

Australia: Verdict due in landmark legal battle over GM “contamination” of organic farms

Justice Kenneth James Martin is set to hand down a verdict this Wednesday – 2pm Perth time – in the controversial Western Australian Supreme Court case between neighbouring Kojonup farmers Michael Baxter and Steve Marsh. Last Friday, the two parties involved in the high profile landmark legal battle, over genetically modified (GM) canola and property rights, were notified of Justice Martin’s pending decision.

The much-anticipated verdict follows a two-week trial in February where about 20 expert witnesses were called and Mr Baxter also took the stand to defend his decision to plant GM canola. Mr Baxter is hoping this week’s decision will end more than three-and-a-half years of anxiety for him, his family and his friends, with the case hovering over their heads. Evidence presented in the trial showed he followed the prescribed stewardship or legal requirements for planting the GM canola crop – approved by federal safety regulators.

However, the Safe Food Foundation (SFF) – which has raised about \$750,000 from public donations to support the Marsh legal challenge – has ongoing concerns with GM crops and has foreshadowed further legal debate regardless of Wednesday’s verdict. The controversy started in late 2010 when Mr Marsh discovered GM canola on his organic wheat and sheep farm, voiding his organic status. It has deeply divided opinions in the south-west WA community and raised conjecture amongst industry groups and politicians.

Mr Marsh is suing his life-long neighbour Mr Baxter for \$85,000 in damages after about 70 per cent of his 478-hectare Kojonup organic farm was decertified in late 2010, following the discovery of GM canola swathes. Throughout the trial, defence lawyer Patricia Cahill, Bradley Bayley Legal, attacked the certification rules of Mr Marsh’s organic certifier, the National Association for Sustainable Agriculture Australia (NASAA), which has a zero tolerance for GM crop presence.

Read the full, original article: [GM verdict due this week](#)