

Australian organic farmer appeals judgement denying compensation for GMO “contamination”

Two appeal hearings in the Marsh v Baxter case have been scheduled from March 23 to 25 in the Court of Appeal for the Western Australian Supreme Court.

Kojonup organic farmer Steve Marsh and wife Sue have been embroiled in a long-running legal challenge against their neighbour Mike Baxter, for alleged financial damages caused from losing their organic certification four years ago.

About 70 per cent of Mr Marsh’s organic farm was decertified when Genetically Modified (GM) canola swathes were found in his organic wheat crop in late 2010.

The Marshes attempted to sue Mr Baxter for \$85,000 compensation and to win a permanent injunction that would prevent him growing GM canola – but Justice Ken Martin comprehensively rejected the claims.

A two-week trial was held in February last year in the WA Supreme Court with a judgement handed down on May 28.

The appeal result could also help inform the Western Australia Liberal/National government’s plans to try and repeal the *GM Crops Free Areas Act*.

The Barnett government signed an exemption to the Act which allowed GM canola to be grown commercially for the first time in 2010.

Introduced in 2003, the Act gives powers to the Agriculture Minister to designate areas of the State where GM crops can’t be cultivated, or specific GM crops.

It also provides powers to destroy GM crops and imposes \$200,000 penalty for recklessly or knowingly growing GM crops in restricted areas.

Read full, original article: Marsh v Baxter appeal imminent