

IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY

CIV 2008-485-2370

Under the Judicature Amendment Act 1972

AND

Under the Hazardous Substances and New Organisms Act 1996

BETWEEN GE FREE NZ IN FOOD AND THE ENVIRONMENT
INCORPORATED

Plaintiff

AND

ENVIRONMENTAL RISK MANAGEMENT
AUTHORITY

First Defendant

AND

AG RESEARCH LIMITED

Second Defendant

STATEMENT OF DEFENCE BY FIRST DEFENDANT
21 November 2008

Judicial Officer: to be advised
Next Event: hearing on 9 March 2009

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THE DEFENDANT, by its solicitor, to the plaintiff's statement of claim dated 31 October 2008 says:

Parties

1 It admits paragraphs 1.1 to 1.3 inclusive.

Requirements of the Act

2 It is not required to plead to paragraphs 2.1 to 2.11 inclusive.

The applications

3 It admits paragraphs 3.1 to 3.11 inclusive.

Decisions made

4 It admits paragraph 4.1.

Cause of action – alleged errors of law

5 It denies all the allegations in paragraphs 5.1 and 5.2 and says that for public notification purposes the only information requirements are those stated in s40 of the HSNO Act and the information provided was sufficient for the applications to be publicly notified. The plaintiff and some 1,700 other persons made submissions to the Authority on the applications including a number of submissions that the applications should not be granted under section 45 of the Act due to lack of information.

Relief sought

6 It denies paragraphs 6.1 to 6.4 inclusive.

THIS statement of defence is filed by Barbara Hickey, solicitor for the first defendant whose address for service is at the offices of ERMA New Zealand, Level 1 BP House, 20 Customhouse Quay, Wellington; telephone (04) 916 2426 and facsimile (04) 914 0433. Documents for service on the abovenamed first defendant may be left at that address for service; or

- a) Posted to the solicitor at PO Box131, Wellington; or
- b) Transmitted to the solicitor by facsimile on (04) 914 0433 with a confirmation copy to be sent by post.