

From:
To: [Environment and Public Affairs Committee](#)
Subject: Farmer Protection from GM Contamination
Date: Thursday, 15 February 2018 5:25:29 PM
Attachments: [Principles for Farmer Protection Legislation 4218.doc](#)

Dear Environment and Public Affairs Committee,
Hon. Matthew Dean Swinbourn MLC
Hon. Colin James Holt MLC
Hon. Samantha Helen Rowe MLC
Hon. Timothy (Tim) James Clifford MLC
Hon. Dr Steven (Steve) Caldwell Thomas MLC

Terms of Reference:

Inquire into and report on mechanisms for compensation for economic loss to farmers in Western Australia caused by contamination by genetically modified material, including approaches taken in Western Australia and by other jurisdictions and any other relevant matter.

Submission:

I am a consumer of food, as is everyone else and as I am concerned that the process of the production of quality food which has high consumer demand and commands premium prices is not compromised by what I see is second-rate mass-produced food with dubious means of production. I want to be able to afford and source good clean food not just now but also in years to come when I hopefully have grandchildren. Being a forward thinker, I also want my grandchildren's grandchildren to be able to source affordable organic and locally sourced food.

I am very concerned that genetically engineered crops could infiltrate the environment and traditional crops with unforeseen consequences. Good intentions by the Bureau of Sugar Experiment Stations in 1935, introduced the cane toad to Queensland to control the cane beetle. Not only did the cane toads not control the beetles as the beetles climbed and the toads stayed on the ground, but the toads also evolved to become bigger, stronger and have longer legs. The toads are a pest that has reached the Kimberley in Western Australia, and we are told it is only a matter of time before the toads establish in the southern half of Western Australia.

https://en.wikipedia.org/wiki/Cane_toads_in_Australia

We are in a fool's paradise if we as a society have not learnt from the Cane Toad disaster. The problem I see is not that all gene technology is wrong or Frankensteinian simply that we as a society have not enough caution when considering the value of quick, consistent crops versus what is good food that won't add to the health budget in the longer term. Gene technology is not a one size fits all scenario as each type is as individual as the plant,

animal, bacteria, fungus or virus that is adjusted. I'm the first to admit that I would line up for a cure for my allergies or Hashimoto's Thyroiditis. One major issue is the differences between the testing of drugs developed by gene technologies for medicine and for the consumption of the individual under observation and foods developed by gene technologies for mass consumption with no known ability to observe, report and act on long-term effects. Did you know for instance that Glyphosate, the main chemical sprayed on the GM Canola crops here in Western Australia was first patented as an antibiotic? Did you know that Glyphosate levels are not a standard test in our Western Australian foods? As genetically modified foods allow higher concentrations of chemicals to remain in the food, we as a society are consuming more chemicals and questions need to be asked if that means our collective biomes are suffering, leading to increased permeability and allergies, inflammation and associated decrease in health in our society. I am not, for instance, blaming genetic modification for all of societies ills, I am simply saying we as a society need to exercise caution and my example I hope highlights to you why there is a market for premium non-generically modified food now and going into the future.

(Medical testing of any new medicines)

<https://medicinesaustralia.com.au/wp-content/uploads/sites/52/2010/09/Clinical-Trials-Principles-1.pdf>

I believe the burden of growing a genetically modified crop in Western Australia needs to be firmly placed on the producer of the crop. Below is a table that I created with the assistance of a Wheatbelt farmer. It displays I think, how the burden for maintaining the integrity of a non-genetically modified crop is currently placed of the traditional grower. As a consumer who wants the traditionally produced foods on my table, I would want the burden to be reversed, so the traditional farmer is encouraged to continue to grow a premium product.

Table 1-1		
Logistics Schedule for WA Canola		
	Genetically Modified	GM Free Production
Farm	GM crops; Buffers recommended but not monitored.	Non-GM Crops; Buffer zone 500m if seed saving & 5m for mixed crops
Machinery	Machinery; cleaning recommended but not monitored	Machinery; cleaning required to prevent contamination
Truck	Truck; cleaning recommended but not monitored	Truck requires cleaning to prevent contamination
Bins	Restricted bins	The producer bears the total cost for GM-testing, segregation and handling at the bins.
Markets	Market; stock feed & oil	90% of GM Free Canola is bought by the EU. No GM contamination is allowable.
Consumers	No GM labelling required	Aust. Competition & Consumer Commission labelling legislation demands 0% GM contamination of products labelled GM-Free including meat, dairy and egg products produced with stockfeed containing GM Soy, GM Canola or GM Cotton.

