

**GENETICALLY MODIFIED CANOLA — MARSH-BAXTER CASE —  
DEPARTMENT OF AGRICULTURE AND FOOD REPORT**

*Statement*

**HON JIM CHOWN (Agricultural)** [6.20 pm]: Tonight I would like to talk to the house about what could only be construed as a fraudulent act that was carried out and caused a neighbouring farmer enormous financial and emotional stress. It is an act that still reverberates politically through this place and that took place some 10 years ago. I think it was Winston Churchill who said that a lie can get halfway around the globe before truth has an opportunity to put its pants on. I believe the truth is contained in the Department of Agriculture and Food's report from some eight years ago. This report has not seen the light of day and has never been made public. In fact, it is still stamped confidential and has been suppressed to some degree in regard to the legal court cases on this matter. I seek leave to table a document, "Report on the 3 December 2010 visit to Eagle Rest Property".

Leave granted. [See paper 1197.]

**Hon JIM CHOWN:** Before I get into the detail of the report, I would like to inform members of some of the characteristics of canola, whether it is canola or genetically modified canola. One of the unfortunate characteristics of canola is its fragility when it is ripe. The pods have a propensity to break, which is called shedding, and the tiny precious seeds within those pods fall to the ground and therefore cannot be collected at harvest time. This fragility is so bad at times that even in a standing crop of ripe canola, shedding takes place to a large percentage from small wind movements when the plants knock against each other, the pods break or scatter down the middle and the seeds inside roll out. To compensate shedding, it is normal practice all around the world to swath canola. Swathing canola takes place a month or so before it ripens. Swathing is a technique in which a swather comes along and cuts the canola off about eight or nine inches off the ground below the pods and brings it into a windrow, which is pinned into the stalks and the swather goes through. The canola ripens in the swath. It is interesting to note that in the Marsh-Baxter case, which is what this report is about, the canola was swathed on Mr Baxter's property on 8 and 9 November. On 3 December, 20 days later, his crop was harvested. Over that swathing period his canola ripened for three weeks. On 29 November, Mr Marsh found canola plant material on the road reserve outside his boundary. On 1 December, Mr Stephen Marsh at Eagle Rest rang the Department of Agriculture and Food—what this report is about—and reported the presence of suspected genetically modified organisms or canola plants on his portion of the property.

Mr Marsh followed up the phone call with a fax to the department. On 3 December, Department of Agriculture and Food representatives visited Marsh at Eagle Rest. The attendees were Rosalie McCauley, the manager of GM crops project; Mr Michael Davies, the manager of the 2010 audit program; and Bill Webb, who was a grower from Kojonup. Mr Marsh drove those members of the department around his property and showed them what he believed was an incursion or a contamination from his neighbour's property due to a number of plants that he had found not only on the road reserve but also on the property itself. A picture tells a thousand words—probably more than a thousand words in this case. As I have just explained, canola itself is a highly fragile plant. We have just ascertained that at the time of this incursion, the plants were ripe because they were harvested only a couple of days later. What intrigues me about this matter and this report—I hope members look at this and get their heads around it—is that a number of photographs were taken by the departmental representatives. Every photograph shows a totally intact plant. It is obviously from the swathe because it is cut off neatly at the bottom. When I say "intact plant", there is not a pod missing from the plants found on Mr Marsh's property, not one. In fact, photo 8 is 1.2 kilometres from the nearest swathe. It is a bunch of plants that look like they have been tipped out of a vase, which supposedly had blown there in the wind. Such was Mr Marsh's delight at the discovery, he decided to fence it off with a temporary fence. Every one of the plants found on this particular property was fully intact with their pods.

I ask the question: what sort of wind event can blow extremely fragile ripe canola plants to land on a neighbouring property across a 25-metre road—I will talk about the road in a minute—fully intact. This is a miraculous event.

**Hon Robin Scott:** A very special wind, I would say.

**Hon JIM CHOWN:** We know those sorts of winds, Jock, don't we? We know where they blow. I digress, Madam President; I am running out of time.

**The PRESIDENT:** You also know, member, that when you are speaking to another member in this place you use their correct name and title.

**Hon JIM CHOWN:** I apologise.

The inspection took place and at one point in the inspection, as is shown in the report, a member from the department asked Mr Marsh, "Why don't you collect the material? Why don't you pick it up?" He refused to do so. On 4 December, some two days later—I think it was the next day—members from the accreditation body,

National Association of Sustainable Agriculture Australia subsidiary, Certified Organic Pty Ltd, Ms Kathe Purvis visited the property to look at the plants and the contamination. Ms Purvis made a subsequent visit some weeks later on 21 December. The second inspection was by the NCO representative, Ms Claire Coleman. Her report states —

... none of the three swathes identified —

That is, in the lower southern part of paddock 11 —

were located within the wheat crop. Nothing suggests that the three cut plants could not have been physically collected and removed before seeds from their seed pods scattered, or were further scattered across Eagle Rest's paddocks. However, that collecting up did not happen until April 2011.

Here the certification people for the organic body were suggesting to Marsh that he collect this material, but he did not do so until many months later. We are talking now about December. It is even more interesting that after a rainfall event—we are talking about 2010, so we have gone through a whole year—this canola plant lodged on this particular property. During 2011 only nine volunteer canola plants were found growing on Eagle Rest. In effect, the plants found did not shed any more than nine seeds. Let us be generous and double it to 18 or 20, but only nine germinated. Of the nine, one was found not to be genetically modified.

I am running out of time so I will continue my remarks tomorrow during members' statements. As to this report and my opening statement, I have no doubt at all that this particular contamination that was suppressed in this Department of Agriculture and Food report was not a natural event. It was caused by the intervention of a person or persons unknown for the sole purpose of bringing the GM industry into disrepute and exercising through the courts the possibility of stopping these legal crops being grown. That failed in the Supreme Court, and in a Supreme Court and High Court appeal. This was an act by a human being or beings with evil intention in regard to the Baxters.