

## First day testimony in landmark Western Australia organic-GMO row court case

On the first day of a landmark Australian Supreme Court case, lawyers for Kojonup farmer Steve Marsh claimed Michael Baxter had failed in his duty of care to ensure his GM crop did not affect their client's property. Mr Marsh's farm lost most of its certified organic status in 2010 after the alleged contamination and he is suing Mr Baxter in a case that has gained worldwide attention. Mr Marsh is seeking about \$85,000 in damages and a ban that indefinitely prevents Mr Baxter from planting and harvesting GM crops.

A key aspect of the case will hinge on whether the method used by Mr Baxter to harvest his GM canola was negligent. Mr Baxter employed a harvesting technique known as "swathing", which involves piling crops into so-called wind rows to dry them out.

Defence counsel Patricia Cahill argued Mr Baxter should not be liable for the loss of Mr Marsh's organic certification. Ms Cahill said that under national standards and those of Mr Marsh's organic certifier, the National Association for Sustainable Agriculture Australia, his farm should not have been decertified.

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