisheries. That is something that Labor has supported. We are out there marketing our fisheries as being clean and green—sustainable. That is seen as being a big value-add to our fisheries industry. On the one hand, this government recognises the benefit of being seen around the world as a clean and green producer in the fisheries area, but we are putting that clean and green image at risk in agricultural production. Regardless of whether the government likes it, many consumers do not want to eat genetically modified food. Yes, some countries produce a large amount of genetically modified food, but, equally, many consumers do not want to consume genetically modified food. We have an opportunity to maintain that clean and green label for our produce. This bill puts that in jeopardy. The clean and green label gives us an opportunity to increase the value of our produce and to tap into what I think is a growing consumer market, not a shrinking market. That is the primary reason that we not should support this

bill. I reject the suggestions from those opposite that this point of view is somehow a fringe point of view, and somehow an inner-city, urban point of view.

A couple of weeks ago, I was holidaying in the wheatbelt, as I am inclined to do, and we drove past some canola crops near Narrogin. I was saying to the kids, “I wonder whether they are GM.” Just last week, I went to a citizenship ceremony in the metropolitan area and I got talking to this gentleman who is a farmer growing canola in the Narrogin area, and we worked out that we were looking at his canola crops. He said to me, “Whatever you do, do not allow for a proliferation of genetically modified crops. Whatever you do, we’ve got to keep our clean and green image.” He had been farming in that area for decades. Many people in the farming community share the views expressed on this side of the house and are greatly concerned about the repeal of this legislation and the spread of genetically modified food. To oppose GM food is not an inner-city or urban view. Many of our agricultural producers share that view, and the gentleman who spoke to me last week and whose canola crops I drove past a few weeks before is one of those producers.

I am very pleased to stand on this side of the house and support the view that whenever possible, whether in fisheries or agriculture, Western Australia should cling very strongly to its clean and green label for food production. Around the world, that will allow us to get a premium for our produce, rather than having our produce thrown in with that of other countries where people do not have the same confidence about its sustainability and its cleanliness. I am pleased to stand on this side of the house and oppose this bill.

MR J.M. FRANCIS (Jandakot — Minister for Emergency Services) [4.53 pm] — in reply: I thank everyone for their contributions on the Genetically Modified Crops Free Areas Repeal Bill 2015. I notice the hour, so I will try to keep it fairly quick to round up some of the issues raised. I say from the outset that I absolutely get that the Labor Party does not support this bill and the Liberal and National Parties do. That is fine and that is one of the great things about the magic of democracy: we can have our differences of opinion and we can walk into this Parliament and speak up for what we believe in regardless of whether people agree with an issue. I also understand very well that it is a controversial issue and that the repealing of restrictions on growing certain types of genetically modified crops in the state is controversial, and it is not without its differences at a local level. Obviously, a case has gone to the Supreme Court. I have read about it fairly extensively. I am not the minister with the portfolio responsibility, but as the Minister for Fisheries I am the minister with carriage of this bill through the Assembly. It has gone through the Legislative Council after an exceptionally lengthy debate. As I said, I understand that some people are very, very passionate about this issue and although I may not agree with those people for reasons I will outline shortly, I absolutely understand why they are very keen to fight very hard for what they believe in. Good on them. It is a great thing to see in the parliamentary process.

In 2009, just after I was first elected as the member for Jandakot, some exemptions were being rolled out about the growing of canola, originally through a trial in certain parts of the state. I am not an agricultural scientist; I am a fitter and turner who became a submarine officer, so it was all fairly new to me, but I also realise that when these kinds of debates come into public life and governments and Parliaments are asked to make decisions, there will be winners and losers. Without wanting to be derogatory, there was almost the lunatic fringe of all sides of the arguments that we see from time to time in different issues across policy. They were at every member of Parliament. I thought that I could listen to the people who have a pecuniary interest in one side of this or another, or I could find someone who knows something about it but does not have any financial interest in it and could explain what appeared to be fairly complex science. The turning on and off of parts of genes to change the productivity of a particular species of plant is complex science and I did not know an awful lot about it.

