

**IN THE EMPLOYMENT COURT OF NEW ZEALAND
AUCKLAND**

**I TE KŌTI TAKE MAHI O AOTEAROA
TĀMAKI MAKĀURAU**

**[2020] NZEmpC 106
EMPC 202/2019**

IN THE MATTER OF	a challenge to a determination of the Employment Relations Authority
BETWEEN	JASON KITELEY Plaintiff
AND	CARBINE AGINVEST CORPORATION LIMITED Defendant

Hearing: 26-28 February 2020
(Heard at Auckland)

Appearances: T Oldfield, counsel for plaintiff
D J France and H G King, counsel for defendant

Judgment: 23 July 2020

JUDGMENT OF JUDGE M E PERKINS

Introduction

[1] Jason Kiteley began employment with Tru-Test Limited (Tru-Test) on 6 September 1999. His employment was terminated on two weeks' notice by letter dated 16 November 2017 on the grounds of redundancy. Tru-Test at that time referred to itself as Tru-Test Group. Mr Kiteley's position at the time of termination of his employment was Head of Operations and Business Transformation. It was a senior management position and Mr Kiteley was paid a substantial salary and received significant incentive and performance related bonuses.

[2] Tru-Test operated a farm resource management business. Early in 2017 the Board of Tru-Test engaged consultants to review the business. Following this, Tru-Test began a process of splitting the business for the purposes of selling one of the farm resource management operations. The reason for the split was that it was unlikely that a single buyer would want both businesses.

[3] When the sale of that part of the Tru-Test business operating dairy farm resource management took place, Tru-Test changed its name to Carbine Aginvest Ltd. That company then merged with Carbine Aginvest Corporation Ltd and assumed the latter's name. These changes occurred after termination of Mr Kiteley's employment. There is, however, no dispute that Carbine Aginvest Corporation Ltd is the correct defendant in these proceedings.

[4] Mr Kiteley claimed that he was unjustifiably dismissed by Tru-Test and claimed, in addition to other remedies, incentive payments which he maintained were owing to him. Proceedings he commenced in the Employment Relations Authority were unsuccessful. This judgment deals with his non-de novo challenge to the Authority's determination.¹

The restructuring proposals

[5] On 5 September 2017, prior to the sale, Tru-Test employed a new Chief Executive Officer (CEO), Simon Mander. He was to deal with maximising profitability, introducing efficiencies and the restructuring of the business in preparation for the proposed sale. Mr Mander commenced employment against the backdrop of a disappointing 2017 financial year and the company's intention to sell the company's dairy farm resource management operations. It was eventually sold to an entity referred to throughout the evidence as Datamars.

[6] Consultants who were employed to review the business had also identified restructuring opportunities, which Mr Mander was to be responsible for implementing. The consultants considered that the division of the company's operations for the eventual Datamars transaction necessitated this restructuring. Mr Mander,

¹ *Kiteley v Carbine Aginvest Ltd* [2019] NZERA 324 (Member Robinson).

independently of the consultants' proposals, signalled to the Board he was considering the disestablishing of Mr Kiteley's then role as Head of Operations and Business Transformation. Mr Mander was investigating having executives, who formerly reported to Mr Kiteley, reporting directly to him. The Board was advised of this potential restructuring on 25 September 2017.

[7] Mr Kiteley and Mr Mander met on 3 October 2017 to discuss a potential restructure of Mr Kiteley's team. Mr Kiteley described his ideas but did not present plans or charts. His plans were, however, sent to Mr Mander on 12 October 2017, while Mr Mander was overseas. Mr Mander's evidence is that after reading these proposals he began to formulate his own ideas as to how to restructure Tru-Test's operations function.

[8] Mr Mander also had several exchanges during this time with a recruiter, Allen Lowyim, with whom he had an ongoing professional relationship. On 20 October 2017, he met with Mr Lowyim to discuss his plans for Tru-Test. Mr Mander's evidence is that Mr Lowyim was a "sounding board" who he would meet every three to six months to discuss his ideas and plans. It was at this meeting that the possibility of a supply chain manager role was discussed. Mr Lowyim suggested placing an advertisement online for such a position. Mr Mander agreed but asked for the company to remain anonymous.

