

IN THE SUPREME COURT OF NEW ZEALAND

SC 93/2015
[2015] NZSC 182

BETWEEN CARTER HOLT HARVEY LIMITED
Applicant

AND MINISTER OF EDUCATION
First Respondent

SECRETARY FOR EDUCATION
Second Respondent

MINISTRY OF EDUCATION
Third Respondent

BOARD OF TRUSTEES OF OREWA
PRIMARY SCHOOL
Fourth Respondent

Court: William Young, Glazebrook and Arnold JJ

Counsel: D J Goddard QC, I M Gault and J Q Wilson for Applicant
J A Farmer QC, N F Flanagan and K C Chang for Respondents

Judgment: 30 November 2015

JUDGMENT OF THE COURT

- A** The applications for leave to appeal and cross-appeal are granted (*Carter Holt Harvey Ltd v Minister of Education* [2015] NZCA 321, (2015) 14 TCLR 106).
- B** The approved grounds are whether the Court of Appeal was correct to conclude that:
- (i) The claims in negligence are arguable;
 - (ii) The claims for negligent misstatement are not arguable; and

(iii) Section 393 of the Building Act 2004 does not apply to the claims.

Solicitors:
Bell Gully, Auckland for Applicant
Meredith Connell, Auckland for Respondents