



30 October 2020

Opposition - Extension of Time to file

protectmyidea.com.au
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Your reference	535 LAA Opp Allied
Application number	2017210650
Applicant name	LAA Industries Pty Ltd
Opponent	Stephen Anderson

Dear Sir/Madam,

I refer to the letter from Stephen Anderson of 19 October 2020 (the "Opponent's letter") requesting an extension of time to file evidence in reply to 14 February 2020 (the "EOT"). I note that the EOT is based on being unable to file evidence in reply ("EIR") due to the disruptive effects of the COVID-19 pandemic, that is the extension is for exceptional circumstances pursuant to Regulation 5.9(2)(b).

The Commissioner is sympathetic regarding the disruptions caused by the COVID-19 pandemic and has provided for streamlined extensions of time in relation to this. While generally extensions are allowed where a streamlined extension of time has been requested, in some cases the circumstances are such that the Commissioner may seek further information before being satisfied that the requirements of the type of extension sought are met.

For the present matter, the material that actually comprises evidence in answer ("EIA") was filed on 2 March 2020, this being a declaration by Fidel Dela Paz (with annexures) and a declaration by James Waterreus. All the other putative EIA was filed out of time and was subject to an unsuccessful extension of time application by the Applicant, as determined in *Stephen Anderson v LAA Industries Pty Ltd* [2020] APO 41. The effect of the unsuccessful extension request by the Applicant is that EIR is due to be filed on 14 November 2020.

As a result, there was more than eight months available for Mr Anderson to collect and file EIR to the EIA that was filed in time, noting that any of the EIA that was filed in time was always in evidence. The length of time available to file EIR, and the nature of the EIA, is such that it would seem to be reasonable to believe that it should have been possible to file the EIR on time despite the COVID-19 disruptions. Consequently, while it may be that COVID-19 disruptions did prevent Mr Anderson from collecting EIR in the last eight months or so, it would be of some assistance in furthering the EOT request if Mr Anderson could provide more specific information outlining the disruptions that he suffered due to COVID-19 that meant he will be unable to file the EIR on time and why a three-month extension is needed.

I allow Mr Anderson **one (1) month** from the date of this letter to provide any further information to support his EOT, in particular addressing the issues outlined in this letter, after which time I will further consider the matter.

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Yours sincerely,

William Guinea
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