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McCabe Appeal: a decision for fairness

Today's decision by the Appeal Court of Victoria to restore the defence of British American Tobacco Australia Services Limited ("BATAS") in the McCabe case has been welcomed by the Company.

"We are pleased with the decision as we have always maintained that our defence in this case should not have been struck-out in the first place," said John Galligan, Director of Corporate & Regulatory Affairs.

"We have never sought to deny anyone their day in court – all we wanted was to have ours and a chance to defend ourselves. We are pleased therefore with today's decision by the Court of Appeal.

"Since the original decision by Justice Eames to strike-out our defence, our company has suffered considerable damage to our reputation. We hope this decision allows us to put forth our side of the story and repair the damage.

"Increasingly, controversial industries have been a target because they are seen as unpopular. Being perceived as unpopular does not remove the right to make our case.

"What this appeal ruling means going forward is too early to say. Given its length and complexity, we will need to carefully consider the decision and accordingly, we are not in a position to comment immediately on how this affects any future legal action with regard to this case.

What we can say is that we are pleased that the Court has brought back some fairness to what has been to date a very one-sided look at the issues," said Mr Galligan

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