

**STANDING COMMITTEE ON
ENVIRONMENT AND PUBLIC AFFAIRS**

**GENE TECHNOLOGY BILL 2001 AND
GENE TECHNOLOGY AMENDMENT BILL 2001**

**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
THURSDAY, 21 NOVEMBER 2002**

THIRD SESSION

Members

**Hon Christine Sharp (Chairman)
Hon Kate Doust (Deputy Chairman)
Hon Jim Scott
Hon Louise Pratt
Hon Frank Hough
Hon Robyn McSweeney
Hon Bruce Donaldson**

NEWMAN, MRS JULIE**National Spokesperson “Network of Concerned Farmers”,
examined:**

The CHAIRMAN: Good afternoon and welcome to this afternoon’s proceedings. You have signed a document entitled “Information for Witnesses”. Have you read and understood the document?

Mrs Newman: Yes, I have.

The CHAIRMAN: As you are aware, the proceedings are being recorded by Hansard, and a transcript will be provided to you for finalisation. To assist in the process, can you please ensure that you speak into the microphones. If you quote any documents, please clearly identify the source of the document. Once you have finalised your transcript, it will become public evidence. If for some reason you would like to say something confidential to the committee, you have the right to request a closed session. Until your transcript has been finalised, you should not make it public, because premature publication removes the protection of parliamentary privilege.

Mrs Newman: I add that the document I am giving you is a public document. Is that satisfactory?

The CHAIRMAN: That is fine. Would you like to make a statement or a presentation before we ask questions?

Mrs Newman: Yes. I accuse the Government of negligence. Under the law at the moment, if GMOs are to be released, it falls under the portfolio of health and ageing and the Office of the Gene Technology Regulator. The Gene Technology Regulator can base her decision only on health and the environment. The decision on how to release and manage GMOs will be made by the Gene Technology Grains Committee, which is heavily industry representative. By “industry” I mean biotech companies. The farmers represented on that committee have received all their information from industry - I mean biotech companies - to give us supposedly unbiased information, which is very biased and has not addressed the issues. The Gene Technology Grains Committee coexistence document will be released when industry presents it to us. It has not been approved by farmers. The committee is dominated by biotech companies, which are telling us how they want to introduce GMOs into our farming systems. That document will be given to the Office of the Gene Technology Regulator for approval, which can make a decision based only on health and the environment. If there is an economic issue, which I believe there is, there will be serious problems because it will not be addressed.

During last week’s parliamentary sitting, the federal agriculture minister, Warren Truss, stated that he felt it did not fall under the agriculture portfolio and that it falls under the health and ageing portfolio. The federal minister stated quite clearly that these problems will be addressed by the Office of the Gene Technology Regulator. However, the Gene Technology Regulator stated very clearly that her role in this decision has nothing to do with the problems of economics and she will not make that decision. This decision will be an irreversible one and it will be made in February next year or very soon after. That leaves farmers in a very vulnerable situation. The issues of economics have not been addressed.

The worst of the economics issues, which have not been addressed at all by any committee, is that we will not be able to grow non-GM crops. The cost and liability is far too high. At the moment our exports are stamped by the OGTR with a quarantine certificate stating that the produce is GM free. As soon as the commercial release is made, we will not be able to do that, so we will have to prove we are GM free. In order to prove that we are GM free, we have an identity preservation system. The whole idea of the identity preservation system is for liability to be passed on to the

farmer and to make every effort to keep GMOs off our farms, which is very expensive. The Australian Bureau of Agricultural and Resource Economics estimated a 10 per cent farm gate value. For farmers alone that is \$50 000 every year and it is not recoupable.

