

## STATEMENT OF EVIDENCE

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

1. I was born on 29 April 1964.
2. I am the Defendant in this action.
3. I completed Year 12 at the Narrogin Agricultural School in 1982.
4. On leaving school I commenced to work on my parents' farm known as "Seven Oaks" which is located about 41 kms north-west of Kojonup as the crow flies.
5. My father had farmed Seven Oaks from the end of World War II and I was raised on the farm.
6. In addition to working on Seven Oaks I worked as a shearer in the Kojonup District for many years after leaving school.
7. My father, Frederick Charles Baxter, died on 30 June 1987. My mother, Mavis Ivy Baxter, died on 18 October 1989.
8. Seven Oaks consists of the following lots:
  - [1] Lot 4408 on Deposited Plan 126767  
Certificate of Title Volume 1099 Folio 992.
  - [2] Lot 4407 on Deposited Plan 126766  
Certificate of Title Volume 1213 Folio 216.

- [3] Lot 4 on Diagram 44175 Certificate of Title Volume 1344 Folio 1.
- [4] Lot 5 on Diagram 44175 Certificate of Title Volume 1344 Folio 2.
- [5] Portion of Kojonup location 853 being lot 100 on diagram 79395 ("lot 100").
9. The Seven Oaks farm consists of 900 hectares approx.
10. I have been the owner of Seven Oaks since the death of my parents except lot 100 which I purchased in 1991 as trustee for the Seven Oaks Farm Trust.
11. [1] I am also the owner of "Baxter's Block" which is located approximately 3 kms to the south-east of the southern boundary of Seven Oaks.
- [2] The Baxter's Block farm consists of 200 hectares approx.
12. For many years to the present date:
- [1] I have carried on the farming business on Seven Oaks and Baxter's Block in partnership with my wife, Zante, under the business name MO Baxter & Co.
- [2] The partnership has leased lot 100 from the Seven Oaks Farm Trust over the years.
13. The Plaintiff's farm "Eagle Rest" is located immediately to the east of Seven Oaks.
14. A gravel public road known as "Glenorchy South Road" runs between Seven Oaks and Eagle Rest.

15. My boundary fence at Seven Oaks runs parallel to Glenorchy South Road as does the Eagle Rest boundary fence.
16. Glenorchy South Road has a width of approximately 10-12 metres plus a verge on each side of the road which is vegetated with native bush and trees.
17. An aerial photograph showing the location of various Seven Oaks' paddocks being "Montys", "Two Dams", "Hilly", "Mallet", "Road", "Silo", "Big Dam", "Mailbox", "Range" and part of Eagle Rest is discovered document TB111.
18. I personally work my farm with the assistance of my sons and wife. Apart from shearing contractors and transport contractors I very rarely engage contract labour on the farms.
19. [1] Over the years I have grown wheat, Triazine tolerant canola ("TT canola"), barley and oats on Seven Oaks and Baxter's Block and in some years I have produced hay.  
[2] Over the past 10 years I have grown between 170-200 hectares of canola each year.
20. Over the years I have also run sheep on the farms for the production of prime meat lambs. Historically, I have run about 1,800 Merino ewes on the farm with about 40 Dorsett rams and each year produce about 1,500 cross bred lambs.
21. [1] Paddocks comprising about 570 hectares on my farm are dedicated to the sheep farming.

[2] Wimmera ryegrass forms part of the pasture in the paddocks dedicated to sheep. I do not attempt to control the wimmera ryegrass in those paddocks because it is excellent sheep fodder.

[3] The balance of the land on my farm is dedicated to crop growing under a crop rotation programme. This has been the case over the last 10 years.

22. In 2003 I engaged an agronomist, Chris Robinson, to provide me with advice as to my farming operations including cropping.

23. Chris Robinson has been my Agronomist ever since, apart for a period of about two years in 2007 and 2008 when he was overseas.

24. Cereal, canola and sheep farming are common in the Kojonup area and in the surrounding shires. This has been the case for many years.

25. Over the past 25 years I have conducted the farming operations on Seven Oaks and Baxter's Block in accordance with what I have understood to be the common farming practices in the Kojunup District. From 2003 I followed cropping plans prepared in consultation with my Agronomist.

26. In particular, I have followed farming and cropping practices to:

[1] Reduce water erosion by the construction of contour banks.

