

To the Productivity Commission

agriculture @pc.gov.au

From Meg & Paul Wilson

INQUIRY INTO REGULATION OF AGRICULTURE

Our Submission –Amendments and additional information.

Dear Commissioners,

We are parents and grandparents living in the Hasluck electorate of WA. As retirees and community volunteers we are dedicated to the care of our local area and our state. We have a great love and respect for our country and despair over the unnecessary, relentless and unsustainable exploitation of the environment. We are passionate about its preservation. We are concerned about alarming moves to weaken our biosecurity at both federal and state levels, at the same time as contentious GM crops are introduced with their accompanying heavy pesticide use, against the wishes of the majority of farmers and consumers. Like many we worry about the increasing polarisation of society and the erosion of our democracy in recent times.

A great concern now are these plans to deregulate. We strenuously oppose this very unwise move. We urge you to not only retain Australia's existing high standards and regulations, but to also appropriately upgrade regulatory protection.

Environmental security has fast become even more important than military security. A strategically structured, potent and enforceable regulatory system is a vital part of our national security.

This move to heavily deregulate further deepens the lack of trust and confidence in government at both federal and state levels. It is a sad indictment on our times, it is disappointing indeed that, like the Abbott government, this current government appears to have little genuine care for the public interest or its supporting environment, Indeed it seems to be actively promoting deregulation in the interests of a few , as it does the Trans Pacific Partnership (TPP). This is unacceptable.

- **Because the Review of the Standard for Gluten is of considerable interest to many people, we have marked it with this easily found orange square. See attachment.**

Attached also is a discussion on the push to deregulate in order to allow GM crops in every corner of the nation - putting all GM eggs in one basket.

1) CONCEPTS OF PRODUCTIVITY

Is it better for Australia to focus overall efforts and resources on:

(a) quantity ie manufacture of a high tonnage of a cheap and inferior product over a short-term due to irreparable environmental impacts? And at the same time trash Australia's priceless natural quarantine advantages, and put a big dent in its regulatory and biosecurity armour?

(b) Or better to focus efforts and resources on richness in output ie affordable, quality products that can be sustainably produced over the long term? And at the same work in harmony with nature, treasuring and capitalising on Australia's priceless natural quarantine advantages, while reinforcing regulatory defences and biosecurity?

The proposed deregulated system appears to favour (a). This is not in the best interests of Australia.

Our conviction is (b). *An appropriate system of regulatory protection helps to ensure sustainability.*

A type and level of productivity that is safe and sustainable over the long term should be a primary goal of agriculture. The goodness / nutrients from our impoverished soils should not mostly end up overseas, instead of being returned to our farmlands.

2) THE GREATEST CONCERN OF MANY LIKE OURSELVES IS FOR OUR NATIONAL SECURITY. IT SEEMS TO MANY - INCLUDING FARMERS - THAT OUR NATIONAL REGULATORY SOVEREIGNTY AND OUR FOOD SOVEREIGNTY ARE UNDER ATTACK. *Government must be honest and forthright. People are aware Government has under inordinate pressure from multinationals. This push for deregulation appears to be driven in self-interest by overseas mega multinational agribusiness, and by other big business unconnected with agriculture, which would like to have their way in our country without the time and expense involved in complying with Australia's different regulatory regime.*

3) THERE IS HONOUR IN DECIDING NOT TO DEREGULATE, AND IN STRENGTHENING OUR PROTECTIVE LAWS.

4) DEREGULATION TO ALLOW POTENTIAL CORPORATE MONOPOLISATION OF OUR FOOD SUPPLIES BY MEANS OF PATENTED GENETIC-ENGINEERING IS A MATTER OF NATIONAL SECURITY.

5) EXISTING 'REGULATORY CAPTURE' IS A NATIONAL DISGRACE, *it is already seriously corrupting Australia's system of regulatory protection* . This draft report would facilitate taking regulatory capture to extreme levels – 'deep capture'. This is totally unacceptable.

Regulatory capture is a form of government failure that occurs when a regulatory agency, created to act in the public interest, instead advances the commercial or political concerns of special interest groups that dominate the industry or sector it is charged with regulating.^[1] When regulatory capture occurs the interests of firms or political groups are prioritised over the interests of the public, leading to a net loss to society as a whole.

Government agencies suffering regulatory capture are called "captured agencies".

https://en.wikipedia.org/wiki/Regulatory_capture

(See further discussion under point * below).

