

**GENETICALLY MODIFIED CROPS FREE AREAS BILL 2003**

*As to Third Reading*

**HON KIM CHANCE** (Agricultural - Minister for Agriculture, Forestry and Fisheries) [10.20 am]: I will be moving the adoption of the third reading; however, before doing so, and so as not to prevent any honourable member who has a statement to make on the motion that the Bill be read a third time, I will indicate my view on general orders. During the committee stage of the Bill there was debate on whether it was likely that a general order would be issued in the first instance rather than a specific order. Following the finalisation of the committee stage I had some discussions on this issue. I now indicate that my view is that a general order is likely to be more appropriate than a specific order, although that is a decision that must still be made. I listened very carefully to the comments made in that regard. My view is that a general order will probably be the most appropriate approach for the Government to take.

*Third Reading*

**HON KIM CHANCE** (Agricultural - Minister for Agriculture, Forestry and Fisheries) [10.21 am]: I move -  
That the Bill be now read a third time.

**HON CHRISTINE SHARP** (South West) [10.22 am]: The Greens (WA) are very pleased to support the final passage of this very important, although modest, piece of legislation. I thank members for the comments they made on the report of the Standing Committee on Environment and Public Affairs and its input to this very complex and technical area of science, which has considerable public policy ramifications. I note the enormous amount of work that all members of the standing committee put into the inquiry into the gene technology Bills and, to a lesser extent, into the Genetically Modified Crops Free Areas Bill. The committee deliberated on these matters in 31 meetings, totalling 95 hours. The committee received 53 written submissions. It held 18 public hearings at which 25 witnesses appeared, and one video conference. Individual committee members also made themselves available to meet with eight individuals or groups of overseas marketing and buyer representatives who visited Western Australia during the course of the inquiry. Individual members of the committee are therefore very pleased that the Government has responded by amending the Bill to better reflect the recommendations of the committee. More recently, this morning the minister gave an indication that he is now most likely to implement the provisions of the Bill, as amended, in order to implement a statewide, genetically engineered free zone for Western Australia until the marketing implications are most carefully worked out.

Since the committee reported in July, market signals continue to indicate that there are some very serious marketing risks in the State adopting even a single genetically modified crop, because clearly, as the committee recommended, the adoption of a single crop will have overall implications for the State's marketing image generally as one of the cleanest, greenest areas in the world. Furthermore, the committee recommended that thanks to something that we frequently curse - that is, Western Australia's isolation from the rest of the world - we have an extraordinary opportunity to seriously consider that our State may be one of the few places in the world that could remain GM free in the longer term because of the natural advantage of our geographic isolation. That same advantage has given us the ability, in conjunction with our strong quarantine system, to be one of the areas of the world that are most free of pests and diseases.

Since the committee reported, reports worldwide have continued to emphasise concern about the health risks of GM crops. It is often pointed out that under the national regulatory scheme States have very little power left. They certainly do not have the power to consider the health implications of GM crops. Nevertheless, market acceptance of GM food will depend ultimately on the public health record of GM food. The issue at stake therefore is whether GM foods are safe. Worldwide reports continue. I note one of September this year in New Zealand as a result of a survey by the Otago University.

The PRESIDENT: Order! I trust the member is not indulging in a second reading debate. This contribution must be relevant to what the difference is after the committee stage. I trust the comments will be addressed to how things have changed since the committee stage.

Hon CHRISTINE SHARP: The way things have changed, Mr President, is that as a result of amending the Bill we have given the minister the ability to declare government policy of a moratorium on GM crops by way of a single general order; that is, the minister may now declare Western Australia free of all GM crops.

I do not intend to continue at any length, but merely say that a survey of 17 major European food distributors suggested that New Zealand should delay a commercial release of GM crops and animals for several years until negative consumer attitudes die down, because New Zealand risks damaging its clean, green image if it allows

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the commercial release of GM crops and animals. I will read an article published at the end of October this year in a major British newspaper *The Observer*, which reads -

In fact, it is fair to say that virtually every bullet in the industry's gun -  
That is the gene technology industry -

has been shown to be a dud - not by the green lobby, but by the research of a pro-GM government.