- [2] Control weeds on the farm through cropping and herbicide programmes.
  - [3] Maximise grain production by adopting modern practices and technology.
  - [4] achieve soil conservation.
  - [5] determine the fertiliser and mineral additives required to maximise crop yield by regularly conducting soil analysis.
  - [6] prevent sheep worms and lice infestation by regularly conducting drenching and lice control.
27. My crop rotation programme does not involve returning paddocks to fallow.
28. [1] In the Kojonup District the crop planting operations (known as seeding) are carried out in the autumn usually after the first rains but dry seeding is also a common practice.
- [2] Dry seeding occurs when the crop seeds are planted before the first seasonal rain.
  - [3] Spraying with herbicides is also carried out at various times before and after seeding depending on the crop.
  - [4] The purpose of the herbicide program is to eliminate weeds which otherwise compete for nutrition and water with the crops and reduce yield.
29. [1] Wimmera ryegrass is prevalent in the Kojonup District where it is commonly used as a

pasture grass for stock feed. It presents a problem where it grows on land dedicated to crops.

[2] Wimmera ryegrass has presented a problem over the years at Seven Oaks and Baxter's Block because it grows amongst the cereal crops and canola and spreads its seed in the spring time and summer.

[3] For this reason it is important to eliminate wimmera ryegrass as early as possible in the cropping season and to eliminate any remaining or late germinating wimmera ryegrass before it sets seed.

[4] If the wimmera ryegrass is allowed to set seed in a paddock, it will create an ongoing problem for the crops in that paddock in the following years.

[5] There are numerous other competitor weeds which must be controlled, including wild radish, wild oats, brome grass and flea blane.

[6] Wimmera ryegrass and these other weeds are readily spread by wind and animals from farm to farm.

30. [1] Canola and cereal crops, including wheat, barley and oats are harvested in the late spring and early part of the summer each year.

- [2] The method for harvesting wheat, barley and oat crops is identical. The harvester machine is driven through the crops.
  - [3] The machine cuts the stalk beneath the grain head and the machine thrashes and screens the seed which finally accumulates in the harvester bin.
  - [4] The screening process is designed to remove stalk material, foreign seeds and small grain so that the grain finally deposited in the harvested bin is fit for delivery and sale.
31. [1] There are two methods for harvesting canola of any type.
- [2] The first method involves “swathing” (cutting by swather machine) the canola plants in the spring when the plants are about 50% ripened.
  - [3] The swathed canola is then left in windrows in the paddock until it has ripened and then it is harvested.
  - [4] The harvester machine picks up the plant material from the windrow, thrashes and screens the canola and the screened canola grain is collected in the harvester bin.
  - [5] The second method is direct harvesting which is carried out when the crop has ripened.
  - [6] The harvester machine cuts the stalk of the plant below the level of the pods.

- [7] The pods and part of the plant are then thrashed and screened by the harvester machine and the canola seeds are collected in the harvester bin.
32. My cropping plans are formed in advance of seeding each year and include plans for crop selection, crop rotation, fertiliser programmes and herbicide programmes for weed control.
33. It is not good farming practice to grow canola in successive years in the same paddock because to do so runs the risk of attracting canola crop disease. For this reason, under my crop rotation program, when I grow canola in a particular paddock it is followed by cereal crops over the next few years.
34. [1] An integral part of my crop rotation program involves weed control including the control of a particular type of wimmera ryegrass known as herbicide resistant wimmera ryegrass ("HRWR").
- [2] When HRWR is uncontrolled it will compete with canola and cereal crops for nutrition and moisture and reduce the yield of the crops.
- [3] In my observation crop yields in some paddocks on my farm were reduced by around 30% by HRWR over the 5 year period leading up to 2010.



- [4] These paddocks were Range, Two Dams, Big Dam, Mailbox, Road, Mallet Hill, Hilly Paddock, Montys Paddock and Baxters Block.
35. [1] Herbicides such as paraquat and sprayseed remain lethal to HRWR but these herbicides are also lethal to canola and can only be used as pre-emergent sprays, ie. they can only be applied before the canola crop or cereal crop germinates.
- [2] Other post-emergent herbicides such as FOPS and DIMS can be sprayed onto the canola crops but my observation was that, by 2010, they were not killing the HRWR plants which germinated as the crop was growing.
- [3] Hoegrass can be sprayed onto cereal crops but by 2010 I had noticed it was not killing HRWR on Baxters Block.
36. I have not had the wimmera ryegrass on my farm tested to confirm that it is herbicide resistant. I observed in 2010 and in the previous 4 or 5 years that conventional herbicides when applied were achieving poor results in killing or controlling the ryegrass which germinated after the crop was up.
37. I have known Stephen Marsh since we were both children.
38. Stephen Marsh commenced to farm Eagle Rest in or about 1991.