6) WE SHARE COMMUNITY CONCERNS FOR AUSTRALIA'S FOOD SECURITY, ENVIRONMENTAL SAFETY AND FOR THE INTEGRITY OF OUR AGRICULTURAL SYSTEM IN THE HANDS OF MEGA AGRIBUSINESS AND FOOD BIOTECH CORPORATIONS. *Given these entities are driving this current push to deregulate in their favour, does this mean government has descended into becoming their proxy? Is government exposing Australia to invasion by stealth? To a form of colonialism? It is as a result of the aggressive, manipulative and deceptive behaviour of the multinational mega-biotech corporations, that alarm is raised in the community.*

7) THE MAIN DEBATE SHOULD BE ABOUT PATENTING AND CORPORATE CONTROL OF OUR FOOD ALL THE WAY FROM SEED TO MARKET. The "hijacking our food supplies" as some describe it. This is pivotal. Is corporate-driven GM farming really progress? Does it breed greed and control? Who benefits? Who loses? *'Vested interests in an industry have the greatest financial stake in regulatory activity and are more likely to be motivated to influence the regulatory body than dispersed individual consumers'*. [Wikipedia]. Eliminating regulatory barriers is good news for big multinational GE food corporations which would like to be able to operate in Australia and US without the time and expense involved in complying with different regulatory regimes. They do not bear the social and ecological costs of the harm they cause. Indeed they look to perversely capitalise on the problems they create, by sweeping in with yet another "we-can-fix-it" treadmill solution.

Everyone knows such businesses cannot regulate themselves.

8) THE PATENTING SYSTEM REQUIRES MORE REGULATION, OVERSIGHT AND MONITORING, NOT LESS. (See discussion in Attachment on GM).

There are huge gaps in the scientific knowledge about GM. It is in fact impossible for OGTR to make an acceptable evaluation of how products affect human health, because systematic

clinical evidence of the health and biochemical impacts of eating GM food has never been collected. The patented agrichemical side of GMOs makes up half Monsanto's profits, profits that mostly leave the country. The costs are borne by Australians in health problems and ecological harm.

We need to learn from the past and draft regulation tailored specifically to biotechnology.

9) TERMS OF REFERENCE ARE DEEPLY FLAWED AND MISLEADING:

They appear designed to suit a small but vocal minority of farmers (WA's PGA is noted) led by big agribusiness. Big agribusiness is notoriously ruthless and self-serving, with no care for Australia. Social and environmental justice is missing. Government is seen as dysfunctional - "looking after the big end of town" - and chronically deaf to public concerns and consumer outrage. The question "fit to lead"? arises.

10) Ultimately the foundation of the economy is the natural environment. The "five pillars" of the economy rest on that, particularly agriculture. Thus the statement: "The Australian Government has identified the agriculture sector as one of the five pillars of the economy" [Scott Morrison] conveys ignorance on the part of the offices of the Treasurer and Minister for Agriculture. See -

<http://www.sciencedirect.com/science/article/pii/S0959378014000685>

11) LAND DEGRADATION IS AUSTRALIA'S WORST PROBLEM, and its most neglected. With climate disruption this is worsening. *The Terms of Reference fail to address land degradation, the further prevention of which needs appropriate regulation. Appropriate enforceable regulation increases the possibility for rehabilitation aimed at maintaining and raising productivity.* Most farmers act responsibly but a few evidently don't wish to. Everyone knows businesses can't be relied on to regulate themselves. Had every farm business been able to demonstrate that it can, we would not see the serious land degradation that plagues farmers today.

12) THIS AGENDA IS FOCUSED ON REDUCING "COMMONWEALTH RED TAPE", inferring the regulatory work of OGTR, APVMA and FSANZ would be downgraded. *Our regulators are strategically crucial to Australia's national security. But Regulatory Capture, poor resourcing, and bizarre funding arrangements are forcing OGTR, FSANZ & APVMA regulators to dispense "poorly implemented and administered regulation". As everyone who has battled with these regulators knows, regulators are prevented from properly fulfilling their duty of care.* (See discussion under point *).

13) VETERINARY CHEMICALS: *Microbial therapeutics (vaccines and antibiotics) will always require maximum regulation* because of the potential for bioerror, zoonotic transfer of diseases, and escalating problems of antibiotic resistance, because of the microscopic aspects, the ubiquity and flexibility of many bacteria, and their link to intractable diseases. (Example of bioerror: A serious outcome of the adaptability and resourcefulness of microbes in a vaccine is exemplified by Marek's vaccine for chickens. Marek's vaccine does not prevent vaccinated chickens spreading Marek's disease to un-vaccinated birds. The vaccine actually allows the disease to spread faster and longer than it normally would. Scientists now believe Marek's vaccine has helped this chicken virus become uniquely virulent).