That of course is the Blair Government. The article continues -

... how does the industry know GM consumption is safe? Former Environment Minister Michael Meacher has pointed out that the only reason the industry can make such claims is because it has studiously avoided looking for dangers.

Nevertheless fears exist. The British Medical Association and the General Medical Council have said that we do not know enough to be able to vouch for the safety of GM.

People continue to have concerns. The findings of the Western Australian herbicide resistance initiative were announced in August. One of the authors of the Western Australian university study said -

We have shown that continuous use of glyphosate in no-tillage cropping systems is not sustainable and that the introduction of Roundup Ready crops will increase the probability of glyphosate-resistant weeds,

The evidence continues to mount. I am very pleased to hear that the minister has further considered using the powers of the Bill as amended. He will be able to implement the government policy of a moratorium by way of statute. We look forward to him doing that in the very near future and to continued government vigilance on behalf of the natural environment of Western Australia, the public health of the residents of Western Australia and the marketing advantage of Western Australia's agriculture. With those words, I support the third reading of the Bill.

**HON BRUCE DONALDSON** (Agricultural) [10.31 am]: I am not surprised that the Government has opted for a general order in the first instance. We need to take a cautious approach. However, the most important aspect of clause 4 of the Bill is that it gives the Government of the day flexibility. I have two points to make. Hon Christine Sharp said that the continual use of glyphosate would make certain weeds resistant to it in the longer term and that an increase in the number of Roundup Ready crops could exacerbate or hasten that. However, if that is the case, the sensible reality is that one day glyphosate will have to be replaced, possibly by another herbicide, irrespective of whether we grow Roundup Ready crops of any form.

There has been talk about market acceptance. Canada is already growing predominantly GM canola, in the form of either Roundup Ready canola or Bayer InVigor hybrid canola. Canada exports all its canola without any problem and holds 20 per cent of the world export market for wheat. It is not discriminated against. That is because there is no difference in the DNA profile of GM and non-GM canola after the refining process as no proteins remain. The Japanese use that meal to feed cattle and other livestock.

The most important issue for us is the environment. We must be realistic about the use of triazine. About 85 per cent of our canola is triazine tolerant. Triazine, the more common names of which are atrazine or simazine, is a soil sterilant. It remains in the soil and is residual. Glyphosate is not residual. That is one the beauties of it and why it is such a successful herbicide.

Although the Opposition does not have a problem with the initial general order, if in two or three years the economic advantages of GM canola can be clearly shown and there is market acceptance of it, there will be a demand from producers to grow GM canola.

The unfortunate part about all this debate on genetically modified crops and genetic engineering of any form is that many major advantages could arise from other forms of genetic modification. I refer to combating many other well-known diseases in the primary production industry. Although the Liberal Party has no problem with the changes provided by the legislation, I am glad that at least clause 4 provides flexibility to a future Government. This flexibility will be the necessary and I believe specific orders will be used under the arrangements within the legislation.

**HON JOHN FISCHER** (Mining and Pastoral) [10.36 am]: I was rather disturbed to hear that the minister will consider issuing a general order throughout the State. The debate so far, rightly, has centred very much on the agricultural areas with canola and different grain varieties. I cannot understand why the minister will not put the ban on the agricultural and grain growing areas only. Why put it over the whole of Western Australia? Issues may arise up north during the period of the moratorium, such as diseases in horticultural crops. I am

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disappointed to hear the minister's comments. The minister is making a mistake. I thought yesterday he indicated a commonsense approach. I fully concur that the emphasis should be placed on grain crops. As the minister is totally aware, apart from corn, no grains are grown in the horticultural areas in the north of Western Australia.

Hon Kim Chance: I'll explain that.

Hon JOHN FISCHER: I would like the minister to do so. In placing a blanket ban over the State, the minister may impose problems on the horticultural producers in the north of the State that we are not aware of at the moment. I do not see why we cannot keep our options open.

**HON FRANK HOUGH** (Agricultural) [10.37 am]: Having spent a year on the committee considering genetically modified organisms, I fully support the measure. There is a down side and up side to most things. The committee has been through the matter fairly conclusively, and I am happy with its outcome. It all comes down to how the general population consumes this subject of genetically modified organisms. Growing crops and bringing out produce of GMOs should not occur until there is public acceptance. I do not mean 100 per cent, but major acceptance. Nothing should happen until GMOs have major acceptance.

