

Thank you for the opportunity to provide a written submission to the Standing Committee on Environment and Public Affairs for the petition tabled by myself, Hon Diane Evers MLC, on 13th June 2017.

Ref: Petition No. 010

Petition to compensate GM-free farmers if economically affected by GM contamination.

This petition calls attention to the majority of WA farmers who grow non-genetically modified (GM) crops and are currently vulnerable to significant economic loss should their crops be contaminated by GM crops.

It calls for the WA Government to introduce Farmer Protection Legislation to compensate any non-GM farmer who suffers economic loss from GM contamination.

GM-free farmers have the right to target higher prices and increased market share in local and international markets for organic or conventional GM-free crops. Producers and consumers have a right to choose to be GM-free, and to expect the Western Australian Government to provide adequate safeguards.

Currently, WA farmers can grow genetically modified (GM) canola. Following the repeal of the *Genetically Modified Crops Free Areas Act 2003* in 2016, WA growers can now grow Gene Technology Regulator licenced commercial GM crop varieties without the need for a WA exemption order¹. Currently canola is the only GM crop grown in Western Australia, however as reported in the *Stock Journal* in June 2017, GM wheat will soon be introduced to WA by a farmer in Morowa².

However, although the WA Government has allowed GM canola to be grown since 2010, the latest available figures show that less than one third of WA canola farmers are growing GM³. GM-free farmers can attract a premium due to consumer preferences for GM-free products⁴. In 2016, sales of GM canola seed in Western Australian slumped since GM canola crops were selling for about \$50/t less than non-GM canola and cost up to \$80/ha more to plant⁵.

GM wheat and other crops are likely to face similar economic challenges⁶. The introduction of GM wheat may seriously undermine the ability of farmers to promote WA wheat as GM-free given the known risks of contamination, with the result that many valuable wheat markets may be lost.

In 2000 when governments set up the Gene Technology Act they agreed that the courts and common law were the way to settle claims of damage from GM contamination. It is clear, however, that the vast majority of WA farmers who remain conventional GM-free or organic producers are unprotected.

The recent court case involving Kojonup canola farmers Steve and Sue Marsh, who lost organic certification for 70% of their land after dry windrowed GM canola from their neighbour's property

¹ DAFWA. 2017. *Repeal of GM Crops Free Areas Act 2003*.

<https://www.agric.wa.gov.au/genetic-modification/repeal-gm-crops-free-areas-act-2003>

² *Stock Journal*, 29th June 2017 p.13.

³ DAFWA 2017 *Genetically Modified Crops in Western Australia* <https://www.agric.wa.gov.au/genetic-modification/genetically-modified-crops-western-australia>

⁴ Neilson. 2016. *What's in our Food and on our Minds*.

[http://www.nielsen.com/content/dam/nielsen-global/eu/docs/pdf/Global%20Ingredient%20and%20Out-of-Home%20Dining%20Trends%20Report%20FINAL%20\(1\).pdf](http://www.nielsen.com/content/dam/nielsen-global/eu/docs/pdf/Global%20Ingredient%20and%20Out-of-Home%20Dining%20Trends%20Report%20FINAL%20(1).pdf)

⁵ Thompson, Brad. 2017. *GM Canola Seed Sales Slump in WA*. <https://thewest.com.au/news/wa/gm-canola-seed-sales-slump-in-wa-nq-ya-112920>

⁶ Heard, Greg. 2017. 'GM Attitudes Need Factoring In'. *Farm Weekly*. 25 May 2017.

was blown onto their farm, demonstrates the need for a legal compensation measure to be introduced in WA for farmers who experience economic loss as a result of contamination.

The Marsh's sought compensation for their enormous economic losses through six years of litigation under existing legal mechanisms. The litigation was unsuccessful. The loss of organic certification for much of their land affected their livelihood, and they were required to pay court costs of \$800 000. Their case demonstrates the need in WA for better legal protections for non-GM WA farmers.

In South Australia, the Greens have proposed the creation of a Farmer Protection Fund through imposing a levy of \$1 per kilogram on all GM seed sales⁷. The fund would automatically pay out GM affected landholders for proven economic loss, extra costs or harm.

I urge the Committee to acknowledge the potential for many other cases of GM contamination or perceived contamination impacting WA farmers, the majority of whom have chosen to be GM-free, and to further consider the need in WA for the creation of a similar fund or legal compensation mechanism.

The issues described in this petition have not been taken to the Parliamentary Commissioner for Administrative Investigations (Ombudsman).

⁷ Parnell, Mark. 2014. *Greens Bill to Protect Farmers from GM Crops Contamination*. <http://markparnell.org.au/mr.php?mr=993>