

words, if KGM were asked “In the circumstances that we, the defence, put before you, was this man insured?” and the answer is “Yes” then how can this court adjudicate on this matter now in the absence of that information? Do you have that information? There’s a nodding going on from behind you.

MR KENNEDY: The information I have comes from the appellant himself regarding his version of the facts which is that — his contention is that he was driving to go and see somebody about -----

THE RECORDER: Yes.

MR KENNEDY: ----- the possibility of future work.

THE RECORDER: Right. I appreciate that.

MR KENNEDY: And -- and he spoke to his insurers-----

THE RECORDER: Yes.

MR KENNEDY: ----- and asked whether he would be covered if that were the position ----

THE RECORDER: Right.

MR KENNEDY: ----- to which the answer was Yes.

THE RECORDER: All right.

MR KENNEDY: I — I don’t believe he can contend that if he were using it as a tradesman for working - which is the Crown’s position - that he would have been covered.

THE RECORDER: Right. So he doesn’t contend that. But you’re saying that in fact he has evidence of or he has hearsay evidence of - I don’t know which it is at the moment - the fact that KGM say he would have been covered for what he was doing at the time?

MR KENNEDY: He does. And I don’t -- and I don’t think the Crown take issue with that.

THE RECORDER: All right.

MR KENNEDY: Having discussed the matter briefly with the Crown, it really is a question (Inaudible).