



Supreme Court of New Zealand

15 March 2012

MEDIA RELEASE – FOR IMMEDIATE PUBLICATION

**FONTERRA CO-OPERATIVE GROUP LIMITED v THE GRATE KIWI CHEESE COMPANY LIMITED AND KAIMAI CHEESE COMPANY LIMITED SC 38/2011
[2012] NZSC 15**

PRESS SUMMARY

This summary is provided to assist in the understanding of the Court's judgment. It does not comprise part of the reasons for that judgment. The full judgment with reasons is the only authoritative document. The full text of the judgment and reasons can be found at www.courtsofnz.govt.nz.

The issue in this appeal was whether the appellant, Fonterra, was obliged to supply raw milk to the respondents, Grate and Kaimai, pursuant to regulation 4 of the Dairy Industry Restructuring (Raw Milk) Regulations 2001. Whether that was so depended on whether Grate and Kaimai were independent processors as defined in the Regulations. The matter was determined by the Commerce Commission in Grate and Kaimai's favour.

Fonterra's appeals from that determination to the High Court and then to the Court of Appeal were both dismissed. The Supreme Court has unanimously dismissed Fonterra's further appeal. The Court has held that both the text of the definition of independent processor and its purpose in the context of the Regulations favour the meaning adopted in the Courts below. Fonterra was therefore obliged to supply raw milk to Grate and Kaimai.

Contact person: Gordon Thatcher, Supreme Court Registrar (04) 914 3545

PO Box 61, Wellington, New Zealand
Telephone 64 4 918 8222 • Facsimile 64 4 914 3560