[9] Mr Kiteley and Mr Mander met again on 24 October 2017 to discuss a proposal Mr Kiteley had developed for the restructure of the manufacturing section. Mr Mander's evidence is that at this point he did not consult Mr Kiteley on the wider restructure he was planning as it would be inappropriate to do so without the support of the Board which was to meet the following day. These discussions, however, led Mr Mander to further question the need for the Head of Operations and Business Management. He contacted Mr Lowyim again to discuss what skill sets were on the market in terms of operations/supply chain management.

[10] At its meeting on 25 October 2017, the Board approved in principle the proposal from Mr Mander to restructure the operations section of the company headed by Mr Kiteley. Mr Mander was delegated the authority to initiate and complete the

restructure. The proposal set out two restructure options for the operations function of the business, referred to as “Option 1” and “Option 2”.

- (a) Option 1 was to have an operations structure which disestablished the Head of Operations and Business Transformation role held by Mr Kiteley. The purpose was to remove a reporting layer so that instead of reporting to Mr Kiteley, the Manufacturing Manager, Planning and Procurement Manager and the Group Logistics Manager roles would all directly report to the CEO. Mr Mander had a background in operations and believed that the removal of a layer of management between himself and the operations would be efficient and beneficial.
- (b) Option 2 also involved the disestablishment of the Head of Operations and Business Transformation role as well as the Group Logistics Manager role. However, instead of a direct report to Mr Mander, a Supply Chain Manager role would be established. The CSR team, the Stock Controller, the Service Department and the Warehouse team all reported to the Group Logistics Manager and these reports would move to the new Group Supply Chain Manager along with Planning and Procurement. Along with the Manufacturing Manager, the Group Supply Chain Manager would then have a direct report to the CEO. This option was the preference of Mr Mander but in his evidence he said he had not at that point made up his mind.

[11] On 25 October 2017 Mr Mander was coincidentally sent a draft job advertisement by Mr Lowyim for a Supply Chain Manager position, the same day as the Board meeting. Mr Mander indicated to Mr Lowyim on 27 October that he was happy with this advertisement, but that Tru-Test should remain anonymous when it was posted. On that day he also received a draft position description for a Supply Chain Manager role he had requested from Lara Hellier, a human resources consultant he had employed to assist him with the restructuring process.

[12] Mr Mander stated in evidence that Option 2 was removed from consideration on 30 October 2017. On that day he received feedback from John Loughlin, who was Chairman of the Board and Ian Hadwin who was Chief Financial Officer (CFO), in

which concerns were raised about the business risk associated with this option. More specifically, they were concerned about losing the Group Logistics Manager and the Planning and Procurement Manager. Both were integral to product delivery for the remaining quarter of the financial year. After meeting with both of them Mr Mander was convinced as to their importance. He claimed that at this point, he came to the belief that Option 2 was not a good idea at that time. However, the anonymous job advertisement for the Supply Chain Manager role was not removed.

[13] On 1 November 2017, Mr Mander met with the Head of Brand, Communications, People and Culture, and the Head of Strategy and Product. They were presented with a proposal to disestablish their roles. This proposal was not connected to the disestablishment of Mr Kiteley's role. These redundancies arose out of the separate review of the business and recommendations by the consultants Tru-Test had employed.

[14] Also on 1 November 2017, Mr Mander received emails from Mr Lowyim informing him of potential Supply Chain Manager candidates. Included was Craig Watkin (eventually appointed as the Global Supply Chain Manager). Mr Mander appeared interested in Mr Watkin and expressed happiness that another candidate, who he knew, also had "his hat in the ring". Mr Mander's evidence is he "definitely did not" plan to proceed with Option 2 at this point. The 'hat in the ring' comment he says was the result of his familiarity with the person concerned and of his interest in seeing him and finding out how he was doing. He says the purpose of the advertisement was to test the job market and that he did not see the need to remove it once he had made up his mind about which option he preferred. He also suggested that incoming CVs he continued to receive were the result of Mr Lowyim doing his job and attempting to find a prospect he could interest Mr Mander in hiring.