I admire the member for Southern River’s knowledge of this topic; his contribution was insightful. I saw a gentleman, whom I think very highly of, called Professor Zora Singh. He is the professor of horticulture at Curtin University. Professor Singh lives not far from me and I realised what he did, so I went over to Curtin University and I spent a few hours there. He put it in quite succinct and plain English for someone such as me and went through the whole process of how genetic modifications are done, what the future might hold for this, and whether there is a risk. Of course, a lot of people think this is risky and a lot of people say that there is no risk, and I wanted to believe someone who had no financial interest whatsoever in the outcome. He allayed all my concerns. That was back in 2009.

Interestingly enough, although not necessarily directly related to crops in Western Australia, we can go back in history to Alexander Fleming in 1928. So the story goes, he accidentally radiated some bacteria and created penicillin. As a result, we have genetically modified bacteria that has saved the lives of hundreds of millions of people since the other two scientists involved, Florey, who I think was an Australian, and Chain, worked out in 1941, the World War II era, a way to mass-produce penicillin. Anyone who has taken penicillin in their life has effectively put into their body something that originated from a GM modification out of radiation. I do not know whether too many people think that is a bad thing.

Then we look at insulin, which used to be derived from pigs. Now effectively almost every diabetic is taking a form of synthetic insulin, which is produced by genetic modification. A lot of people out there do these types of things. We look at the world market of food now, and the United States is the biggest one. It can turn on and off the little genes that make tomatoes red and change the colour of different things. No doubt the future will see greater developments in areas of drought and salt tolerance. The environment is changing; regardless of whether people want to admit that those changes are man-made, it is changing.

I accept that the environment is changing. We see high salinity levels in the country, changes in rainfall and a whole lot of different things. The development of technology in the future will have the potential to help deal with that. We need to look at how GM crops are considered around the rest of the country. I have a map here that I will not pull out, but in Queensland it is pretty much free range; people can do pretty much whatever they want to do. There are limitations in New South Wales and in Victoria. South Australia just last year completed its first trial of growing a GM crop of barley with all the caveats of borders, perimeters and pest and rodent controls. Then there are the recommendations of the Harper review on the implications that this will have on productivity in the state.

I now turn to the contribution of the member for Cannington. I find myself agreeing with a lot of what he said about the free market. He said that he is a small “I” liberal on this. Welcome to the world, member for Cannington. He said that in a free market, the market should choose. He said that there was no market demand because of the premium price paid for GM-free canola. I accept that a lot of people for whatever reason, maybe through being incorrectly educated, will pay a premium price for a non-GM product. The member for Warnbro made that comment; a lot of people made that point. But when we look at the pure statistics on this, the fact that a GM crop increases yield so much more, overcompensates for the fact that growers are not being paid the same price as they would be for a non-GM crop.

Mr P. Papalia: Where is that yield report in the study you have?

Mr J.M. FRANCIS: I will —

Mr P. Papalia interjected.

The SPEAKER: Thank you. Through the Chair, otherwise Hansard does not know what is going on.

Mr J.M. FRANCIS: I have here some Australian economic statistics related to the use of GM canola and cotton. Between 2008 and 2013, the cumulative farm income gain for GM canola in Australia was \$54 million.

Mr P. Papalia interjected.

Mr J.M. FRANCIS: In 2013 alone, GM canola generated an average farm income gain of \$78 a hectare for Australian growers —

Mr P. Papalia: Is that in Western Australia?

Mr J.M. FRANCIS: No, this is for Australia.

The SPEAKER: That is enough.

Mr J.M. FRANCIS: But do not forget that in Queensland it is free range.

Mr P. Papalia: GM canola in Western Australia hasn't increased yields.

Mr J.M. FRANCIS: This brings me back to the member for Cannington's point that it should be a commercial decision by growers. If the member is saying that GM canola has not increased the yield and non-GM canola is yielding, let us say, the same, hypothetically—to make the maths really simple—and the price is at a premium, what is there to fear?

