

Submission to Inquiry into mechanisms for compensation for economic loss to farmers in Western Australia caused by contamination by Genetically Modified material

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Introduction

My name is Ian Onley, I am a certified Biodynamic producer from Gippsland, Victoria.

I am a member of the Biodynamic Agriculture Association of Australia (BDAAA)

The Biodynamic Research Institute (BDRI) offers certification under the 'Demeter' logo and is well respected in the market place. Allowing producers to attract price premiums and loyal customer support by providing a trusted production and certification system not only in Australia but increasingly overseas.

GM free is a condition of organic and biodynamic certification and loss of certification through contamination causes economic hardship not only to the farmer affected but loss to handlers, agents and consumers.

My farm, Bullfrog Gully, produces pastured free range eggs of very high quality and I rely on the integrity of certified grains I buy from 'Demeter' producers to maintain assurances that my eggs are GM free. The GM free status of the grain I purchase is essential to the ongoing viability of my business as it is for many farmers who rely on an environment free of the risk of contamination that would destroy existing markets and future opportunities for both domestic and export markets.

The 'right to farm' is an established principle, as is the principle that farmers be required to control weeds on their properties so that they do not contaminate the land of neighbours and spread in this way. It seems reasonable to assume that a property owner should be responsible for the plants they grow on their properties to ensure they do not cause their neighbours hardship or financial loss.

It is well accepted by Vic Forests, here in Victoria that the 'Pinus Radiata' they grow in timber plantations not be allowed to escape into surrounding lands. This is a common occurrence and Vic Forests are obliged to remove volunteer species that have escaped from their plantations into native bushland and neighbouring properties. This requirement is overseen by local Victorian municipalities.

It would follow then that farmers who want to grow GM produce which threatens a neighbours, 'right to farm' should be required to maintain pollen from GM crops on their own properties or be responsible for the consequences of ruining a neighbour's crop.

The onus must be on the GM industry to protect others from contamination of their product. Claiming substantial equivalence is not reasonable as it is the bit that is not equivalent that raises the concerns. In the absence of any independent data that proves GM technology safe, the precautionary principle should apply. Given that quite a lot of data has been suppressed by the GM

industry and what is in the public domain raises significant concerns about the safety of the technology, the need for the precautionary principle to be observed is highlighted.

Loss to a certified grower due to contamination of a crop with GM pollen or overspray of weedicide can be significant.

The insignificant cost to a GM producer of planting a buffer of conventional crop to maintain a safe distance to prevent cross fertilisation into a neighbours crop seems a reasonable requirement.

It is not only certified organic and biodynamic producers that are affected by cross fertilisation from GM crops, many conventional growers prefer to supply markets overseas and in Australia that have the requirement of GM free status. These markets pay a premium for GM free status and are valuable to Australia.

Mechanism for compensation

A levy on GM seed sales overseen by a government administrator would be the most effective and responsive vehicle for compensation to farmers affected by crop contamination from GM technology.

If an affected farmer can prove losses due to cross pollination from GM crops a claim system that delivers compensation in a timely manner would be far better than an insurance scheme that would be open to court challenge. GM contamination can only come from one place, the GM industry.

A system more reflective of Natural Law and fair recognition of existing circumstances, as outlined above would produce far more equitable results than the court system has done so far.

Any compensation mechanism must be free of court processes where high costs are a barrier and threat to farmers

People have the right to choose what they eat and that right should be protected, as should the right of a farmer to pursue markets they wish too. Without interference, when that interference is a known consequence of another industries process. The onus must be on the perpetrator to take all reasonable steps to ensure contamination does not occur and provide compensation in a timely manner if GM contamination from any source occurs. This would only occur if managed by a third, independent party.

A levy at the point of sale of GM seed would ensure that all GM industry participants equally share responsibility for containment of their product.

The value of the levy could then be adjusted according to the industries effectiveness in carrying out their responsibility of preventing contamination from GM crops.

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