14) GMOs are inherently unpredictable. Attenuated pathogenic GM bacteria vaccines for livestock have the potential to eventually give rise to new strains of intractable pathogens.

Anthropogenic change can have serious impacts on pathogen virulence as evidenced by the history of antibiotics.

15) "CUMULATIVE BURDEN" on farmers, arguably stems from increasing complexity imposed on farmers by climate change-related impacts, outside commercial pressures to change the origin of foods (biotech) and to take control of the nation's food supplies away from our farmers. Changing perceptions of 'competition' need examining. In the patented system, regulatory conditions are being replaced by legally binding contractual agreements in which both farmer-contractors and consumers become tied to treadmill, subsidy plans that ultimately benefits neither.

Attacking regulatory "barriers" diverts attention away from the real issues and real sources of the "burdens". Unethical, irresponsible manufacturers like to pass burdens and costs onto both farmers and consumers. *An inquiry is now needed into the increasing irregular burden being placed on consumers by all this, and the cumulative impacts. (See Process, point 33 below).*

16) CUMULATIVE IMPACTS OF DEREGULATION CAN POTENTIALLY BRING OUR WHOLE AGRICULTURE SECTOR DOWN – that pillar of the economy would collapse without an appropriate regulatory system. Public health would be impacted.

17) BIOSECURITY is paramount. Yet already Biosecurity has recently been seriously weakened by government without the knowledge of the every day person. This makes no sense for agriculture. Biosecurity is cost effective. Retention of bushland provides free natural pest and disease control (biosecurity), while providing essential ecological services, eg maintaining microclimates, rainfall and crucial biodiversity. With climate disruption and "free trade", the prospect of more pests and diseases is increasing - appropriately biosecurity

needs strengthening!

19) ENVIRONMENTAL PROTECTION, NATIVE VEGETATION MANAGEMENT, RETENTION OF REMAINING BUSHLAND *are all that stand between a viable farm and a desert.*

19) TRANSPORT regulations are necessary eg to insure transport does not become a vector for dangerous and difficult to manage invasive species. (Cane toads and *Phytophthora* (Dieback) disease are prime examples).

20) PRODUCTIVITY IS ABSOLUTELY DEPENDENT ON A HEALTHY THRIVING ENVIRONMENT. Good farmers know this. Our South West lands are stressed (Australia State of the Environment report 2011). Surely ongoing clearing is criminal. Everyone is affected. Given scientific evidence of the parlous state of the environment, legislation to ban further clearing needs to be absolute – no loopholes.

Living in WA we are fully aware of the fragile state of our agricultural sector as a direct result of relentless land clearing, resulting in disruption of local microclimates, loss of our exceptional biowealth, and exacerbation of climate change globally. Ongoing clearing has contributed globally to an 18% increase in atmospheric carbon.

The long and devastating Queensland drought has been directly linked to deforestation and general de-vegetation.

<http://www.smh.com.au/news/National/Land-clearing-blamed-for-climate-change/2007/10/28/1193555525054.html>

Potential impacts of drought on human health are important to note:

<https://www.uq.edu.au/news/article/2011/05/qld-weather-disasters-highlight-difficulties-feeding-babies>

'Queensland weather disaster highlights difficulties with feeding babies'.

Dr McAlpine of Uni of Queensland's Centre for Remote Sensing and Spatial Information Science and Mr Jozef Syktus, principal scientist in the Queensland Natural Resources and Water Department (DNRW), have done groundbreaking research which shows clearing of native vegetation has made recent droughts hotter.

“Based on this research, it would be fair to say that the current drought has been made worse by past clearing of native vegetation. Our findings highlight that it is too simplistic to attribute climate change purely to greenhouse gases,” he continued. “Protection and restoration of Australia's native vegetation needs to be a critical consideration in mitigating climate change.”

The researchers found that mean summer rainfall decreased by between four percent and 12 percent in eastern Australia, **and by four percent and eight percent in southwest Western Australia.**
These were the regions of most extensive historical clearing.

“Consistent with actual climate trends, eastern Australia was between 0.4 degrees Centigrade and two degrees Centigrade warmer, and **southwest Western Australia was between 0.4 degrees and 0.8 degrees warmer.**”

21) ONE OF THE KEY THREATS TO CIVILIZATION IS CLIMATE DISRUPTION, though rarely mentioned in the mass media. This is not addressed in the Terms of Reference yet are main impacts on productivity. There is an unprecedented rate of adverse climate change. Problems are more and more complex,

interactive and consequential. More greenhouse gas emissions, land degradation, losses of biodiversity, soil erosion, depleted aquifers and further toxification of those aquifers, surface fresh water, soils and organisms are already a problem in our region. Liveability declines whenever vegetation is cleared. Yet Government is proposing to allow more clearing! This is totally unacceptable.