Mr P. Papalia interjected.

Mr J.M. FRANCIS: What the member is saying —

The SPEAKER: I just want to tell you something. Sit down. I have spoken to you; I have asked you. Please, I am not interested now. The minister can speak. If you want further information, ask questions at the next question time or issue a press statement. Through the Chair.

Mr P. Papalia: He accepted the interjections.

The SPEAKER: I do not care whether he accepted them; that is my ruling. Through the Chair.

Mr J.M. FRANCIS: The point is that despite a high, low or variable premium being paid for non-GM canola over GM canola and whether the yield has increased enough to make up the difference, that is a commercial decision to make. Our side of Parliament believes that should be made by the grower. If there is no consumer demand —

Several members interjected.

The SPEAKER: Member for Mirrabooka! If you want to have an argument about this, organise a debate somewhere else, not across the floor.

Mr J.M. FRANCIS: The bottom line is that I agree with the member for Cannington. It is a commercial decision made by the canola growers. If there is no market for their product and they grow it anyway and therefore cannot sell their product to the market—if that is the truth, which I do not accept—that is their commercial decision. It is a bit like a retail trader opening when he likes. Tony Galati owns the Spudshed in Jandakot, the biggest supermarket in Western Australia, in the middle of my electorate. His shop is open 24 hours a day, 365 days a year. If he wants to open at three o'clock on a Thursday morning and no-one goes shopping and he loses money, it is his business. If a farmer wants to grow a crop for which there is no market, who am I to stop him?

The point is that there is more than overwhelming support in regional Western Australia for this. Noting the time, I take this opportunity to put two letters on the record of the Parliament. I will read and table them. One is from the Pastoralists and Graziers Association of Western Australia to the Premier dated 20 June 2016. It has put this far more eloquently than I can so it is worth noting the words —

Dear Premier

The PGA would like to bring to your attention our grave concerns about the repeal of the *GM Crops Free Areas Act 2003*, and the endless filibustering in regard to the repeal of this Act in the Legislative Council.

As a major political party, Labor is showing absolute disregard for agriculture in this state, and especially the many communities in the wheatbelt that will be relying on the repeal of this Act to ensure their future financial well-being is enhanced by the prospect of being able to adopt and adapt innovative GM technologies.

Set against Western Australia's changing weather patterns, GM technology offers the gift of crops that are drought resistant and can mitigate the devastating effects of frost.

GM technology can enhance more efficient uptake of fertilizers by crops, and as has been proven with GM canola, it can reduce unnecessary use of in-crop herbicides.

All these effects of the use of GM technology are environmentally responsible outcomes.

The PGA appeals to you as Premier of Western Australia to bring this matter to the attention of the Legislative Assembly, as we believe that if the Labor Party continues to do their best to obstruct progress of the repeal Bill, it will wind back the agricultural prospects of this state by more than a decade.

Agriculture in the state of Western Australia has always relied upon breakthroughs in technology, ranging from the stump jump plough of the 19th century to today's no till farming and modern crop breeding techniques. This includes the planting of GM canola under an exemption from the Act in question.

The PGA understands that similar sentiments as expressed in this letter are shared by WA Farmers.

Both the PGA and WA Farmers are the acknowledged representatives of agriculture in this state; collectively they represent over 3500 farming families.

We have no hesitation in stating that the industry believes that the repeal of this Act will provide a firm foundation for the future commercial viability of our industry.

These farming families are the backbone of agriculture in Western Australia.

In fact, we have no hesitation in stating that there is not a single rural community in regional Western Australia that is not financially underwritten by our industry.

The PGA once again expresses directly how critical it is, for all the reasons stated above, that this Act is repealed as soon as possible.

Yours Faithfully

Tony Seabrook

President

I will table both letters together. The other letter is from WAFarmers, dated 17 June 2016, also to the Premier —

On behalf of WAFarmers, we thank the Premier for supporting the Western Australian agricultural community and progressing the *Genetically Modified Crops Free Areas Repeal Bill 2015*.