The States have the power to call a zone GM free. However, they must prove it is an economic advantage. To call a shire GM free, it is estimated that it will cost over \$2.2 million. How can people recoup that? They cannot. The decision is being stamped by the federal Government and we are supposed to trust it. The release will be in February. You will not even have your policy in place before then. We are in a serious position because no-one has looked at whether Australia can market its entire produce on the GM market. Our chief markets are China, Japan and the European Union. China has just introduced labelling, including for canola oils. It has indicated that there is major consumer resistance. Every consumer poll done around the world has indicated that well over 50 per cent of people are against consuming genetically modified crops. We are very vulnerable. Japan is insisting on an identity preservation system. The European Union, which is our third biggest market, is rejecting it. Even though we do not grow GM crops, that is what we are expected to do because the cost and liability of producing non-GM crops are far too high. Farmers deliver a truckload of produce worth thousands. Our liability is ensuring that it is GM free, which is uncontrollable. We are stating that the produce is GM free and we are delivering a truckload worth thousands.

[3.15 pm]

We are signing up for liability for the rejection of a shipment worth millions of dollars, or even a recall of a product worth billions of dollars. You cannot get an insurance company to cover liability on GM crops. Farmers are being left far too vulnerable. There is no way they can grow a non-GM crop. In introducing this measure, the Government must look at the economics of marketing the entire crop as GM. Canola is a small crop, but it concerns me most that this legislation is also in place for wheat and barley. Not one market has indicated the acceptance of wheat, and considerable research has been done into that. All of Asia was polled, and not one buyer would accept GM wheat. General Mills, the biggest milling company in the United States has rejected GM wheat. That is why America has held off. With our legislation not considering economics, they can bring GM wheat here, and we cannot market our produce. It cannot be allowed to be released. That is why I am making the statement that the Government is negligent in addressing the problems. It is a powerful statement.

Hon FRANK HOUGH: What it gets down to then is that if GM products are introduced and licensed, you then have to prove that you are not GM. Would it not be better to say that some have licences for GM products, and that anyone who did not have a licence would be assumed to be GM-free? Why must farmers go through the process of proving they are not? The next question is, then, if you sign that you are not GM, and then they find contamination, is your crop returned, or regarded as GM?

Mrs Newman: That is right. It cannot be sold as non-GM, so it would have to go on the market pooled with GM grain. Because it cannot be classified as non-GM, it cannot be sold as non-GM. Calling it GM is probably not genetically correct, is it just not non-GM. I table the draft copy of the Biotechnology Strategy for Agriculture Food and Fibre, from the federal Department of Agriculture, Fisheries and Forestry. This document explains quite well what the problem is.

The CHAIRMAN: Is that a commonwealth document?

Mrs Newman: Yes, it is. This is only a draft copy, upon which comment has been sought. I had a telephone conference with the department last week. At this stage the only assistance the federal Government will give us is intervention in negotiations, which is toothless. This document explains quite well how an Australian Quarantine Inspection Service certificate is required. It reads -

Once GM crops are released into the commercial environment, AQIS will no longer be able to issue certificates with an accompanying statement from the OGTR verifying that GM varieties of the commodity being certified had not been released for commercial sale in Australia. In the absence of such OGTR statements, and if an importing country government has an appropriate basis for requesting GM certification, the following two options would have to be addressed, before AQIS could certify the commodity or product for export:

- A traceable and auditable identity preservation system; and/or
- A robust and reliable testing regime.

In the first year, I would say the testing regime would be satisfactory. However, as more crops are released, our customers, particularly Japan, have made it very clear that they will not take the existing test as the result. There is an extra complication that the European Union has just dropped its tolerance level from one per cent to 0.5 per cent. The cheaper test that can be done at the delivery points only registers one per cent and above, so we will have to have some sort of expensive testing regime in place that is very unworkable. CBH has over 200 receival points, and to get a testing system at every receival point to register under one per cent will cost millions of dollars. I have a copy of what CBH has issued in preparation. When you deliver a load of grain, you only need to sign one statement, and then your truck driver can sign it for you. It is a statement under the grower's declarations that the grain does not include any genetically modified grain. That is a zero tolerance, which is impossible on commercial release. The grower's indemnity actually excludes CBH from any contamination. That means that, not only are we saying that our product has no genetically modified grain, but also that, when CBH delivers it, it has not mixed it up. The procedure at CBH makes it very doubtful that there will be no contamination problem. The only way we can manage a commercial crop, which is what I am proposing, is to make the biotech company legally responsible for all the costs and all the liabilities imposed by the introduction of their product. I do not see that as unreasonable. The non-GM grower does not want the imposition of having to sell on a declining market. I am asking that Government put legislation in place to make the biotech companies legally responsible for their products. Does anybody consider that unreasonable?