**HON JIM SCOTT** (South Metropolitan) [10.39 am]: I am pleased to support the third reading of this Bill. Its passage will mean that many WA farmers and horticulturalists will breathe more easily knowing that their market access will be maintained for at least the intermediate future. That also applies to many consumers of the world because Australia is an important supplier of clearly non-genetically modified products. The Bill also enables some focus away from the huge concentration of resources in genetic engineering as part of biotechnology, which is an important science. Many areas have been neglected. With the passing of this Bill, we should be able to concentrate on becoming the best in the world in some of the other areas of biotechnology. I hope that we do that in a positive way, rather than seeing a negative in not being heavily involved in the genetic engineering side of things, which creates significant problems, not only on the growing side, but also with the ownership of seed, which is a very big issue worldwide. The principal difference between much of the genetic engineering and the traditional breeding that is going on is simply the ability to patent and own the product. In the second reading debate, many claims were made about possible advances in salt-tolerant wheats. They have already been developed by another system called genomics. In Canada, a non-GM solution has already been found to combat fusarium in wheat. Therefore, it is not as though genetic engineering is the only tool to achieve results.

I believe it is a very wise decision by this House to support this legislation. The Greens (WA) will certainly support it, because it will be of huge advantage to Australian markets and will also make many consumers rest easy. I support the third reading.

**HON KIM CHANCE** (Agricultural - Leader of the House) [10.41 am]: I again thank honourable members for their contribution to the debate. One or two issues were raised in the debate on the third reading that I will address very quickly. The concept of the general order is a very important part of what the committee identified as being crucial to the effective working of this legislation; that is, the adoption of the concept of the gatekeeper role. A number of the amendments that were passed during debate on the Bill created that concept of gatekeeper role, which, frankly, was not really contemplated in the original construct of the legislation.

There are three important components to the implementation of the gatekeeper role. The first is the capacity to have a general order as well as a specific order; the second is to apply the order to all crops, and not simply food crops; and the third is the exemption provisions. It is important that we understand the way in which this legislation will be rolled out to provide the elements of flexibility to which Hon Bruce Donaldson referred and to which Hon John Fischer referred rather more obliquely. The necessity to have that element of flexibility means that the minister of the day and, indeed, the Parliament of the day - because these orders are subject to disallowance under the Interpretation Act - must be able to accommodate within the legislation that they have to hand the scientific information that is also to hand. I will deal more specifically with Hon John Fischer's point in a moment. However, the three issues are the capacity to issue a general order, the capacity to apply the order to all crops and the capacity to apply exemptions.

Hon John Fischer made a very good point. I believe he needs to take some comfort from the effect of the insertion of the exemption provisions. Circumstances will arise that we do not contemplate now, and he was quite right in saying so. An example of an area in which that could possibly happen is a genetically modified opium poppy for pharmaceutical use. That could well become a crop for the Ord River area in the future and perhaps even the Carnarvon irrigation area. The possibility of the separation of pharmaceutical elements from corn is, similarly, another area in which we would not want to constrain our capacity, provided it did not cause us problems in terms of marketing produce from this State as non-GM. The exemption provisions provide the capacity to allow those crops to be grown commercially - I cannot say it any more clearly than that - and that is provided for within the legislation. The legislation provides the kind of flexibility and capacity that is needed to

**Extract from *Hansard***  
[COUNCIL - Thursday, 11 December 2003]  
p14726d-14729a

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not lock in the minister of the day, and, importantly, the Parliament of the day. Good legislation should always be able to do that. It should not be binding on future Parliaments and it should always allow the Parliament and the minister of the day to make the appropriate decision according to the information that is available to them.

I am happy with the support for this legislation that we have had from all parties. I am even happier that this legislation is in a form that can accommodate those changes, some of which, as Hon John Fischer said, we cannot even contemplate existing in the future. I appreciate the assistance that we have had from the committee and from honourable members in the conduct of this debate.

Question put and passed.

Bill read a third time, and returned to the Assembly with amendments.