The consultation process and disestablishment of Mr Kiteley's role

[15] Once Mr Mander decided to proceed with Option 1, Mr Kiteley was asked to meet with Mr Mander on 3 November 2017 to discuss the disestablishment of the Head of Operations and Business Transformation role. Mr Mander was about to embark on an overseas trip and offered Mr Kiteley the opportunity to defer this

meeting until his return. Mr Kiteley chose to meet that day as he did not want to undergo the uncertainty of not knowing for the next ten days what the proposal was while he awaited Mr Mander's return. He was quickly presented with the proposal document and Mr Mander spent a short time explaining the proposal to him. The proposal, following Option 1, presented a new structure in which the Head of Operations and Business Transformation role was disestablished. It did not mention the creation of a Supply Chain Manager position. The only redeployment opportunity to be made available to Mr Kiteley was the opportunity to apply for a Head of Marketing position that was being established. A deadline of 10 November 2017 was set for Mr Kiteley to provide Mr Mander with his feedback.

[16] Mr Kiteley provided written feedback on 8 November 2017. Mr Mander was at that point still overseas. Mr Kiteley's feedback assumed that the rationale for the realignment was financial and that they were looking to save on his salary. It also raised a number of concerns around the changes to the executive structure including comments on workloads and the capabilities of other staff members. Just over six hours after receiving this feedback, Mr Mander requested that Ms Hellier draft a letter confirming the decision to make Mr Kiteley's role redundant.

[17] Mr Mander responded to Mr Kiteley's feedback via a teleconference call on 10 November 2017. The opportunity was offered to Mr Kiteley to meet with Mr Mander in person on 13 November when Mr Mander returned, but Mr Kiteley wished to proceed. Mr Mander confirmed the decision to proceed with the restructure and asserted that creating an efficient management structure was the purpose – not cost-cutting. A confirmation of the outcome was emailed to Mr Kiteley on the same day containing very brief feedback.

[18] On 14 November 2017 Mr Kiteley informed Mr Mander he would not apply for the Head of Marketing position. He received his termination letter on 16 November 2017 and his final day was 30 November 2017.

The resurrection of the Global Supply Chain Manager role

[19] On 20 November 2017, during Mr Kiteley's notice period, Mr Mander met with Mr Watkin, one of the applicants who had responded to the advertisement for the Supply Chain Manager role. Mr Mander stated that the meeting was to discuss Tru-Test generally. The evidence of both Mr Mander and Mr Watkin was that the meeting was more of an informal meet and greet. There is a conflict in their evidence as to whether the Supply Chain Manager role was discussed; Mr Watkin says it was discussed in general terms and Mr Mander says it was not discussed at all.

[20] Mr Watkin then met Michael Graves, Tru-Test's Manufacturing Manager, on 6 December 2017. Mr Watkin stated the business in general was discussed but not the Supply Chain Manager role. After not hearing back following these meetings, Mr Watkin became frustrated and contacted Mr Lowyim. He was told the role was "off for now" which he interpreted to mean it was "dead". Mr Lowyim's evidence was that 12 December 2017 was the first time he was told by Mr Mander that they were not proceeding with the Supply Chain Manager position but that it was not unusual for his agency not to be informed of such developments.

[21] A significant event which then occurred is that the Group Logistics Manager, suddenly resigned on 15 December 2017. Until that point, the desire of the Board was to retain him in employment. That had been a major reason for Mr Mander not utilising Option 2 and establishing a Supply Chain Manager role even though he had earlier expressed that as his preference. In light of this sudden resignation occurring, Mr Mander contacted Mr Lowyim the same day to check if Mr Watkin was still available. An interview was conducted the next day.

[22] Mr Watkin was offered the Global Supply Chain Manager role on 17 December 2017.

The issue of redeployment

[23] The Global Supply Chain Manager role replaced that of the Group Logistics Manager. The role had a significantly lesser salary and benefits than the Head of

Operations and Business Transformation role which Mr Kiteley had occupied. Mr Mander, in his evidence, makes the point that the decision to establish a Global Supply Chain Manager position was made under urgency after Mr Kiteley had left employment. It only resulted from the resignation of the Group Logistics Manager who was to leave almost immediately as he needed to use up some pre-arranged leave which covered the remainder of his notice period. Mr Mander stated that if it had not been for this resignation, he would not have introduced the Global Supply Chain Manager role as he and the Board had already made the decision not to progress with creating this role and to proceed with Option 1 of his restructuring proposal.

