

32. As for Ms Janet Anderson, there is no evidence that she had any involvement in the drafting of the NMHSPF. The extent of her familiarity with the document is a matter for speculation. Dr Kingswell's and Dr Kotzé's evidence as to the NMHSPF's meaning should be preferred.
33. If, contrary to my submission, the Commission considers that further evidence about the NMHSPF is desirable, then it is submitted that any or all of the following persons should be called to give evidence: Mr Bill Buckingham, Mr Gaven Stewart, Mr Kevin Fjeldsoe and Mr Brian Woods.
34. Counsel Assisting submit²⁷ that Dr Kingswell "*seemed to get confused in his evidence regarding taxonomy*" under the NMHSPF. That is an unfair criticism. A fair reading of the evidence reveals that any confusion arose solely as a result of the form of questions that were posed in cross-examination.²⁸
35. Finally, Counsel Assisting submit that Dr Kingswell's understanding of the NMHSPF was based on "*illusive conversations with others*". Again, that criticism is unfair. First, Dr Kingswell was never cross-examined about "*illusive conversations*". Had he been asked about such conversations, he could have given some explanation about them. He cannot fairly be criticised now for failing to give details of conversations he was not asked about. Secondly, it is perfectly legitimate for a professional such as Dr Kingswell to rely upon conversations with other professionals. In this regard I note the submissions made at Transcript 28-12.
36. In conclusion, there is no proper basis on the evidence for a criticism of Dr Kingswell arising out of his references to the thinking or language reflected in the work done to develop the draft documentation articulating the NMHSPF.

Adrian Duffy QC
Counsel for Dr Kingswell
19 April 2016

²⁷ Submissions of Counsel Assisting on the Draft NMHSPF at [65].

²⁸ See Transcript 13-35/37.