[3.30 pm]

Hon FRANK HOUGH: I was thinking about that when you were speaking. Are you saying that if you produced a non-genetically modified crop and it was found to be contaminated, the franchisee or licensee should pay the grower?

Mrs Newman: Yes. I would like to reverse the situation. Instead of farmers trying to keep contamination out of their crops, it should be up to GM growers to keep their contamination in, similar to the trials. GM growers are saying they are controllable when everybody knows they are not. The only way they can control them to any level is by having them containerised on farm, which would remove most of the problems of GMs. However, they must also control bees and animals. We are dealing with a crop that has a dominant gene transferable by pollen, so that any contamination will increasingly get worse. There are many forms of contamination. Animals go through crops picking up pollen when they are flowering. Apparently, pollen can live up to three days on birds or kangaroos and if they hop into another flowering canola crop, the seed produced from wherever the pollen fertilises will be GM. We have, therefore, a serious contamination problem. Pollen is a very small contamination issue. Direct seed transfer is far worse because animals can pick up seeds and carry them or their undigested droppings into the next-door neighbour. We made a video for the committee yesterday that will indicate all the avenues of on-farm contamination, which should help to explain a lot of the on-farm issues.

The CHAIRMAN: I ask you to clarify a couple of matters. You told us about a poll of wheat markets. Who undertook that poll; was it the Australian Wheat Board?

Mrs Newman: No. I am just trying to think. I put it on our web site, which is www.non-gm-farmers.com. There are a few press releases and a number of different polls with references listed on that site. I write the news update for the web site and I can forward that further information to the committee.

The CHAIRMAN: We can check that out on the web site, thank you very much. You mentioned some figures and referred to more than \$2 million per shire and \$50 000 per farm for maintaining GM-free status. How did you arrive at those figures?

Mrs Newman: That was calculated by Agrifood Awareness Australia, which is supposedly a non-biased informer for farmers. You could contact Paula Fitzgerald who has those figures. She also said that the State must account to the federal Government for the extra profits gained by non-GM crops. She quoted that in the Grains Research Development Corporation magazine in September.

The CHAIRMAN: What is their magazine called?

Mrs Newman: It is called *Ground Cover* and it was distributed to all farmers.

The CHAIRMAN: The September issue?

Mrs Newman: Yes. She has made public a number of times the link with the State Government's having to prove the economics of referring to a shire as GM free.

The CHAIRMAN: Does the September issue of *Ground Cover* refer to the view of Agrifood Awareness?

Mrs Newman: They are supposed to be the facts of what is happening in the legislative process. *Ground Cover* conducted that research to show how it derived that cost. It is quite an in-depth report.

Hon BRUCE DONALDSON: Moving away from canola, what is your opinion, as stated to the committee, that a lot of work has been done on a more salt-tolerant wheat variety that can grow to about 30 per cent or 40 per cent more tolerant of salt? Do you regard that as a threat to the industry?

Mrs Newman: No.

Hon BRUCE DONALDSON: It is genetic engineering.

