

Thank you for the opportunity to provide a written submission to the Standing Committee on Environment and Public Affairs for the petition tabled by Hon Paul Brown MLC.

Ref: Petition No 69

Petition to Protect Farms from GM Contamination

Retain the WA Genetically Modified Crops Free Areas ACT 2003

This submission has been prepared by Janet Grogan,

Retain the GM Crops Free Areas Act 2003 as an essential part of the national regulatory system to regulate where and what type of GM crops are grown in Western Australia.

Aim of Act: The WA Genetically Modified Crops Free Areas Act 2003 provides an essential review process as the OGTR does not consider any marketing issues when assessing applications for the grant of GM licences.

I ask not why the Act should be retained, but why should it be repealed?

As the 2009 Calcutt review (1) states at 5.1 repealing the Act is based on the current and future acceptance of authorised GM crops, and whether these factors will affect the markets and marketability of current and future GM crops, non-GM crops and organic crops.

Calcutt questions "the feasibility of making judgements now about market and segregation issues that might apply to some unspecified kind of GM crop at some indeterminate time in the future" and believes the original need for the Act still exists.

So repealing the Act is based on the assumption of **current and future acceptance and safety of GMOs**: both assumptions need to be addressed.

At 4.2 in the Calcutt review Dow Agrosiences Australia Limited quotes evidence which it asserts "indicates that GM crops are not actually avoided by the general population internationally and any concerns that consumers may have had are rapidly receding".

Five years into the future and this prediction has not been realised. Global acceptance of GMOs is declining (2) while demand for non-GM food and labelling is rising (3)

Dow also claims that GM crops will enhance a "clean green image" rather than damage it.

The reality today is different. Increases in chemicals have been blamed on GM crops (4) as have 'superweeds' (5). Tasmania appears to be aware of these potential problems in its decision to remain GM-free. (6)

Two members of the PGA proposed and seconded the proposal to repeal the Act (7). In the Calcutt review John Snooke declared 'profit' as a deciding factor in growing GM canola yet proposed the repeal of the Act which seeks to protect his profits! As Julie Newman said "Since when has economics not been part of policy?" (8)

With GM wheat being trialled it is essential that there is a transparent review process as its marketability is questionable.

Twenty-five of Australia's major wheat markets have rejected the prospect of GM wheat (9)

WAFarmers grains council president Kim Simpson said "we were also concerned GM wheat could do more damage to our WA wheat markets than good." (10)

A Farm Weekly Poll asked "Should Australia embrace GM wheat?" 93.2% said 'NO' (11)

And in March 2011 Premier Colin Barnett rejected GM wheat saying "Japanese consumers would not support GM wheat." (12)

There have been many changes in the economic viability of GMOs since 2009.

China has rejected GM oils for its army (13) and has stopped GM rice and corn research (14)

Russia has banned all GMO imports (15), Germany is demanding GM-free animal feed (16) and South

Australian Agriculture Minister Bignell says that staying GM-free would be worth more to the SA economy than to "let the genie out of the bottle" and allow it (18).

Australia's largest shipment of canola recently left Kwinana, carrying non-GM canola for the EU (18). This may be seen as a success of segregation, but segregation is based on GM tolerance levels, which are not allowed in organics (19). But it is not only organics that demands 'zero tolerance'. DAFWA recently withdrew a barley variety on the basis that it had nil acceptance and could not be safely segregated (20)

Adventitious presence of GM (AP) in wheat is also unacceptable (21).

How are these factors to be assessed if the Act which is currently in place to examine economic risks is gone?

It is a fact that GM contamination is inevitable (22) and often costly, and most contamination events are caused by human error (23).

The US has experienced trade disasters from unapproved GM corn (24), GM alfalfa (25) and GM wheat (26) (27) while Canada had GM flax (28) and GM alfalfa problems.

The Act is essential to remain as 'Gatekeeper' to protect farmers, markets and State from economic risks.

Therefore I believe that the Act must remain and each new GM crop should be considered separately.

In line with the findings of the 2009 review of the Act under Section 19, call for an independent review of the Act by a parliamentary committee, inclusive of all political parties and stakeholders, including consumers.

Originally Minister Baston said that there would be a workshop for 'stakeholders' to assess the Act (30) but later we were told that a 'consultation with relevant marketers' would replace a review. Who are these relevant marketers? When do the GM-free farmers (31) have their say? Were these wheat markets consulted (32)? Where is the consumers' voice? We have yet to discuss the assumption of **current and future safety of GMOs**.

There is a growing catalogue of peer-reviewed, published studies questioning the safety of GM crops and the main pesticide that they have been engineered to withstand (34). We cannot predict what new GMOs may be created and what potential problems may be associated with them. Repealing the Act and solely relying on the safety of future GMOs by our regulators when there is already doubt about their proficiency is not the sensible choice (34). A transparent review of the Act is essential to discuss these problems.

Support GM-free farming, Introduce Farmer Protection Legislation to compensate any non-GM farmer who suffers economic loss from GM contamination.

An overwhelming majority of farmers in WA grow GM-free crops and less than 1% of the world's farmers grow GM crops in just 27 countries (from 29 in 2011) with 90% coming from just five countries (35)

Despite these figures non-GM farmers are expected to carry the economic risk created by GM growers.

Who is protecting the non-GM farmers? DAFWA (36) suggests buffer zones, communication, planning, swathing avoidance on boundaries etc when growing GM canola but who monitors this? Communications with DAFWA in 2012 revealed "DAFWA does not know where Western Australian growers planted specific varieties of canola this year. Nor does DAFWA know how many growers planted canola in Western Australia this year. There is no legislation that empowers DAFWA to assess compliance by auditing the growers of GM canola". So who is protecting non-GM farmers?

Non-GM farmers have an imposed 0,9% GM tolerance which covers low levels of GM contamination. This permits it to be sold as non-GM, but if contaminated the seed cannot be used for non-GM or GM-free labelled food. As the ACCC states (37) *"There is no room for ambiguity with a 'GM Free' claim. Businesses must be able to verify any labelling claim. The ACCC will be looking for documented verification systems underpinned by an effective Trade Practices compliance program"* thus removing consumer choice.

This domino effect is already being found in the poultry sector where it is difficult to guarantee GM-free chickens, as unlabelled GM feed may have been used. In fact general lack of GM labelling is also a concern (38)

This is why it is imperative for the organic sector to remain GM-free (39) in order to satisfy not only consumers but the labelling regulator. Currently Common Law is the only form of redress in cases of GM contamination but clearly this does not work (40).

There is a need for some form of Farmer Protection Legislation (41) as suggested at this link.

The onus for the failure of the GM industry to prevent contamination events which cause economic harm to the non-GM farmer and loss of GM-free goods to markets and consumers should not be borne by the non-GM farmer. It is the GM Industry and GM growers that should bear the responsibility for economic damage caused by GM contamination, and I ask that you to introduce such legislation.

Thank you, Janet Grogan

References for Ref: Petition No 69

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(1)

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