

Local acknowledgement for Civil Justice Award recipient



Peter Long, Gunnedah NSW solicitor: recipient of APLA 1997 Civil Justice Award

'Bush lawyer' Peter Long, of Gunnedah, was honoured by his peers at a national conference of the legal profession on Queensland's Sunshine Coast for the ground-breaking class action on contamination of cattle herds by the chemical Helix.

Honour: Solicitor who led historic class action

GUNNEDAH solicitor Peter Long was honoured by members of the Australian Plaintiff Lawyers Association (APLA) recently when he received the Civil Justice Award at APLA's annual National Conference.

The conference was held at the Hyatt Regency Coolum on Queensland's Sunshine Coast and Mr Long accepted the prestigious award in front of 450 colleagues and members of the legal profession.

He was awarded the accolade for his work over several years in the Federal Court of Australia on behalf of affected NSW graziers seeking compensation from the chemical giant, ICI.

ICI was earlier this year judged responsible for beef contamination caused by the chemical chlorfluazuron (CFX brand name Helix), which had been sprayed on cotton crops in the early 1990s

and fed to cattle as cotton trash to offset the severe drought conditions of the time.

Because Helix contained Chlorfluazuron (CFZ), it bio-accumulated in the fat tissues of affected cattle, denying cattle producers access to markets, because of concerns held by the major customers of Australia's export beef.

Contaminated cattle and those thought to be contaminated were put on a monitoring list, which led to bans on export cattle.

As a result of the CFZ contamination, hundreds of people suffered financial losses and Federal Court proceedings were instigated by Mr Long and his associates against ICI in May 1995.

It was found during proceedings that ICI had failed to undertake full environmental field

studies before releasing the Helix product in what was described as "wilful blindness."

The ensuing adverse publicity — coupled with the rejection of CFZ-contaminated beef shipments — was harmful to the whole Australian beef industry.

The court also heard that because the chemical had been applied by air, there was a strong likelihood of cattle on adjacent properties ingesting Helix from either CFZ-contaminated pasture, waterways or soil.

Peter Long argued successfully that ICI owed a duty of care, in connection with the manufacture and distribution of Helix.

It was in breach of care to graziers whose cattle became contaminated by CFZ during the claimants' period of ownership, as well as to

abattoir owners who unwittingly purchased already-contaminated cattle.

Others whose livelihoods were affected were those who owned meat that was found to be contaminated and condemned, as well as claimants such as feedlot operators who found that cattle in their possession — but not ownership — were contaminated and were forced into further detention at their incurred expense.

Mr Long also argued for the "innocent bystanders" such as cattle producers whose properties were caught up in a blanket quarantine introduced by the regulatory authorities to ensure that no contaminated beef could leave Australia.

Mr Long is modest about his role in the saga, instead deflecting

praise to the legal system.

"The use of the representative proceedings provisions of the Federal Court Act enabled a group of people to access justice in circumstances where, as individuals, they may never have contemplated bringing proceedings," Mr Long wrote in the August edition of Plaintiff, the journal of APLA.

A standing ovation from the 450 in attendance greeted Mr Long when he stood to accept the Civil Justice Award, which was presented to him by APLA National President, Peter Semmler QC.

The same Federal Court which found ICI liable for damages as a result of CFZ contamination is now sitting to decide on the financial extent of the damages.

"The award really is a reflection of the two years hard work by my team and if I had known I was receiving the award they would have all been there to accept it," Mr Long said.

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