

IN THE SUPREME COURT OF NEW ZEALAND

**SC 30/2009
[2009] NZSC 60**

BETWEEN ELIAS AKLE
 Appellant

AND COMMERCE COMMISSION
 Respondent

SC 32/2009

BETWEEN A R POYNTER
 Appellant

AND COMMERCE COMMISSION
 Respondent

Court: Tipping, McGrath and Wilson JJ

Counsel: L McEntegart, T P Mullins and T F Hikaka for Appellant in
 SC 30/2009
 J G Miles QC and S C Keene for Appellant in SC 32/2009
 D Goddard QC and M A Borrowdale for Respondent

Judgment: 16 June 2009

JUDGMENT OF THE COURT

A The applications for leave to appeal in both cases are granted.

B The approved grounds of appeal in both cases are:

(a) Whether s 4 of the Commerce Act 1986 is an exhaustive statement of the circumstances in which the Act applies to cases involving some overseas element (for example, a

party resident overseas, or conduct occurring in whole or in part outside New Zealand);

- (b) Whether, in circumstances where an arrangement that breaches Part 2 of the Act has been entered into and given effect to in New Zealand, Part 2 and s 80 of the Act apply to a party to the arrangement who is not resident in New Zealand and is not personally engaged in any conduct in New Zealand.**

Solicitors:

Lee Salmon Long, Auckland for Appellant in SC 30/2009

Russell McVeagh, Auckland for Appellant in SC 32/2009