39. I was aware for some years before 2010 that Stephen Marsh was conducting organic farming on Eagle Rest.
40. In 2008 I grew TT canola on some paddocks on Seven Oaks.
41. [1] In or about November 2008 Stephen Marsh visited me at Seven Oaks and showed me some canola plants.
- [2] Marsh informed me that he had found the canola plants on Eagle Rest and said that they came from Seven Oaks.
- [3] Marsh said words to the effect that if I grew GM canola on my farm and it got onto Eagle Rest, his organic certification would be affected or lost because genetically modified canola was not allowed on an organic farm. This is the only information I received before 2011 as to the risk that GM canola may cause problems for an organic farmer. I had not read any publications about such risk.
- [4] At the time I informed Stephen Marsh that if it became legal to grow GM canola I would probably grow it.
42. [1] I cannot recall receiving any letters from Stephen Marsh in 2002 relating to his organic plans or to GM products.
- [2] In 2010 and in the years before then I knew nothing about the process to obtain organic

certification but I had heard that organic farmers were not permitted to use chemicals, drenches or artificial fertilisers. I cannot recall the source of this information.

[3] In 2010 and in the years beforehand I had not read any sets of organic standards and I had no knowledge that such standards existed.

[4] Since the commencement of these proceedings, I have become aware of the existence of documents called the National Standard for Organic and Bio-Dynamic Produce and the National Association of Sustainable Agriculture (Australia) Limited (NASAA) Organic Standard. I have never read either of these documents, nor have I read any other standards relating to organic farming or organic products.

[5] In 2010 and in the years before I rarely read DAFWA publications and I do not recall ever reading publications concerning GM crops in the vicinity of organic farms.

[6] Prior to December 2010 I had no experience of swathing canola crops and I had not observed swathed canola being blown about by the wind.

43. [1] Over the years prior to 2010 I had observed from the roadside that Stephen Marsh was on occasions growing oat crops and wheat crops

in some paddocks but I had not ventured onto Eagle Rest for many years.

[2] In 2010 I observed from the roadside that Stephen Marsh was growing wheat in a paddock adjacent to the road but I did not know what, if any, crops he was growing in other paddocks.

[3] In 2010 and in the years before I had no knowledge of the economics of organic farming, the likely crop yields from organic farming or the prices of organic grain and produce.

[4] In 2010 and for some years beforehand I was aware that Grantley Marinoni was farming organically on his farm which is located about 25 kms south-east of Seven Oaks. I am not aware of any other organic farmers in the vicinity of my farms.

44. [1] Following the legalisation of GM canola in Western Australia and in consultation with Chris Robinson, I decided to grow Roundup Ready canola ("RR canola") on my farm in 2010.

[2] I decided to plant RR canola in the Range paddock (45 hectares) and the Two Dams paddock (45 hectares) on Seven Oaks farm.

[3] RR canola is genetically modified canola developed and produced by Monsanto.

45. [1] The main reason I decided to grow RR canola in Range paddock and Two Dams paddock in 2010 is that there was a severe problem with HRWR in those paddocks.
- [2] I was advised by Chris Robinson, but was already aware, that the herbicide "Roundup" could be sprayed onto RR canola without causing harm to the canola crop but, at the same time, controlling HRWR.
- [3] I was also advised by Chris Robinson, but already aware, that I would achieve a superior yield by growing RR canola in comparison to TT canola in Range paddock and Two Dams paddock because, through spraying Roundup, the competition from HRWR would be significantly reduced.
- [4] Chris Robinson advised me that, through growing RR canola and the use of Roundup, I would get better HRWR control in the paddocks which would lead to superior cereal crop yields in following years.
46. [1] In April 2010 I was participating in a busy bee at Robert Marinoni's farm near Kojonup.
- [2] Robert Marinoni had been injured in a shooting accident. Stephen Marsh was also participating in the busy bee.

