

To the Standing Committee on Environment and Public Affairs, WA Parliament.

Submission regarding the Inquiry into mechanisms for compensation for economic loss to farmers in Western Australia caused by contamination by genetically modified material from Naomi Halford

I, Naomi Halford, strongly supports compensation for economic loss for farmers whose land or crops are in any way contaminated by genetically modified (GM) material.

It is our view that in order to provide at least some limited protection to the public and the environment from GM crops and foods, the Act would have to provide for:

- a. a strict liability for anyone dealing with agricultural GMOs, such as manufacturers, importers, transporters and GM farmers;
- b. a strict liability regime that ensures that liability cannot be contractually excluded;
- c. a strict liability regime that ensures a GM vendor has an obligation to ensure that purchasing farmers use it in such a way that no contamination can occur to non GM crops; and
- d. a compulsory insurance scheme for anyone dealing with agricultural GMOs,

A basic agricultural ethic that farmers have followed for centuries is that a farmer that owns something that is potentially damaging to his or her neighbour, such as cattle, has a responsibility to ensure the cattle are fenced in. It is not the neighbour's responsibility to fence the cattle out. The same ethic should apply to GM crops. A WA farmer should not lose their right to sell non-GM crops at a higher price due to the actions of GM farmer.

Compensation for GM contamination must be adequate to fully restore the farm to its former GM free status and compensate for loss of earnings and psychological stress.

Seed and biotech industries have pushed for GM crops for their own commercial advantage. GM farmers and the GM industry which is selling the seeds and licensing farmers should contribute to the compensation fund. No taxpayer money should be involved.

The recent case of Kojonup farmer, Steve Marsh, who lost organic certification over most of his land after GM canola washed over from his neighbour's farm in 2010 is an example of the huge economic, as well as psychological impact, when a farmer's property is contaminated by GM. In this case, because there was no farmer protection legislation in WA, Marsh's neighbour and the biotech industry were able to avoid being held responsible for the contamination of Marsh's farm,

Steve Marsh, not only lost farm income due to contamination, but was awarded huge costs against him. The community was forced to fund the enormous costs of Marsh's legal case and his appeal. If farmer protection legislation had been in place maybe there would have been a fairer outcome.

The Case was pretty open and shut and I as many other people were left in Shock when the Judge ruled against Mr Marsh.

There was no possible way this should have happened with the outcome it had. When hearing this news on the radio I was left feeling numb and in shock. I can't imagine how The Marsh Family felt, being betrayed like this, in a case they should have easily won.

This case demonstrates that the rights of non-GM farmers, who outnumber farmers growing GM, were not, and are not, protected by the law in WA.

The GM industry is pushing for increased toleration of GM contamination. Discerning shoppers want to be able to know and trust what they eat. The history of food & how it is produced is important to many, both in Australia and overseas. As a result GM is limited in finding markets and GM free produce receives a

considerable bonus. If GM contamination is not curbed the state faces increasing contamination with the resulting loss of the most profitable markets.

Consumers Demand to know about the food they are eating.. there needs to be large labelling on the front of products saying CONTAINS GMO PRODUCTS or simply GMO if the whole product is GMO. We the consumers have the right to choose the food we eat and supply to our families. I myself have been reading about the side affects etc.. I refuse to eat GMO products. But just like the Mr Marsh Case, I feel Monsanto will use their money and power to stop this from happening.

How to achieve protection for farmers and their farming systems is the crux of this inquiry.

In order to establish a fairer system for non GM farmers there needs to be:

- a moratorium on growing of GM till the risk mitigation & strict liability systems are in place & bedded down.
- those systems need to be specified, mandatory standards implemented and a compliance regime established and enforceable.

The law must be simple so a farmer can bring or defend a claim without needing lawyers and huge amounts of money.

Companies like Monsanto should not be allowed to Pay any legal fees, nor pay any golden handshake money to help with court rulings, or reward the customer.

Germany, for example, has set up a strict liability regime in combination with compulsory insurance for anyone dealing with GM.

Under German law it is a simple system to bring a claim and to defend a claim.

If the main WA agricultural areas become contaminated, as has happened in Canada, everyone in the state loses.

Canada is a cautionary tale.

*"GM Canola Contamination in Canada Canadian Biotechnology Action Network, April 23, 2015  
www.cban.ca*

*Summary: Contamination of non-GM canola with GM canola in Canada compromised seed purity to such a degree that canola seed growers no longer guarantee their seed as GM-free. Organic grain farmers in the Prairies largely stopped growing canola due to high levels of GM contamination. Over 97% of canola grown in Canada is now GM. "*

Markets world wide reject GM crops. As a result GM products sell for a considerably lower return as they are used for animal feed, biofuel or sold to the unwitting consumer in processed foods.

Biochemist Dr Judy Carman from Flinders University (SA) claims, "It is clear that there is an obvious risk to animals and humans who eat these GM wheat varieties". She also said this could lead to disease and potentially even death. In WA we have been trialling GM wheat and barley.

While the only evidence for the safety of GM products is from the company marketing them and while no long term independent studies have been done, the suspicion about GM food will remain. As a result non GM crops will continue to receive a bonus

It is important to keep in mind when considering the future of agricultural markets that consumers have never requested GM food; the push has come from an industry trying to control and profit from the sale of all services and products related to the production of GM food. GM food has been in existence for over twenty years and opposition to, and suspicion of these products, has not diminished.

Other points which may be relevant to this issue

In Canada and the US, farmers whose crops have been contaminated by GM have been successfully sued by the GM seed company. In WA, is there an agreement (not yet implemented) with Monsanto that a penalty can be deducted from a farmer's grain return if GM material is found in a non GM crop?

Will there be compensation for contamination of roadsides, bushland, townsites and open spaces?

A National Party minister acknowledged some years ago that GM canola "contamination" was already widespread in this state. How will this be addressed?

Thank you for the opportunity to make a submission.

Kind Regards

Naomi Halford

15<sup>th</sup> Feb 2018 .