I support the FOODWatch **Principles for Farmer Protection Legislation** as attached and urge your committee to implement these principles to protect Western Australian farmers and subsequently the Western Australian consumers who have similar values to mine.

Carolyn Groves

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Principles for Farmer Protection Legislation

Objectives:

A Bill to establish a publicly managed fund, paid into by GM seed merchants, in order to compensate non-GM land holders for contamination by GM seed or other GM material.

To strengthen the protection of non-genetically modified landholders (both organic and conventional, and including public land) from all forms of contamination by genetically modified organisms (GMOs).

To strengthen monitoring and detection mechanisms in order to detect contamination early and reduce compensation costs.

This includes, but is not limited to, making the existing guidelines mandatory.

Rationale:

The Farmer Protection Legislation will replace sole reliance on common law remedies by:

- Establishing a Fund to allow simple and efficient compensation for losses suffered by non-GM landholders whose land is contaminated by GM crops, seed or other GM material;
- Making GM seed merchants responsible to compensate landholders when GM contamination occurs, by requiring GM seed merchants to pay a levy on seed sales into the Fund;
- Entitling farmers and other affected parties to rapidly and efficiently recover for any losses, extra costs or harm they suffer, without having to resort to the Common Law.

The Farmer Protection Fund

- The Government will establish a Fund to provide speedy, no-fault compensation in cases of GM contamination for purposes of cleaning up such contamination and compensating for economic loss or other harm;
- The Minister will appoint an independent Administrator to administer the fund;
- The Administrator will have broad investigative powers, including auditing financial records, inspecting properties and recommending enforcement action;
- The Administrator to make recommendations as needed to the Minister regarding any measures he or she believes would reduce the levels of contamination and therefore reduce the amount of the levy;
- The Fund will protect the right of all non-GM landholders to be free of GM contamination, at the limit of detection of the presence of a GM event;
- Non-GM landholders must be able to recover costs and losses related to all manner of contamination by GM seeds and crops, quickly and easily by lodging an application with the Administrator;
- Applicants for compensation funds would have to prove the presence of a GM event on their land or in their seeds or crops and provide a declaration that they did not plant or authorise the planting of the GM seed or crop;
- Funding for the compensation Fund will be annually levied on the GM seed merchants;
- The levy will be assessed per kilo of seed sold;

- All GM seed merchants must submit to the Administrator declarations on the amount of GM seed sold in a financial year, no later than the end of September following;
- The amount of the initial levy will be set in the regulations;
- The Administrator may from time to time recommend changes to the amount of the levy, to the Minister, taking into account the costs of previous GM contamination cases;
- If compensation claims exceed the value of the fund, the Administrator will request from the Minister that the levy in the subsequent year be raised in order to cover the cost of the shortfall;
- The Administrator may seek submissions from third parties regarding compensation and interested parties may appeal decisions under the Judicial Review Act.

Factors to use in determining compensation payments for contamination incidents:

The Administrator will pay non-GM landholders compensation for actual economic loss or extra costs which must include:

- costs for detection and identification of GM seeds or plants;
- all GM contamination clean-up costs;
- lost profits;
- lost premiums on non-GM produce;
- reduced property values;
- compensation for time spent dealing with the contamination;
- harm, where harm includes unwanted GM contamination for the full duration of its impacts.

Note: The Administrator will determine an annual calculation for payable losses, extra costs and harm where continuing GM crop contamination occurs.

Definitions

GM seed merchants - businesses licensed by the GM patent holders for the sale of GM seed, their agents, licensees, subsidiaries or contractors and any other legal entity that deals with the sale or other distribution of GM organisms ('dealing' is defined in the Gene Technology Act 2000).

Non-GM landholders - any party occupying, owning or caring for land (including local or state government) where no-one intended that GM plants would be grown.

Non-GM land - any land on which no-one intended to grow GM plants.