- [3] At the time I informed Marsh that I would grow GM canola in Range paddock and Two Dams paddock that year.
- [4] Marsh responded by stating words to the effect *“Okay I will grow my crops to the north end of Eagle Rest away from your GM canola”*.
47. In April 2010 I purchased 255 kilograms of RR canola seed from Kojonup Agricultural Supplies. The RR canola seed was purchased for the purpose of seeding it in Range paddock and Two Dams paddock in the autumn that year.
48. [1] Prior to purchasing the RR canola seed, I attended a Roundup Ready Canola seminar in Katanning in or around March 2010. The seminar was conducted by Monsanto Australia.
- [2] I attended the seminar to obtain the licence to permit me to purchase RR canola seed. It was a half day seminar.
- [3] The seminar covered various aspects of RR canola growing, including the allowance of buffer zones between crops, cleaning of harvester equipment after harvest, spraying with the herbicide Roundup Ready, the labelling of RR canola seed and storage.
- [4] At the time I read the Roundup Ready Canola 2010 Crop Management Plan issued by

Monsanto (TB126). I also read the Roundup Ready Canola Revolution Comprehensive Information Guide issued by Monsanto (TB127).

[5] I learned at the seminar and by reading the RR canola crop management plan that there should be a 5 metre buffer zone between a GM canola crop and another and a buffer zone of 50 metres between a GM canola crop and another type of canola crop which was being grown for seed for replanting.

49. Following my attendance at the seminar I signed a Monsanto Roundup Ready Canola Grower Licence and Stewardship Agreement (TB129) which I had to produce to Kojonup Agricultural Supplies when I purchased the RR canola seed.

50. I seeded the Two Dams paddock with RR canola seed on 14 May 2010.

51. I seeded the Range paddock with RR canola seed on 17 May 2010.

52. [1] Prior to planting the RR canola seed, I had sprayed both paddocks with the herbicide Sprayseed on advice from Chris Robinson.

[2] Sprayseed is a conventional herbicide which was used as part of a multi pronged attack against the wimmera ryegrass in the paddocks before planting the RR canola.

53. [1] In 2010 and in each subsequent year in which I have planted canola crops (including RR canola) the canola seed was planted by an air seeder with a 32 foot bar towed behind a tractor.
- [2] The air seeder has a cultivator at the front and air from hydro fans blows the canola seed under pressure into the earth.
- [3] The press wheels of the cultivator then covered the planted seeded with earth.
- [4] When the air seeder machine plants the seeds, the air hose through which the seeds are discharged, sits just below ground level behind the tines of the cultivator.
- [5] This prevents the canola seed from being blown away because it is placed in a small rut in the earth and immediately covered with earth.
- [6] A mix of the herbicides paraquat and trifluralin was applied to the paddocks by boom spray immediately before the planting the canola seed.
- [7] I personally carried out the air seeder operations.
54. The air seeder planting system is known as "direct knife point drilling". The knife point is the point of the seeder tines.



55. [1] Following the planting of the RR canola the crop was sprayed by a tractor drawn sprayer with Roundup at the two leaf stage and again at the six leaf stage for the specific purpose of controlling the HRWR.
- [2] The Roundup spray achieved a very good kill of the wimmera ryegrass in the paddocks. Very few wimmera ryegrass plants survived.
- [3] The purpose of spraying the crop with Roundup at the two leaf stage and again at the 6 leaf stage was to kill the late germinating HRWR and other weeds.
- [4] The Roundup on my observation achieved a near 100% kill of the HRWR plants but a small number of HRWR plants germinated later in the season after the second spray with Roundup was applied.
- [5] I estimate that there were late in the season one or two wimmera ryegrass plants per square metre on average in the RR canola crops which had germinated after the spraying.
56. When sowing the RR canola seeds in Range paddock and Two Dams paddock I left a clear space of 5 metres between the edge of my crop and my boundary fence.
57. The RR canola crops in Range paddock and Two Dams paddock grew well in the unfavourable

climatic conditions of 2010 when the rains stopped in August.

58. [1] In about October 2010 I observed that 3 organic farm signs had been erected along the boundary fence of Eagle Rest and adjacent to Glenorchy South Road.

[2] This was the first time I observed any such signs at Eagle Rest.

59. [1] Chris Robinson recommended that I swathe the RR canola crops in the Range and Two Dams paddocks in 2010. I agreed to do so.

[2] It was the first year I had grown RR canola and I wanted to reduce the risk of late damage to the crop and seed loss. The 2010 growing season was unusually dry but the RR canola crop on the Range and Two Dams paddocks appeared to have grown well compared to my other canola crops and I expected a reasonable yield.

[3] Swathing reduces the risk of seed loss from the canola pod to the ground before harvest.