Mrs Newman: No, I do not see that as a threat at all if it is commercially released. Research can be done on it, but consumers do not want it. The only way farmers can make a profit is by selling a product and if they have no-one to buy it they cannot possibly make a profit out of it. This is why it is so disturbing to have the words "genetic modification" written in legislation because the terminology is very wide. Genetic engineering, or transgenics, is only a very small proportion of genetic modification. Dr Colmer at the University of Western Australia is doing very good non-GM research work on salt and water logging tolerance. There is a similar problem with drought-tolerant wheat. Next year over east Drysdale, a non-GM wheat, will be released commercially, which is drought tolerant and has a 10 per cent better yield. I have spent thousands of hours of research on this matter and as a farmer it disturbs me very much that we should not be in the position of having to say that the experts, the so-called unbiased informers, are deliberately misleading us. I represent Western Australian farmers on the grains council and I have sat through meetings and cannot respond to these experts. I am just meant to listen and accept what they feed us, and it is very biased. It is wrong that at no time have we ever been told of much of what I have told the committee today.

Hon BRUCE DONALDSON: I understand what you are saying. However, I am saying that it is not genetic modification, in the sense of using a herbicide or a pesticide or whatever on canola. Is it a wheat that has been genetically engineered to better tolerate a higher salt level, which could apply to barley or to water logging, or whatever? Has it been given the wrong terminology? Although the wheat may have been modified, it will not, in fact, do any damage to a crop alongside it. I am

trying to ask you how you define an advantage. You would know, as we all do, about the problem of salinity in Western Australia. I foresee a great advantage in getting another species of wheat or barley to accept a greater salt tolerance. I do not see that as a genetically modified crop.

Mrs Newman: A genetically modified crop - the legislation refers to genetic engineering or transgenic engineering - is when you take genes from one organism and put them in another. That makes cross-gene breeding possible. However, traditional genetic modification, which is breeding, has consumer acceptance. The difference is taking a gene from one crop and putting it into another. The problem is that they are not being put in in order and it is not part of the plant. There is worldwide concern that putting it in the wrong spot can cause the release of toxins. There is a lot of scientific evidence to indicate that putting it in the wrong spot is not just putting in a neat thing and that having too much of one gene is a little haphazard, for want of a better word. The concern of the consumer is whether that toxin will cause long-term health problems at a later date. As a farmer I am not concerned with putting consumers off the product; I am concerned with what consumers want. If more than half the consumers do not want transgenic modification, we should not be forced to market our produce as that. We want to continue to market what consumers want. There is an increase in demand for GM-free products. We do not want to sell on the GM market because there is an increasing consumer resistance to GM products. A number of issues will never improve for consumers. Some consumers are anti multinationals because they control the production of food from paddock to plate. There are a number of other related issues. As farmers we are mostly promised not what we can achieve in normal breeding with this technology, but different things such as pharmaceuticals and using crops as factories for industrial chemicals. We cannot keep that up; there will be zero tolerance to it. There was a recent problem with soy beans being contaminated with pharmaceutical crops. Consumers do not want abortion drugs in their Weeties; they have zero tolerance to that and we should be able to give them zero tolerance. The way the legislation is framed enables pharmaceutical chemicals to be commercially released. The liability costs of producing and selling a food crop with the commercial release of a pharmaceutical would be astronomical. We do not want to be the innocent party in this issue because the federal Government regards this as a trade issue with America, which is where I think the pressure is coming from.

Hon JIM SCOTT: We have been given the opinion that if the gene regulator, for instance, okays a grain crop or the release of an organism and the person who grows it follows the licence in the proper way, there would ultimately be that problem you are talking about; that is, there would be no liability on the people who followed that licence if a drug released caused illness or caused a foetus to be aborted, or whatever. Have you considered whether a GMO might get into your crop accidentally and you were not covered by a licence to grow that GMO? Would you be spared from liability if something went wrong when people then ate your food?

