

SUPPLEMENTARY STATEMENT OF EVIDENCE

MICHAEL OWEN BAXTER, of "Seven Oaks", Baxter Road, Kojonup in the State of Western Australia states as follows:

1. In 2013 I grew RR canola (CAG1) in the Two Dams and Big Dam paddocks at Seven Oaks.

[1] The area of the Two Dams paddock is 43.8 ha.

[2] The area of the Big Dam paddock is 24 ha.

[3] I harvested the RR canola crops in the Two Dams and Big Dam paddocks by direct harvesting.

[4] The RR canola crops yielded 170.78 tonnes of RR canola seed (CAG1) at an average yield of 2.51 tonnes per ha.

[5] The RR canola seed from the harvest was delivered to Cooperative Bulk Handling Ltd ("CBH").

[6] The CBH selected loads document relating to the receipt of the 170.78 tonnes of RR canola seed over the period from 21 November 2013 to 7 December 2013 is TB114.

[7] The CBH canola harvest payment advice number 685966 relating to the sale of 40 tonnes of the RR canola seed dated 2 December 2013 is TB116.

- [8] The CBH canola harvest payment advice 685515 dated 3 December 2013 relating to the sale of 80 tonnes of the RR canola seed is TB118.
- [9] The CBH recipient created tax invoice dated 2 December 2013 relating to the sale of 40 tonnes of the RR canola seed is TB117.
- [10] The CBH recipient created tax invoice dated 3 December 2013 relating to the sale of 80 tonnes of the RR canola seed is TB119.
- [11] 50.78 tonnes of my RR canola seed delivered to CBH remains unsold.
2. In 2013 I grew IT canola (45y86) in the Mallet Hill, Road, Range, Back Paddock Block and Bush Paddock Block on Seven Oaks and Baxters Block.
- [1] The area of Mallet Hill paddock is 27 ha.
- [2] The area of Road paddock is 27 ha.
- [3] The area of Range paddock is 38 ha.
- [4] The area of Back Paddock Block is 54 ha.
- [5] The area of the Bush Paddock Block is 40 ha.
- [6] The IT canola crops yielded 324.88 tonnes at an average of 1.53 tonnes per ha.
- [7] 114.9 tonnes of the seed from the harvest of the IT canola was delivered by Matthews Transport to Aus-Oils Pty Ltd (Kojonup

Oils). Copies of the Matthews Transport dockets numbers 10056 and 12842 both dated 16 December 2013 are discovered documents TB123 and TB124.

[8] 209.48 tonnes of the seed from the harvest of the IT canola crops was delivered to CBH. The CBH selected loads document covering the period from 26 November 2013 to 12 December 2013 relating to the receipt of the IT canola seed is discovered document TB115.

[9] The CBH canola harvest payment advice number 687415 dated 6 December 2013 relating to the sale of 80 tonnes of the IT canola seed is discovered document TB120.

[10] The CBH recipient created tax invoice dated 6 December 2013 relating to the sale of the 80 tonnes of the IT canola seed is discovered document TB121.

[11] The recipient created tax invoice issued by Aus-Oils Pty Ltd dated 15 December 2013 relating to the sale of 114.90 tonnes of my IT canola seed is TB122.

[12] On 21 January 2013 I sold a further 129.48 tonnes of IT canola seed to CBH at \$525 per tonne plus oil bonuses. The CBH recipient created tax invoice dated

28 January 2014 relating to the sale of the
129.48 tonnes of IT canola is TB125.

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

Dated the day of 2014

MICHAEL OWEN BAXTER

I, **BRIAN GEORGE BRADLEY**, legal practitioner, certify that this witness statement has been prepared in accordance with the Western Australian Bar Association Best Practice Guide 01/2009-2011.

Dated the day of 2014

BRIAN GEORGE BRADLEY