[24] Mr Kiteley has asserted that as part of redeployment, he should have been offered the Supply Chain Manager role. Mr Mander pointed out in response that, Mr Kiteley's employment had already ended before the Group Logistics Manager's resignation on 15 December 2017 and Mr Kiteley had been paid out his substantial notice entitlement and other entitlements. There would be no obligation on Tru-Test to offer Mr Kiteley redeployment to the Supply Chain Manager role at that time.

[25] Mr Mander's evidence as to the dates and sequence of events is corroborated by the evidence of Mr Loughlin. I found Mr Loughlin's evidence reliable and helpful. The Board had given initial approval to Mr Mander's restructuring proposals. It then, however, carefully considered the consequences of potential loss of other senior personnel and effectively withdrew any consent it may have given to Option 2. While the timing of the change to the approval of the appointment of a Global Supply Chain Manager role was close to the termination of Mr Kiteley's position, I am satisfied that the sequence of events was as described by both Mr Loughlin and Mr Mander. This included the change in circumstances occasioned by the resignation of the senior executive who the company had wished to keep.

A procedural defect raised

[26] A point relating to the procedural process adopted, which was raised in the Authority proceedings and has been raised by Mr Kiteley as part of his challenge, was Mr Mander's failure to originally outline the rationale for the redundancy as being a decision to restructure reporting lines, rather than financial considerations.

Mr Kiteley's initial reaction to the proposals was that financial considerations predominated. In reality, both probably had a part in Mr Kiteley's redundancy. In any event, Mr Mander later made plain the point that it was a restructuring of the reporting lines which gave rise to the decision. While this might amount to a procedural defect rather than a substantive undermining of the genuineness of the redundancy, in the overall context of the matter, it could only be regarded as minor and did not result in Mr Kiteley being treated unfairly. Mr Kiteley was a senior manager with substantial experience in the company who would have understood the entire context of the restructuring proposal. I agree with the determination of the Authority on this point.

Legal principles applying – submissions raised

[27] Both counsel in their submissions, although Mr Oldfield, counsel for Mr Kiteley, to a greater extent, referred to the Court of Appeal's decision in *Grace Team Accounting Ltd v Brake*.² That decision has helpfully traversed historic decisions relating to the principles applying in redundancy and how the matter is to be now considered in the context of the Employment Relations Act 2000 (the Act). It can be said that the emphasis in the decisions preceding the introduction of s 103A of the Act was as to the way the Court was fettered in the extent to which it could substitute or impose its business judgment for that of the employer taken at the time that the redundancy decision was made.

[28] The approach to now be taken in the context of s 103A of the Act is encapsulated in the following statements of the Court of Appeal in *Grace Team Accounting Ltd*:

[80] We consider that the appropriate approach to statutory interpretation in this case is the orthodox approach beginning with the words of the section and considering them in light of the purpose of the statute. When the words of s 103A are considered in light of the purposes of the statute set out in s 3 and the overarching duty of good faith provided for in s 4, we do not consider that the reference in s 103A to a "fair and reasonable employer" can properly be read down to mean "a genuine employer", in the sense used in *Hale* (an employer not using redundancy as a pretext for dismissing a disliked employee).

² *Grace Team Accounting Ltd v Brake* [2014] NZCA 541, [2015] 2 NZLR 494.

[81] Given the explicit requirements for disclosure of information and consultation that now apply in redundancy situations, the reality is that the Employment Court will have before it the information provided by the employer to the employee justifying the redundancy. Whatever may have been the case in the pre-s 103A environment, the clear words of s 103A now require the Employment Court to determine on an objective basis whether the employer's actions and how it acted were what a reasonable employer would have done. That test has little in common with this Court's pronouncements in *Hale* and *Aoraki*.

...

[85] Having said that, however, we do not dismiss the importance of the Employment Court addressing the genuineness of a redundancy decision. If the decision to make an employee redundant is shown not to be genuine (where genuine means the decision is based on business requirements and not used as a pretext for dismissing a disliked employee), it is hard to see how it could be found to be what a fair and reasonable employer would or could do. The converse does not necessarily apply. But, if an employer can show the redundancy is genuine and that the notice and consultation requirements of s 4 of the Act have been duly complied with, that could be expected to go a long way towards satisfying the s 103A test. In the end the focus of the Employment Court has to be on the objective standard of a fair and reasonable employer, so the subjective findings about what the particular employer has done in any case still have to be measured against the Employment Court's assessment of what a fair and reasonable employer would (or, now, could) have done in the circumstances.