Mrs Newman: A lot of the problem is about issues of contracts and how much Monsanto will charge farmers. All these issues will be divulged as close as possible to the release date as Monsanto can get them. There will be no room for comment. If the committee looks at the Monsanto form release on the agreement with Monsanto, it will see that farmers must take responsibility for the liability and cannot hold Monsanto liable for any damages incurred. Farmers will have a problem if they are not GM growers but they become contaminated with a GM crop, although they might have marketed a GM crop once before. Under the patent law, that crop belongs to Monsanto wherever the gene lands. I must admit that Percy Schmeiser should not have planted that crop knowing that it was in there. However, Judge MacKay in that case made the law clear in his statement that Monsanto has the right to own that crop wherever the patented gene lands. Monsanto will, therefore, take the profits of that crop. That is disturbing. Farmers will be forced at a later date to grow GM crops. It is not a good situation to be in. Not only will we have to market crops as GM but also when contamination gets bad enough we can be forced by a company to pay it for the rights to its patented genes. They immediately patented all the life forms. The life

forms had been breeding for thousands of years before Monsanto came along, but Monsanto now owns that right. Monsanto put one gene into it and it suddenly owns the entire DNA of that product. That is how Monsanto protects its licence.

[3.45 pm]

The CHAIRMAN: Why do you say that? Do you think this relates to free trade issues with the United States? Are you referring to the negotiations that the federal Government is now entering into with the US for a long-term free trade agreement?

Mrs Newman: Yes, the US has made it clear that genetic modification - both labelling legislation and commercial release - is part of this free trade. I am also disturbed that the European Union is being threatened by the United States saying it will take the issue of European Union rejecting GMs to the World Trade Organisation and effectively insisting it take them or it will be viewed as a trade sanction. That is where I see the drive coming from. All I am asking is for legislation to protect farmers. It is not so much about the commercial release. We definitely need a hold on this. Neither the State Government nor the farmers are ready for this in February next year. Nothing is prepared whatsoever for commercial release. It is irreversible once it is commercially released. Those terms are what we are agreeing to on the commercial release.

The CHAIRMAN: What do you see as the solution in both a bigger picture sense and in the sense of the specific Bills before this inquiry. What would you investigate and what amendments would you recommend for an ideal world and a real world?

Mrs Newman: I hoped it would not be considered unreasonable for a biotechnology company to take legal responsibility for its product. Correct me if I am wrong, but the gene Bill is supposed to mirror the federal gene Act. I am asking the State Government to put pressure on the federal Government to review the gene Act because it is seriously negligent in addressing the issues concerning GM crops.

The CHAIRMAN: I understand that review will take place halfway through 2003?

Mrs Newman: Before or after the commercial release? This is an irreversible commercial release that must be halted until legislation is in place and the problems have been addressed. I am asking the State Government to put pressure on the federal Government to insist that there is no way commercial release can occur next year until a number of things are resolved, such as the review of the gene Act, the co-existence plan and how much Monsanto will charge. A number of issues have not been addressed that must be addressed prior to commercial release.

The CHAIRMAN: Supposing that view is accepted by this jurisdiction and by the federal jurisdiction, what changes would you like to see in place for a long-term system? Are you talking about a complete moratorium?

Mrs Newman: It would be good to have a moratorium until protections are put in place. You probably need to speak to somebody much more expert than I am on these issues. It would be a matter of establishing contingency funding that will address the urgent issues of contamination and any potential losses. We do not want to turn around and seek compensation and find that we are seeking it from a \$2 company. Contingency funding must be available for that to address any possible problems with contamination or loss of markets. We would also like to see economics as a reason for rejecting GM crops. It is very negligent of the Government not to consider economics as an issue. I am not talking about benefits from economics; I am talking about risks of economics. If the entire agricultural industry is at risk due to commercial release of GM crops, surely that is a reason to reject it.

Hon FRANK HOUGH: If the franchisee or patent holder had to accept full liability, do you think there would be a release of GM products in Western Australia?

Mrs Newman: The company would certainly be more responsible in the commercial release of its product, as it should be. If it were to release a product that it thought would cause any danger to health or to the agricultural system it should not release it. It is being encouraged.

Hon FRANK HOUGH: It would be interesting to see whether it would go ahead on that basis?

