

Landmark Judgment by Supreme Court of Australia over GM crop growers

Dated: 11/06/2014

Place: Australia

Michael Baxter, a farmer accused of contaminating his neighbor's crops with genetically modified (GM) canola has won a landmark case in the West Australian Supreme Court. Baxter was sued by his neighbor Steve Marsh, an organic certified farmer who alleged that his farm in the Great Southern region was contaminated by GM material blown onto his property from Baxter's land.

Marsh claimed that the contamination caused him to lose his organic certification on more than half his property in Kojonup, south of Perth, for almost three years. But Justice Kenneth Martin said Mr. Baxter could not be held responsible just for growing a GM crop in a conventional way. Justice Martin added in his judgment summary that the ends of season winds and the blowing of swathes from Sevenoaks eastwards into Eagle Rest had not been an outcome intended by Mr. Baxter and that he was not to be held responsible as a broadacre farmer merely for growing a lawful GM crop and choosing to adopt a harvest methodology (swathing) which was entirely orthodox in its implementation.

For More Information:

<http://decisions.justice.wa.gov.au/supreme/supdcsn.nsf/judgment.xsp?documentId=5B9F82F42842877448257CE600216197&action=openDocument&SessionID=DT4ZJ8BOMN>

and

<http://www.abca.com.au/2014/05/aus-gm-farmer-wins-landmark-case/>