

Minute from the Hearing Panel – regarding:

Horticulture New Zealand (Hort NZ) in relation to filing its evidence-in-chief late (by the 9 July 2019).

The Hearing Panel (Panel) received a Memorandum from Hort NZ's legal counsel on the 4 July 2019 seeking to file its evidence-in-chief by the 9 July 2019. This is two working days after the 5 July 2019 date directed by the Panel's Minute (dated 30 May 2019).

The reasons given for the request to file the evidence late is¹:

- a. *While the evidence is nearly complete a few matters from the presentation of the Block 2 evidence yesterday (3rd July) have arisen that HortNZ needs a little more time to properly address;*
- b. *Relevant to the point in (a) Ms Holmes will not be available to present in Block 3 as she will on parental leave and she needs a little more time to properly brief her replacement who will be Mr Tim Baker of Jacobs;*
- c. *As a result of questioning from Commissioner Dr Ryder yesterday HortNZ considers it would be helpful to have the expert at Jacobs who has undertaken the technical work underpinning the expert evidence that Ms Holmes (and now Mr Baker will present) appear at the Block 3 hearings. That expert (Mr Stuart Easton) has now been briefed but needs a few extra days to prepare a brief;*
- d. *As all the technical work feeds into the other evidence, particularly that of Mr Hodgson, Mr Ford, Ms Sands and Mr Keehan it is considered desirable that that all the evidence is filed together rather than being 'drip-fed'.*

The Panel accepts the request by Hort NZ for the reasons set out above. The Panel notes that as the extension is only two working days and as an extended period was provided (compared to that for Blocks 1 and 2) to file rebuttal evidence, no extension needs to be provided for parties wishing to rebut the Hort NZ evidence (which needs to be filed by 19 July 2019).

The Panel also notes that Hort NZ is not presenting its case until 11 September 2019. Accordingly, the Panel considers granting the request to file evidence late will not present any issues for the Panel or other parties.



Greg Hill

Chairman of the Hearing Panel.
4 July 2019

¹ para 2 a - d of the Memorandum.