Mrs Newman: A company should not release something if that risk carries serious risk or liability. Surely that can be addressed. Our Government should not allow a multi-national company to release a product that it knows will contaminate and devalue our products. No long-term testing has been done to see whether problems exist. There seems to be a mad scramble to contaminate the entire world food supply with GM crops, but no long-term testing has been done on it. The poorer countries are being given GM crops. Every country is being very forcefully made to take GM crops because America is saying they must otherwise their action will be viewed as a trade sanction. It is fairly irresponsible to irreversibly contaminate a food supply.

Hon FRANK HOUGH: I do not know whether you have looked into this, but if the licence or patent were accepted in Western Australia, could the technology be changed without the knowledge of the farmer who was buying the patented crop? Could he put in another gene or would it have to be notified. Could he put in a sterile agent without notifying the farmer?

Mrs Newman: No, that would require a completely new licence after it had gone through the Office of the Gene Technology Regulator.

Hon FRANK HOUGH: Does the one that is registered now have the DNA recorded?

Mrs Newman: That is right; it is easily identified. The testing can easily identify whether it has been transferred by pollen or whether it is a direct seed transfer. What concerns me a lot about the technology itself is not so much the possibility of dangers to health but the fact that gene stacking occurs with genetic modification. With every single new variety that comes in, there is not a dominant recessive gene that overrides others; a stacking effect occurs. When trials were carried out in Canada 800 metres apart with five chemical resistant canolas they unintentionally produced out of the trial site canola resistant to all five of those chemicals. A superweed will emerge if the crop is resistant to the range of chemicals. That concerns me when pharmaceuticals are released. That stacking occurs in every variety. As each variety has been released, no research has been done to show whether it stacks. We may be producing something that is totally inedible once it mixes.

Hon FRANK HOUGH: We may ultimately not be able to get rid of it?

Mrs Newman: That is right. Contamination is uncontrollable. Only five years after commercial release in Canada, Ag Canada tested its certified seed. It made every effort to keep it separate. It tested the certified seed, which is the seed that contained the next year's non-GM crop. The non-GM crop was tested and only two out of 14 varieties were not contaminated. The worst contaminated was 7.2 per cent. That is only after five years. It is a dominant gene. It will be genetically modified in a very short time.

Hon JIM SCOTT: At the beginning you estimated that the cost of identifying preservation for you would be about \$50 000. Is yours a fairly average farm? How many farmers are we talking about? Have you calculated what it would cost all the Western Australian farmers for this single release?

Mrs Newman: This is about the difference in a GM-free zone. The whole idea of having zones is so that it is cheaper than the farmers themselves going through the process. The Australian Bureau of Agricultural Research and Economics estimated that to be between five and 10 per cent. The Productivity Commission report estimated the extra cost to all growers would be 17 per cent. Interestingly, the Productivity Commission report indicated the potential benefits of introducing GM canola was only two per cent. If the best benefits for the very few who grow GM crops is two per cent and the cost to every grower is 17 per cent, I fail to understand how the commission reached the conclusion that it was an economic advantage to introduce it. The commission's summary is detailed and provides a number of different reasons that it felt it should be introduced.

In the Productivity Commission report there is also a number of estimates of the identity preservation.

I have not worked out exactly how many farmers would be affected. We farm more land than the average farmer. We have 20 000 acres. You will probably find that the average farmer would have about half that so they would be looking at \$25 000 each. No-one will do it. It is very time consuming. It is right at seeding and harvest. The idea is to clean out totally all the machinery, which we can never guarantee. Many associated industries will be affected by this. We have a reasonable sized seed cleaning factory. We grade probably 10 per cent of the State's barley and five per cent of the State's wheat. I have not worked out the percentage of canola. We have made a commercial decision that we will not grade canola after the commercial release because we cannot afford the liability problems. We cannot guarantee that we can get our seed out of the machinery, particularly, canola seed. It comes out for months after. It is the most difficult seed to get out of the machinery because it gets stuck between the belts. If we cleaned out totally our big factory to guarantee there would not be any seed it would take at least three weeks. We grade a load of canola about every half hour. There is no possible way we can address the problem of keeping it separate. We have decided not to grade non-GM canola. We will not grade GM canola because if we allow GM canola into the shed and contaminate the wheat we are going to plant the following year - we do different varieties - under the Cartergenya Protocol on biosafety we could have GM canola in the wheat and have the shipment of wheat rejected. Not all countries have ratified that yet but it could cause problems later, particularly with the Roundup resistant crop. Glyphosate is the most commonly used chemical in agricultural systems. We will be favouring that. Most people use it. Many other chemicals do not work. If bits of crop are on the bottom part of the plant, the spray seed will not work. We need glyphosate.

