

IN THE SUPREME COURT OF NEW ZEALAND

**SC 57/2009
[2009] NZSC 100**

BETWEEN	WYETH (NZ) LIMITED Appellant
AND	ANCARE NEW ZEALAND LIMITED First Respondent
AND	ENVIRONMENTAL RISK MANAGEMENT AUTHORITY Second Respondent

Court: Blanchard, Tipping and McGrath JJ

Counsel: B W F Brown QC for Appellant
J O Upton QC for First Respondent
D J Goddard QC for Second Respondent

Judgment: 25 September 2009

JUDGMENT OF THE COURT

- A Leave to appeal is granted.**
- B The approved ground of appeal is whether the Hazardous Substances and New Organisms Act 1996 requires the Environmental Risk Management Authority to include on its register of applications to the Authority, that is available for public inspection, details of the composition and active ingredients of all substances that are the subject of application.**

REASONS

[1] The above ground is of continuing general or public importance sufficient to warrant granting leave to appeal despite the first respondent's recent waiver of confidentiality.

[2] The second respondent proposed that leave to appeal also be given on further grounds that would address aspects of the Court of Appeal judgment concerning the release and withholding of confidential information supplied to the Authority. We do not consider those matters raise a continuing live issue warranting the grant of leave to appeal.

[3] In light of the first respondent's indication that it will take a neutral stance in the appeal, the Court will appoint an amicus to assist it by advancing argument in opposition to that of the appellant. We consider it preferable that we do not put the second respondent in the position of making submissions as if an adversary. The second respondent will, of course, be free to appear at the hearing to assist the Court in the normal way on matters of interpretation and application of the legislation.

[4] There will be no order for costs on the application for leave.

Solicitors:
Baldwins, Auckland for Appellant
Lowndes Associates, Auckland for First Respondent