

**IN THE SUPREME COURT OF WESTERN AUSTRALIA
COMMERCIAL AND MANAGED CASES LIST**

No. CIV 1561 of 2012

B E T W E E N

STEPHEN WILLIAM MARSH

First Plaintiff

SUSAN GENEVIEVE MARSH

Second Plaintiff

and

MICHAEL OWEN BAXTER

Defendant

WITNESS STATEMENT OF JANINE MORTON

I, **JANINE MAREE MORTON** of 65 Howson Way, Bibra Lake in the State of Western Australia, business manager, make the following statement:

1. I am Administrator of Morton Seed & Grain Pty Ltd (**Morton's**) of which my husband Jonathan is sole director. Morton's is a specialist seed and grain merchant and we also offer processing of organic grain including cleaning, clipping and dehulling of oats.
2. Morton's primary business is in oats. We process about 60,000 tonnes of oat grain each year which we use to produce instant, quick and rolled oat cereal products. Our products are sold predominately overseas, with exports making up 95 per cent of our business.
3. Morton's is certified by the National Association for Sustainable Agriculture, Australia (**NASAA**). Each shipment we send is certified by NASAA to ensure it meets the organic standards of the importing country. Our certification requires us to source grain from accredited suppliers and to we require them to show us their accreditation documents annually.
4. NASAA annually audits Morton's three sites and reviews the paperwork for every shipment including the certification of the supplier, the truck the grain is carried in, and the storage facility.
5. When we export certified organic products it is our responsibility to ensure that the certification is compliant with the organic standards in the country importing our products. We review the import permits from the client as well as the importing

standards on the NASAA website and on the Department of Agriculture, Fisheries and Forestry (**DAFF**) website.

- 6.
7. Morton's is a Western Australia based company and so much as possible we purchase our grain from certified organic farmers in Western Australia.
8. We first purchased organic oats from Steve Marsh in December 2004. We have always found Steve's oats to be of an excellent quality and over the years our business came to rely on Steve selling us his certified organic oats. I refer to *Grower's Details* [not tendered] and *Grower's Details* [not tendered].
9. The quantity of oats we have purchased from Steve has varied from year to year, however we always buy as much of Steve's organic oats as he is offering to us for sale. We would buy more from him if he was able to supply.
10. The price we pay Steve for his oats depends on a number of factors, including what the market price of organic oats is and what grade the oats are assessed to be.
11. In addition to the price per tonne that Morton's pays Steve for his oats, we also pay him a storage fee of \$4 per tonne, per month from February until the time he delivers the oats to us. This benefits us because we have only limited storage abilities.
- 12.
- 13.

I have read the contents of this my witness statement and the documents referred to in it and I am satisfied that it is correct and that this is the evidence-in-chief which I wish to give at the trial of the proceeding.

Janine Morton

Dated: 13 February 2013

Amended: 18 February 2014