[4.00 pm]

Hon JIM SCOTT: You have raised some logistical problems about grading. I have always been concerned about the theory of having separate crops, but the logistics for farmers is another matter. In your paper you have pointed out that Co-operative Bulk Handling Ltd has this indemnity for you to sign for being non-GM. How will people establish that you are non-GM? Will that be done at the wheat bins or on the farms?

Mrs Newman: That is part of our surprise package in the gene technology grains committee. It may not be acceptable to the farmers. It is such a worry. There are a lot of associated industries. Do the truck drivers have to get everybody to sign one of these to pick up a load? It will be totally impractical. Suddenly all the services open to farmers will be closed because no-one will handle canola if there is GM and non-GM.

Hon JIM SCOTT: In the old system when people took a load of wheat into a wheat bin, they put in a spear and got out a sample which they could test on the spot for most things, but GM cannot be established like that, because I understand it takes five days.

Mrs Newman: For the expensive test, it does.

Hon JIM SCOTT: They cannot wait five days on a weighbridge. How will they do this? Will they have on-farm storage?

Mrs Newman: This puzzles me, too. The logistics have not been worked out. It is meant to be released in this gene technology grain committee. We will all be shaking our heads and saying this will not work, but who cares. No-one is answerable. The Office of the Gene Technology Regulator is making the decision that it is okay, it does not affect health and the environment, but industry is supposed to manage it. Industry cannot manage it, but we do not get a voice. Who is industry at the decision-making level? It should not be the Office of the Gene Technology Regulator that does not take industry problems into consideration.

Hon FRANK HOUGH: There is an assumption that everybody will be forced to go GM; that is really what it gets down to.

Mrs Newman: They will be forced to not market as non-GM. I have been asking wherever I have gone if anyone knows of anybody who wants to grow GM crops. I only know of two people who want to grow Roundup-ready canola in the whole State, and there are hundreds and hundreds who do not want to. For two people to grow it and ruin the industry for everybody else seems ridiculous. We have another problem in Western Australia. The Council of Grain Growers Organisations, COGGO, was started up by a group of farmers who invested in biotechnology. That may be the reason some farmers are wanting it, because they can see profits by COGGO in the biotechnology industry. We have a bit of a conflict of interest there. If you ask a farmer why they want it, it may not be because they want to grow it themselves but because they can see the profit if COGGO releases commercial varieties. That is a problem and needs to be addressed. When people are asked whether they want GM, ask whether they have a vested interest in COGGO.

Hon BRUCE DONALDSON: It is laudable that the legislation sets up the gene technology advisory committee, the gene technology community consultative group and the gene technology ethics committee. The Bill clearly states that the regulator provide advice at the request of the regulator or the ministerial council. In other words, the regulator when issuing a licence or releasing something for commercial trial, does not have to avail him or her of the advice from those three groups. That is probably a flaw in the Bill. As a committee, would it be better if that advice were sought before the regulator made a decision?

Mrs Newman: I agree wholeheartedly; yes. It disturbs me that the regulator has no liability. Legally, under the gene legislation the regulator is not responsible for her decision. Everyone is passing the buck. Everyone is saying it is not his department, or if a committee comes up with something it is given to the OGTR; if it does not affect health and the environment it is not interested. That is the problem with it falling under the health and ageing portfolio; it should be under an agricultural portfolio. It has taken me years to sift through the information to try to get to the bottom of it. Years ago I knew there was a problem. I did not expect it to take so many thousands of hours of research to get to the bottom of it. Why are we not being told the facts prior to the release? It is extremely negligent of the system the way it is set up. We should know exactly what it entails prior to release. Politicians should know exactly what it entails prior to release. I am trying to do this with a full-time job of working on the books, the family and everything else; it has been very difficult.

