

## Marsh v Baxter: Organic farmer loses appeal, ordered to pay \$800,000 as pleas grow for farm 'co-existence

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On September 3, the Western Australia Supreme Court dismissed claims genetically modified (GM) canola grower Michael Baxter should compensate neighbour and organic grower Steve Marsh after canola swathes were suspected to have blown over the fence in 2010.

[Last year the Supreme Court dismissed the case](#), saying Baxter had not acted negligently and could not be held responsible just for growing a GMO crop in a conventional way.

Mr Marsh had sought \$85,000 in damages, but was instead ordered to pay court costs of about \$804,000, which may cause him to lose his farm.

Safe Food Foundation director Scott Kinnear said he hoped the foundation could support Marsh to maintain his Kojonup farm which lost 70 percent of its organic certification following the confirmed contamination.

"This issue has to be sorted out, it's disappointing but it's the legal system we have but that's why we have an appeals court," he said. "This needs to be sorted out as an industry wide issue. It's not going to go away with this decision."

Kinnear said there needed to be a system in place to ensure GM and organic farmers could co-exist. He said it wasn't about organic or GM farming ending, but finding the balance.

CropLife Australia chief executive Matthew Cossey said the decision was a victory for commonsense and reconfirmed the long-standing tradition of co-existence of all farming methods.

"The decision however reinforces the need for the federal government to take urgent action to prevent future unnecessary conflict caused by deliberate misinterpretation of Australia's organic standards by certifiers behaving more like extreme ideological activists," Cossey said.

"All Australian farmers should have a choice to grow any approved crop on their land. No farmer should have to change their farming methods simply because of unreasonable, unworkable and internationally inconsistent organic marketing rules.

**Read full, original post:** GM case prompts calls for co-existence