[29] The submissions made by Mr Oldfield are to the effect that the defendant failed to follow what a fair and reasonable employer could have done in the circumstances. These submissions particularly relate to the assertion that Mr Mander, knowing that there was an alternative proposal afoot, should have revealed this to Mr Kiteley and further to that, offered Mr Kiteley redeployment to the Supply Chain Manager role.

[30] This submission is based on an allegation that Mr Mander's assertion that he decided to go with Option 1, and not create a Supply Chain Manager role, was not credible when viewed in the context of his actions. These actions included approving the posting of the job advertisement, leaving the advertisement online well after Option 2 had been put aside, the creation of a job description, and interviewing of potential candidates, even to the extent that an arrangement was made for Mr Watkin to meet the company's Manufacturing Manager.

[31] Mr Oldfield submitted that the way Mr Kiteley's redundancy was handled amounted to a breach of good faith as the plan all along was to create the Supply Chain Manager role. The inference is that this was part of a conspiracy on Mr Mander's part,

and his intention, despite the Board's indication, was all along to remove Mr Kiteley and bring in Mr Watkin.

[32] As an alternative, Mr Oldfield submits that even if that was not the plan, there was an obligation on Mr Mander to consult with Mr Kiteley about it. Mr Kiteley as a result of the failure to be given knowledge about the potential role was misled and deceived in breach of the good faith provisions in s 4 of the Act. In addition Mr Kiteley alleges that there was a clear breach of the procedural requirements by the manner in which the entire process was truncated. Mr Oldfield again infers that there were suspicious circumstances surrounding the way Mr Mander had involved the human resources consultant, Ms Hellier, to draft correspondence before decisions were finalised.

[33] Insofar as remedies are concerned, Mr Kiteley has chosen to bring a non-de novo challenge to the Court based primarily on the allegation of an unjustifiable dismissal. The decisions of the Authority Member in the determination relating to the incentive bonuses are not challenged. However, if Mr Kiteley is successful in pursuit of his claim to have been unjustifiably dismissed, he makes the claim that he would have remained in employment until the date when entitlement to the incentive bonuses crystallised and is therefore entitled to claim them pursuant to s 123(1)(c)(ii) of the Act. This is on the basis of there being a loss of any benefit of a monetary kind, which he might reasonably have been expected to obtain if a personal grievance had not arisen. He also claims reimbursement of salary lost as a result of the grievance. Mr Oldfield also presented an argument as to the correct interpretation to be given to s 128 of the Act which deals with the quantum of such reimbursement. However, in view of my findings in this judgment, I now do not need to consider further the submissions relating to remedies.

[34] In reply, Mr France, counsel for the defendant, disputed that Tru-Test departed from the principle that the employer must act in a way that a fair and reasonable employer could act in all the circumstances. Also in reliance upon the principles enunciated in the *Grace Team Accounting Ltd* decision, Mr France submitted that the redundancy of Mr Kiteley was genuine and a fair process was followed. He submitted that there was no obligation to raise the Supply Chain Manager role with Mr Kiteley

in their discussions, as the decision of the Board and the senior executives had put that role out of consideration and it did not arise again until after Mr Kiteley had had his employment terminated.

[35] Mr France submitted that the truncation of the process was at Mr Kiteley's request, whereas Mr Mander had given Mr Kiteley the opportunity to have further time to consider consultation in view of the fact that he, Mr Mander, was travelling abroad. If there were any defects in the process then Mr France supports the decision of the Authority Member in her determination that they were minor and not sufficient to undermine justification for the dismissal. In summary, Mr France submitted that the requirements for s 103A(3) of the Act were met in that Tru-Test raised the proposal to disestablish the plaintiff's role with him, gave him a reasonable opportunity to respond to the proposal before making a decision, and genuinely considered Mr Kiteley's feedback at the various stages of the consultation process before dismissing him.

Conclusions

[36] The sequence of events outlined certainly raise concerns about the actions of Mr Mander. I conclude, however, that the events, while all occurring in close proximity around the time of termination of Mr Kiteley's position and his departure, do not undermine the genuineness of the redundancy, even though, as it turned out, the decisions made were unwise. Mr Mander showed a lack of judgment in several respects. He was unwise to be speaking to Mr Lowyim, and to allow an advertisement to remain in place for the Supply Chain Manager role, once the Board had expressed reservations about the potential loss of other senior personnel. He compounded the position by meeting with Mr Watkin while Mr Kiteley was working out his notice.