[4] I was aware from my own experience with TT canola and other varieties that the pods tend to crack if there is late rain and hot winds before direct harvest. This causes the canola pods to crack and the seed to spill to the ground from where it cannot be recovered.

- [5] By November 2010 the RR canola crops were about 1 metre in height and had flowered.
- [6] The presence of some late germinating wimmera ryegrass plants played a role in my decision to swathe the RR canola rather than direct harvest. The reason for this was that by swathing the crop some or most of the wimmera ryegrass plants would be cut down before they set seed.
- [7] Swathing hastens the drying of the crop to allow earlier harvesting. It reduces the risk of wind, hail and storm damage to the crop because the windrow, to some extent, protects the canola pods. Earlier harvesting reduces the risk of the loss of seed I have described, because the canola plant is protected from the elements in the paddock.
- [8] In previous years I had considered but decided against swathing my canola crops because I did not own a swathing machine or pick up front for the harvester. I did not wish to incur the cost of a contract swather or hiring or purchasing a pick up front.
60. The RR canola crop in Range paddock was swathed on 8 and 9 November 2010.
61. The RR canola crop in Two Dams paddock was swathed on 9 and 10 November 2010.

62. [1] The swathing operations were conducted by a contract swather. The contractor provided the swathing equipment.
- [2] The swathing machine is a self propelled machine with a cutting bar at the front and a windrower at the rear which leaves the swathed canola in a wind row behind the machine.
- [3] I came and went from the paddocks as the swathing operations were being carried out.
- [4] Prior to the swathing I informed the contractor that the crops in Range paddock and Two Dams paddock were RR canola.
63. [1] When the swathing operations were underway in the Two Dams paddock it was drizzling with rain and there was little or no wind.
- [2] Throughout the swathing operations in Two Dams I estimate that the maximum wind gusts were no more than 5 kilometres per hour. The wind was, at times, a south-westerly and blowing towards Eagle Rest.
64. [1] I was in Range paddock when the contractor commenced swathing the RR canola crop. I came and went from the paddock when the swathing operations were under way.
- [2] The winds were very light and I estimate the maximum wind speed to be 5 kms per hour.

At times, the wind was a south-westerly and blowing towards Eagle Rest.

65. When I was in the paddocks during the swathing operations, I did not observe any of the swathed canola to be blowing or drifting away from the wind rows.
66. At the time there was pasture in the Eagle Rest paddocks across the Glenorchy South Road from Seven Oaks.
67. Following swathing the stalks with seed pods from the RR canola plants were sitting in the wind rows awaiting harvest after ripening.
68. [1] On 30 November 2010 there was a strong north-westerly wind and there was a fire ban in the Shire of Kojonup and the Shire of West Arthur.  
[2] The north-west wind was blowing towards Eagle Rest.  
[3] There were also strong north-west winds on 25 and 26 November 2010.
69. [1] The harvest of the RR canola was delayed whilst I waited for the swathed crop to dry out.  
[2] I harvested the RR canola in the Two Dams paddock on 2 and 3 December 2010. There was a slight drizzle at the time of harvest and little or no wind.  
[3] I harvested the RR canola crop in Range paddock on 3 and 4 December 2010.

- [4] At the time of harvesting on 3 and 4 December 2010 there was a north-west wind with maximum wind gusts of 10 kms per hour.
- [5] For the purpose of gathering the wind rows of RR canola crop, I had hired a pick up front to attach to my harvester. The pick up front scooped up the wind rows of canola plant and fed it into the harvester.
- [6] During the RR canola harvesting operations, the harvester thrashed the canola stalks and pods which went through screening within the harvester and eventually the canola seeds were deposited into the harvester seed bin which is enclosed.
- [7] The canola seed was then transferred by chute from the harvester bin to field bins within the paddocks. Two field bins were used for the RR canola harvest.
- [8] I arranged for the RR canola seed to be delivered by Whittaker's Transport to the CBH depot in Cranbrook. The RR canola seed was transported from the field bins by grain transport trucks operated by Whittaker's Transport. I observed the grain transport trucks being loaded on the farm. Tarpaulins were placed over the grain transport bins. The canola grain was transported by Whittaker's Transport from the farm whilst the

harvest was in process. The canola grain was repeatedly being removed from the field bins by Whittaker's Transport and on some occasions the canola grain was transferred directly from the harvester seed bin to the Whittaker's grain truck.