Like you, WAFarmers believes that farmers should be able to choose the production system that best suits their business and markets. WAFarmers supports the right for farmers to farm as they choose. This choice can be conventional crops, genetically modified (GM) crops, organic, or any other systems, to produce food or fibre.

WAFarmers supports the repeal of the current State Government moratorium on the commercial release of GM crops. The *Genetically Modified Crops Free Areas Act 2003* is a limitation on the future capacity for farmers to maximise —

Mr M.P. Murray interjected.

The SPEAKER: Member for Collie–Preston, I call you to order for the second time. This is now becoming tiresome.

Mr J.M. FRANCIS: Thank you, Mr Speaker.

Mr M.P. Murray interjected.

The SPEAKER: I call you to order for the third time.

Mr J.M. FRANCIS: I am pretty sure I have 30 minutes.

The SPEAKER: You have some liberty to read things in but you are not supposed to read in very long documents. You have read one long letter in and now you are reading the second long letter in. That is the point I am making.

Mr J.M. FRANCIS: The letter continues —

The Genetically Modified Crops Free Areas Act 2003 is a limitation on the future capacity for farmers to maximise production and on-farm returns through the use of gene technology.

The repeal of the legislation will allow producers to have access to GM crops that are available for commercial production as soon as they are approved by the Gene Technology Regulator.

I will go straight to the last paragraph, Mr Speaker, to keep you happy —

WAFarmers commends the State Government’s commitment to support agriculture, and we welcome the repeal of the Genetically Modified Crops Free Areas Act 2003, as it makes available gene technology for farmers, and safeguards their right of choice from being further politicised.

I table those two letters; one from the Pastoralists and Graziers Association and one from WAFarmers.

[See papers 4770 and 4771.]

Mr J.M. FRANCIS: As I said from the outset, we get that the Labor Party does not support this; we get that perhaps the Labor Party may be beholden to the Greens. He has gone. I was going to note the presence of Hon Robin Chapple behind the Chair. I get that there are flat-earthers, Amish believers, anti-vaccinators and supporters out there and that they all want to have a say on these kinds of things, but I believe in the technology.

Lastly, I find it absolutely amazing that opposition members say day in and day out that they want to diversify the Western Australian economy and embrace technology but still cannot accept that the world has moved on. The world will continue to move on. We on our side of the house want to make the state of Western Australia competitive with other states and other countries. We want to give our farmers every single opportunity to reach their potential. If farmers want the choice to grow a particular type of crop, genetically modified, organic, you name it, that is their choice because we believe in freedom. The Cold War finished over 25 years ago. We won; they lost. It is that simple.

Mrs M.H. Roberts: Can you take a serious interjection from the member for Collie–Preston?

Mr M.P. Murray: What would be more palatable for the people who do not want to grow GM crops is to have some protection. There is none.

Mr J.M. FRANCIS: There was a very lengthy consideration by the Supreme Court of Western Australia on that very issue. It made clear what the law says on these issues. It is pretty simple. I accept that members opposite have all their beliefs and for whatever reason they do not support it. As I said, as a backbencher, I considered this personally in 2009 to get independent advice on how it all works, so I know a little bit about it but not as much as the member for Southern River. I am proud to be part of a Liberal–National government that is going to get this job done. I commend the bill to the house.

Division

Extract from *Hansard*
[ASSEMBLY — Thursday, 13 October 2016]
p7124b-7130a
Ms Simone McGurk; Mr Dave Kelly; Mr Joe Francis

Question put and a division taken with the following result —

Ayes (31)

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

Noes (17)

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

Pairs

Ms M.J. Davies	Ms J. Farrer
Ms W.M. Duncan	Mr D.A. Templeman
Mr D.T. Redman	Dr A.D. Buti
Mrs L.M. Harvey	Mr R.H. Cook

Question thus passed.

Bill read a second time.