The US military is taking steps to limit the chance that worsening droughts, rising seas and melting Arctic Ice will hasten uprisings that threaten national interests. Ref: “Preventing Tomorrow's Climate Wars” by Andrew Holland, June 2016, Scientific American.

There is a scientifically proven link between clearing and drought and rising carbon. Clearing massive areas of bushland vegetation is inappropriate and poses unacceptably risks, it can no longer be viewed in isolation, it can't escape being scrutinized in the wider global context.

More native vegetation, not less is needed to support an increasing population. Major clearing exacerbates wider climate disruption, it would be detrimental to the regional microclimate.

22) Already half of all Australian forests have been cleared. Broadscale clearing has legacy effects, it is potentially catastrophic.

From National Geographic :

<http://news.nationalgeographic.com/news/2014/03/140331-ipcc-report-global-warming-climate-change-science/>

<https://www.sciencedaily.com/releases/2007/10/071027180556.htm>

[Rainfall: Tom Lyons here in WA did a lot of work for Wongan Hills Shire to establish the link between clearing and decline in rainfall in South West WA].

23) A CURRENT AUSTRALIA STATE OF THE ENVIRONMENT REPORT IS DUE. This Inquiry inappropriately pre-empts that.

24) A 'TRAGEDY OF THE COMMONS' TYPE OF SITUATION IS MADE WORSE by proposed deregulation to enable further land clearing. Deregulation efforts (exemptions to the ban on land clearing) in WA are already threatening our south west. By ongoing clearing, one lot of farmers jeopardize not only the livelihoods of fellow farmers, but also the well-being of wider society. It is unconscionable that the office of the Minister of Agriculture appears to be promoting this.

'The tragedy of the commons is an economic problem in which every individual tries to reap the greatest benefit from a given resource. As the demand for the resource overwhelms the supply, every individual who consumes an additional unit directly harms others who can no longer enjoy the benefits. Generally, the resource of interest is easily available to all individuals; the tragedy of the commons occurs when individuals neglect the well-being of society in the pursuit of personal gain'.

Investopedia <http://www.investopedia.com/terms/t/tragedy-of-the-commons.asp#ixzz4ltcdcckK>

25) UNSAFE FOOD MEANS THE END OF A FARM BUSINESS: Regulations protecting the integrity of our agricultural system are founded on a biological imperative; they must enable people to thrive and survive.

26) ANIMAL WELFARE is a top priority. Regulations need to reflect this. Whole industries can collapse on a massive scale without high standards. eg as a result of BSE, Avian flu, millions of animals can be lost, people die and international standing is ruined. Food safety depends on animal welfare. Respect for animal welfare is a mark of humanity.

27) TENURE: our agricultural lands need to be in the hands of Australians resident on the land, not sold out to overseas interests.

28) EXPORT OF GOODS HAS TO BE SUSTAINABLE. Feeding Australia is the priority. Regulations are needed to ensure this.

29) **"POORLY IMPLEMENTED AND ADMINISTERED REGULATION"** (Minister Barnaby Joyce) is what we have already in OGTR, APVMA and FSANZ as a result of Regulatory Capture. *Regulatory capture is a serious corruption of our system of regulatory protection and must be rooted out.* Government is held accountable. Regulators are vital to the nation's security.

All these regulators are currently under-resourced. They need to be properly funded by government and independently operated, a spin-off being opportunities to claw back leadership and self-determination in Australia, for Australia. This means Australians bringing about their own special solutions. We want Australia to be leaders, not sheep.

30) EACH JURISDICTION HAS DIFFERING CONDITIONS due to geography, state of its environment, water availability and climate, so regulations need to be consistent with that. ***States like Tasmania and Western Australia have unique natural quarantine advantages by virtue of their geographical isolation. It would be foolhardy and economically irresponsible to throw those natural advantages away.*** A one-size-fits-all approach is unrealistic, it can be inappropriate. Standards can rise or fall with each change of government. In 'Background', the treasurer appears to suggest a national system, which would see the moratoria on GM food production forbidden in all states. ***But in sharp contradiction, Scott then says "states and territories have significant responsibility". All GM eggs should not be placed in one basket. Our geographic natural quarantine advantage should not be seriously compromised. Some states want to retain their moratoria eg Tas and SA for sound reasons. Is banning of moratoria unconstitutional? Would all moratoria be banned? This current ban on moratoria is insidious and government would be wise to drop it.***

31) "RELEVANT REGULATORY APPROACHES ADOPTED IN OTHER COUNTRIES".