[9] On completion of the RR canola harvesting, I cleaned the harvester machine using an air compressor and I washed the machine down.

70. In 2010 I grew TT canola in the Mail Box and Silo paddocks which I direct harvested on 5, 6 and 7 December 2010.

71. [1] In the period between the swathing of the RR canola and the subsequent harvest of it in 2010 I had driven on the road between Seven Oaks and Eagle Rest daily and I did not observe any canola stalks, pods or material on the fences on either side of the road, on the verge or on the road surface itself.

[2] I observed that some windrows of swathed canola had been disturbed by the winds but I did not at any time see swathed canola being blown around.

72. Over the past 10 years following the direct harvesting of canola crops on my farm:

[1] I have on some rare occasions observed that, following rainfall, a few volunteer canola plants to have germinated within about 50

metres of the boundary of the previous canola crop.

[2] I have also observed on some occasions that following rainfall volunteer canola plants have germinated in paddocks where the canola was grown in the previous year.

[3] Volunteer canola plants are self-sown, ie. they are not intentionally grown by a farmer. They can be easily eradicated by the application of an appropriate herbicide and in small numbers can be readily removed by hand. At no time since October 2010 have I observed volunteer canola plants to be growing on the road verges between Seven Oaks and Eagle Rest.

73. In the spring time the canola plant is conspicuous by its yellow flower. I observed yellow flowering canola plants on Eagle Rest marked with two or three sets of star pickets in the spring of 2011.

74. [1] In 2011 I did not grow RR canola on Seven Oaks but I did grow it on Baxter's Block.

[2] The RR canola crop on Baxter's Block was direct harvested.

75. [1] In 2012 I grew RR canola in Hilly and Montys paddocks at Seven Oaks. These paddocks at the closest point are more than 1.1 kilometres from Eagle Rest. The paddocks are each 40 hectares (approx).



[2] I direct harvested the RR canola crops in 2011 and 2012. In those years there were not late rains or hot winds and the canola was not damaged before direct harvesting.

[3] The canola in 2012 yielded 2 tonne per hectare.

76. My observations from growing IT canola, TT canola and RR canola on my farm are:

[1] The RR canola produces a superior yield to TT canola. In paddocks where HRWR is not a problem it is my experience that RR canola will yield 5%-10% higher than TT canola. In paddocks where HRWR is a problem in my experience RR canola will yield about 30% higher than TT canola in otherwise comparable conditions.

[2] IT canola produces a similar yield to RR canola in paddocks where HRWR is not a problem. Where HRWR is a problem RR canola produces a superior yield when conditions are otherwise comparable.

[3] The HRWR control in the paddocks in which GM canola has been grown has significantly improved with the use of Roundup. I estimate that the HRWR problem has been reduced by around 80%.

77. [1] I planted RR canola in the Two Dams and Big Dam paddocks at Seven Oaks in 2013.

- [2] Two Dams is at the closest point 310 metres approx from Eagle Rest.
  - [3] Big Dam is at the closest point 400 metres approx from Eagle Rest.
  - [4] RR canola was planted in these paddocks because HRWR has been a problem in the paddocks. Roundup is being used in these paddocks as part of the programme to control the HRWR.
78. In 2013 I am also growing:
- [1] IT canola in the Road, Mallet and Range paddocks. Both TT and IT are non-GM varieties of canola. IT canola is tolerant to the herbicide Intervix which I am now applying as part of the multi-pronged attack against herbicide resistant weeds including ryegrass.
  - [2] Barley in the Silo and Mail Box paddocks.
  - [3] Wheat in the Hilly and Montys paddocks.
79. In each of the years in which I have planted RR canola it has been planted in paddocks where HRWR is a problem to the extent that it would reduced the canola crop yield if not controlled and also the yield of the cereal crops in the following years.
80. [1] My farm, consisting of Seven Oaks and Baxters Block, is of average size for a farm in the District.

[2] The financial viability of the farm depends upon my efficient management of the farm including cropping and weed control programmes.

81. Copies of the Partnership Financial Statements of MO Baxter & Co and the Seven Oaks Farm Trust for the following financial years are produced:

[1] 2009 (TB102)

[2] 2010 (TB105)

[3] 2011 (TB107)

82. The partnership pays an annual rental for lot 100 to the Seven Oaks Farm Trust which in recent years has been \$19,170.

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 evidence in chief which I wish to give at the trial of the proceeding.

Dated the            day of            2014

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**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

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**BRIAN GEORGE BRADLEY**