

IN THE SUPREME COURT OF NEW ZEALAND

**SC 18/2009
[2009] NZSC 32**

BETWEEN PORTS OF AUCKLAND LTD
Appellant

AND SOUTH PAC TRUCKS LTD
Respondent

Court: Blanchard, Tipping and McGrath JJ

Counsel: C A Carruthers QC and G Mercer for Appellant
P M Smith and M Salmen for Respondent

Judgment: 3 April 2009

JUDGMENT OF THE COURT

A Leave to appeal is granted.

B The approved grounds are:

- (a) Whether Ports of Auckland can avail itself of the statutory exemption from liability conferred by s 6 Carriage of Goods Act 1979.**
- (b) Whether the operator of the forkhoist (an employee of Ports of Auckland involved in the accident) was exempt from liability under s 16(2) of the Act, with the consequence that Ports of Auckland cannot be liable vicariously.**

Solicitors:
Gellert Ivanson, Auckland for Appellant
Fortune Manning, Auckland for Respondent