

**IN THE SUPREME COURT OF NEW ZEALAND**

**SC 54/2005  
[2006] NZSC 6**

BETWEEN	HER MAJESTY'S ATTORNEY- GENERAL IN RESPECT OF THE MINISTRY OF AGRICULTURE AND FORESTRY Appellant
AND	QBE INSURANCE (INTERNATIONAL) LIMITED Respondent

Hearing: 27 February 2006

Court: Elias CJ, Blanchard and Tipping JJ

Counsel: H S Hancock for Appellant  
M G Ring QC for Respondent

Judgment: 10 March 2006

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**JUDGMENT OF THE COURT**

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- A. The application for leave to appeal is dismissed.**
- B. The appellant is to pay the respondent costs in the sum of \$2,500.00 plus disbursements, to be fixed if necessary by the Registrar.**

**REASONS**

[1] The Attorney-General, acting on behalf of the Ministry of Agriculture and Forestry, seeks leave to appeal from a decision of the Court of Appeal holding that the Ministry had no insurance cover in respect of a claim made against it for financial compensation.

[2] A series of policies had been issued by or taken over by the respondent (QBE) but the Court of Appeal held that none of them provided cover for this particular

claim. The earlier policies did not contain condition 5 providing the necessary run-off cover; and the later policies, while containing condition 5, also contained, as condition 6, a provision which had the effect of excluding cover for this particular claim.

[3] The case turns very much on its own particular facts. We cannot discern any question of general or public importance that would arise on the proposed appeal. Nor is there any question of general commercial significance.

[4] A new argument was raised for the first time in this Court. It too, however, is particular to the facts of this case and raises no point of general significance. In any event we consider that, on receipt of Wild J's judgment, the Ministry undoubtedly had knowledge of circumstances that could well give rise to a claim for damages or compensation against it.

[5] For these reasons we are not persuaded that it is necessary in the interests of justice for this Court to hear the proposed appeal. We must therefore decline leave in terms of s 13 of the Supreme Court Act 2003.

Solicitors:  
Crown Law Office, Wellington for Appellant  
McElroys, Auckland for Respondent