Hon BRUCE DONALDSON: All the States and Territories, as well as the Commonwealth, have ticked this legislation off as uniform legislation and have set up a regulatory framework. It would have been better to set up these advisory committees and for the government departments who were involved in the approving of this legislation to have received better advice, because a number of issues have flaws, yet we are limited in what we can amend other than to say that ministers from other States and Territories and the Commonwealth must agree to some changes. Maybe the legislation should have been put out earlier in the form of a green paper rather than just produced as uniform legislation. A Green Bill would have permitted some of these anomalies and flaws to be better examined across each State, and Governments would have been better informed when making those decisions.

Mrs Newman: You are absolutely right. I agree wholeheartedly. They are now saying it is too late, it is set in cement. That is not good enough. It has taken this long to find out what the problems are. No-one else has told us. Intensive research has brought out the issues; they have been hidden from us. It makes me wonder - did the biotech companies help formulate the original gene legislation, because it looks very much like they did?

Hon BRUCE DONALDSON: We do not know that. We are a bit puzzled, because it shows there are some serious deficiencies. I question why we need all those advisory committees, if only the

ministerial council or the gene regulator can have the information. If the regulator or the ministerial council do not bother, does this committee just sit on the information?

Mrs Newman: That appears to be the case. The Office of the Gene Technology Regulator has a quick look to see whether it affects health and the environment. This is such a flaw. I bring to your attention that I had a media interview today and I am going to accuse the federal Government of negligence. The reason for that is to have urgent action. I am afraid I cannot wait for the State Government to push the federal Government, because it will be too late. I hope I have not offended anybody by making the media statement. It will not be released until next Thursday, but I had to expose the problem and it had to be done urgently.

Hon BRUCE DONALDSON: I think you should accuse all State Governments and Territories that sat on the ministerial council.

Mrs Newman: The people I have spoken to from our State Government have been very supportive - the majority.

Hon BRUCE DONALDSON: But they signed it off.

Mrs Newman: I do not think they knew the issues.

Hon BRUCE DONALDSON: That makes it even worse. If they did not know the issues, why would they sign something off?

Mrs Newman: They have been so well hidden. The State Government legislation is mirroring the federal legislation. The very fact that it was made into a health and ageing portfolio is extremely incorrect. The fact that it was done four years ago before anyone knew what a GM crop was is the reason it is so confusing.

Hon LOUISE PRATT: You raised the issue of health and the environment and how the issues of segregation and marketing are not part of the role of the federal Government but have been left to the States. Do you think some of those issues should be fed back to the national regulator to be considered at that stage of the assessment?

Mrs Newman: Yes, they should be considered, but she is only looking at health and the environment. One of the problems I have with the Office of the Gene Technology Regulator is that surely contamination of the farmland is part of the environment.

Hon LOUISE PRATT: And that would be tied up with marketing?

Mrs Newman: Yes; that is where the marketing is. She is not answerable to anybody. That committee appears not to be answerable to anybody else. Her hands are tied because she is tied to the legislation which says to just look at the health and the environment. How precise is it? It appears to be not very precise. She has given very firm indications that she sees nothing wrong with the commercial introduction of GM canola.

The CHAIRMAN: Thank you for your submission; we found it very interesting. This is an ongoing issue and is changing all the time. This committee will report at the end of June. If anything comes up in the meantime that you feel the committee should be aware of, I invite you to write to us and let us know.

Mrs Newman: Thank you. Every day I spend a few hours keeping up with the issues. I can back up anything that I have said. I would really like to help the committee with this issue. Thank you for your time.