[37] Mr Mander had been brought in to manage the company so that it was in a position to proceed with the sale of that part being split off pursuant to the consultants' recommendation. His rationale in making Mr Kiteley's position redundant involved his own background in operations which he believed negated the need for Mr Kiteley's position within the organisation structure. However, it appears no commitment had

ever been made that Mr Mander would remain with the business beyond the Datamars sale. In fact, he left the role only one month after the sale's completion.

[38] It seems a shame that, given this uncertainty and the fact Mr Mander could not guarantee any successor in his role would have a similar operations background, he chose to proceed with the redundancy of an employee with that experience and with 18 years of service to the company. Mr Mander explained it as being done as part of his role to put the company in the position of proceeding with the sale. While that was his primary role in pursuing the consultant's recommendations, his new reporting structure seems unrelated to the proposed sale even though Mr Mander claimed it was related. I was not entirely convinced by his evidence on this point.

[39] While Mr Mander's actions may be questionable, the sequence of events is corroborated by Mr Loughlin. Looked at objectively, the original proposal and the change to the second option in the face of an urgent situation created by the subsequent resignation which occurred were part of genuine business decisions by Tru-Test, even though the consequences which followed proved the decisions unwise.

[40] Mr Oldfield's submission is really that Mr Mander acted in an underhand way to get rid of him and replace him with Mr Watkin. This argument founders on the evidence of Mr Loughlin as to the serious concerns of the Board and the CFO with regard to the proposal which Mr Mander made to appoint a Supply Chain Manager. The sequence of events does not assist Mr Kiteley because by the time of making the appointment of Mr Watkin, Tru-Test had no further obligation to Mr Kiteley as he had left employment.

[41] It is difficult to draw an inference as to Mr Mander's intentions in view of the Board's clear preference, as expressed by Mr Loughlin and Mr Hadwin, that Option 2 not be implemented. Following his investigation of Mr Loughlin's and Mr Hadwin's concerns, Mr Mander decided to proceed with Option 1. Once that decision was made there would have been no obligation on either the Board or Mr Mander to present Option 2 to Mr Kiteley as he had no entitlement to be privy to decisions made at that level. The facts as they unfolded later, showed a clear reason for the creation of a Global Supply Chain Manager role, and filling that position by appointing Mr Watkin.

It is difficult to see how Mr Kiteley can allege that the role should have been offered to him by way of redeployment, when Tru-Test, until beyond termination of Mr Kiteley's employment, did not intend to create that role or appoint anyone to it. It did not exist.

[42] While the actions of Mr Mander understandably raise concerns, there is not sufficient evidence to infer that he was intending to go against the Board's preference. The way Mr Mander continued with the job advertisement and had Mr Lowyim speak to applicants when he knew that the role was no longer on the table was actually unfair to Mr Watkin and other applicants, and perhaps even Mr Lowyim, by inducing them to waste time and effort on a position which did not exist at that point. However, it is hard to see that there was any unfairness to Mr Kiteley in that process despite his submission, which I do not accept, that there was some kind of conspiracy by Mr Mander involved behind the scenes. It can perhaps be said that Mr Mander demonstrated lapses in judgment but the timing of the decisions in the way circumstances unfolded do not give rise to a breach of good faith on Tru-Test's part or departure from the principles and procedures specified in s 103A of the Act, unfortunate as the consequences of those decisions were.

[43] Mr Kiteley's challenge is therefore dismissed.

Costs

[44] Costs should follow the event. In view of the fact that Mr Kiteley has been unsuccessful in his challenge, the defendant is entitled to an award of costs against him. At the telephone directions conference held on 28 August 2019, the parties agreed to the case being assigned 2B for costs purposes under the Practice Direction Guideline Scale.³ Costs are to be calculated on that basis. Costs are, nevertheless, reserved so that if the parties cannot reach agreement on the quantum of costs the

³ "Employment Court of New Zealand Practice Directions" <www.employmentcourt.govt.nz> at No 16.

matter can be referred back to the Court by way of memoranda for a decision accordingly.

M E Perkins
Judge

Judgment signed at 1 pm on 23 July 2020