Australia needs to wean itself of its infantile dependency on "other countries". Which countries? Our country has its own unique circumstances. America continues to face a regulatory dilemma in biotechnology. 'The present jerry-built framework does not take into account the complexity of assessing risks of biological organisms'. [This is described in the book *GMO Deception*, by Americans S Krimsky J Gruber. Pages

199 -200]. Scientific uncertainty and lack of consensus in the scientific community itself on how to evaluate risks of GEOs places a great burden on the risk assessment management process. 'The Burden of Proof is on the regulator rather than manufacturer. The manufacturer is not even obligated to provide data that attests to the safety of its products'. Australia's OGTR relies heavily on the US FDA, but this has serious shortcomings, briefly discussed in attached Review of Standard for Gluten Levels in Food.

32) SCOPE:

Many in the community are aware of the *inordinate* pressure on our government to allow major expansion GMOs in Australia. Ostensibly this is to provide "a level playing field" for those countries like US and Canada, which have suffered by taking the GM path. They are now stuck with it and most Americans are rightly angry about it. Their problem must not become our country's problem !

Government is pandering to certain overseas interests. As key stakeholders, we as Australian citizens are outraged by this attempt to deregulate within the agricultural sector and its supply chains in ways that we believe would adversely affect Australia and its citizens, and their future well-being. It shows a cold, calculated and callous disregard for the community and the country. The Australian government seems detached and far removed from its people.

33) PROCESS: The public are 'key interest groups' and 'affected parties', they are 'key stakeholders' yet by being excluded from the scope, are not formally in the decision-making process. The Australian people are the beneficiaries of whatever decisions are made by this government, good or bad.

This recent erosion of democracy which characterises the current trend towards exclusivity and neoliberalism is unacceptable and hopefully on the wane.

If any "burdens" are borne, they are borne by the people of Australia and by its environment. An inquiry is now needed into the irregular burden increasingly placed on consumers. It should never be forgotten that consumers are the clients, the market drivers and sustainers of the agricultural sector and its supply chain at all levels. If any other business claiming to be reputable wanted to set itself up without regard or respect for the wants and needs of its clients, it would be laughed out of town. Every one knows a business can't regulate itself.

Industry is not qualified to self-regulate in an area as new and complex and as consequential as GE food technology. With so many vested interests, how could they act? This path has been disastrous in the past.

Monsanto GM contractors could not possibly self-regulate because they themselves have many conditions placed on them, they are very tightly controlled by the GM industry.

The increasing disregard for clients - for consumers - is a telling, recent and growing phenomenon. Terminology is important. Clients are now disparagingly described as "end-users". Even a farmer or manufacturer consumes the food he produces. Isn't he also therefore an "end-user" / "third party"?

There is a public perception the push for deregulation is driven by lobbyists working for foreign multinational corporations and their self-interested shareholders. These corporations are faceless. They appear to be a law unto themselves, with no allegiance to any country.

Who wins?

We believe this push for deregulation is to pave the way for the unpopular and highly contentious Trans Pacific Partnership (TPP), which unlike other existing trade deals, focuses on "non-tariff" barriers, which essentially means regulations / barriers that get in the way of trade and investment. Eliminating such regulations may be good for multinational corporations which would like to operate in both Australia and at home without the time and expense involved in complying with our different regulatory regimes. It appears many such corporations support the TPP.

Who Loses?

Many of the regulations likely to be targeted are those designed to protect human health and the environment - such as setting safe levels of pesticides in food, thus exposing ordinary people to greater risk for no other reason than the interests of multinationals. This totally is unacceptable.

34) GOVERNMENT PROPOSAL TO BAN ALL STATE MORATORIA ON GM CROPS:

Minister Joyce proposes removing state moratoria in all states including SA and Tasmania which have both just extended their moratoria. This would be an extraordinary breach of trust and democracy. Many ask whether such a federal proposal to override the states is unconstitutional. It seems contradictory indeed for Minister Joyce to propose removing these state moratoria at the same time as he is saying states and territories have "significant responsibility" in areas of transport, environmental protection, native vegetation management, land tenure, animal welfare and food safety, all of which are bound up with introduction of GM crops.