

BETWEEN                      PHARMACY CARE SYSTEMS  
   LIMITED  
   Applicant

AND                                THE ATTORNEY-GENERAL  
   Respondent

Coram:            Gault J  
                         Tipping J

Counsel:        B O'Callahan for Applicant  
                         G A D Neil for Respondent

Judgment:      9 November 2004

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**JUDGMENT OF THE COURT**

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[1] The principal focus of this application for leave to appeal concerns whether the Court of Appeal applied the correct test as to duress. We do not require an oral hearing to determine the application.

[2] The law of New Zealand on the subject of duress is sufficiently clear and settled. We refer in particular to the decision of the Privy Council in *Attorney-General for England and Wales v R* [2004] 2 NZLR 577. It is not necessary in the interests of justice for the Supreme Court to examine the matter in this case.

[3] No issue of general or public importance or of general commercial significance therefore arises. Furthermore, we consider that whatever may be the relevant nuances of the law of duress, the applicant's case would fail on the facts concurrently found by the Courts below. The other issues cannot in these circumstances justify leave being granted.

[4] For these reasons the applicant has not established the necessary grounds for an appeal to this Court. This application is accordingly refused with costs to the respondent of \$1,000.00 plus disbursements, to be fixed if necessary by the Registrar.

Solicitors:  
Carter & Partners, Auckland for Applicant  
Crown Solicitor, Auckland for Respondent