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Hon Simon O'Brien MLC
Chair
Standing Committee on Environment and Public Affairs
Parliament House
Perth WA 6000
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Dear Simon

Petition No. 69 - Genetically Modified Crops Free Areas Act 2003

Thank you for the opportunity to provide a submission in response to the petition on the retention of the Genetically Modified Crops Free Areas Act 2003. A total of 632 signatures were presented in three petitions on the same issues on 19 and 20 November 2014. I outline the following points in support of the Committee inquiring further into the matters raised in the petition.

- **Retain the GM Crops Free Areas Act 2003**

The GM Crops Free Areas Act 2003 is an essential component of the national system to regulate the growing of GM crops are grown in WA. The Report on the Review of the Act under Section 19, November 2009, found that:

- The *Genetically Modified Crops Free Areas Act 2003* continues to perform the function for which it was enacted and to have a place in the gene technology regulatory framework.
- Consideration should be given to the desirability of providing accurate information about the location of GM crops to producers who might be affected by them and to ways of providing that information.
- Another review of the operation and effectiveness of the *Genetically Modified Crops Free Areas Act 2003* should be conducted if and when the Act has been in operation for a further five year period.

It is now time for this review of the Act, which should be conducted independently by a parliamentary committee, inclusive of representatives from all political parties and stakeholders, including producers and consumers.

- **Support GM-free farming**

Consistent with the 2009 review finding on providing information to producers affected by GM crops, GM-free farming should be supported by the WA government.



A strong market exists for GM-free canola, a market that cannot be accessed by crops tainted by the presence of fugitive GM canola. GM-free standard canola has demonstrated a premium over GM canola. For example, in 2012, it was reported that

Global agribusiness Viterro is paying a \$45 a tonne premium for standard canola in Western Australia -- 8 per cent more than for the GM herbicide-resistant canola.¹

There is much interest in GM-free produce in markets in Europe and East Asia, and local farmers understandably wish to produce canola for such markets that will pay a premium price.

The potential loss of GM-free canola export markets and the down-grading of WA's status in the world as a GM-free producer is significant. Such markets will be lost forever as fugitive canola continues to spread in WA.

- **Introduce Farmer Protection Legislation**

The farming of genetically modified produce cannot coincide with GM-free farming when voluntary regulation practices are ignored.

Farmers producing GM-free crops are unable to access information that would assist them in making decisions on growing crops for GM-free markets. The GM canola case *Marsh v Baxter* in the Supreme Court has left GM-free farming in doubt in Western Australia, as no farmer can be assured that their effort in growing GM-free canola will be rewarded.

Farmers that produce GM-free crops for premium markets should be protected by legislation. Such protection should be in the form of compensation to any non-GM farmer who suffers economic loss from GM contamination.

I call for a full public inquiry including public hearings on the matters raised in the petition. I also call for the retention of the *Genetically Modified Crops Free Areas Act 2003*.

Kind regards



Hon Lynn MaLaren MLC
Member for South Metropolitan Region

15 January 2015

¹ Monsanto props up weak GM crop price, The Australian, 23 April 2012, <http://www.theaustralian.com.au/news/health-science/monsanto-props-up-weak-gm-crop-price/story-e6frg8y6-1226335724205>