

**NOTE: HIGH COURT ORDER PROHIBITING PUBLICATION OF NAME
OF APPLICANT REMAINS IN FORCE.**

IN THE SUPREME COURT OF NEW ZEALAND

**SC 60/2016
[2016] NZSC 111**

BETWEEN B (SC 60/2016)
 Applicant

AND WAITEMATA DISTRICT HEALTH
 BOARD
 Respondent

Court: Glazebrook, O'Regan and Ellen France JJ

Counsel: R K Francois for Applicant
 J P Coates and P W Le Cren for Respondent

Judgment: 25 August 2016

JUDGMENT OF THE COURT

**A The application for leave to appeal is granted in part
 (*B v Waitemata District Health Board* [2016] NZCA 184).**

B Costs are reserved.

REASONS

[1] Although, apart from as set down at [2] below, the Court does not restrict the arguments that can be made, the Court is particularly interested in submissions on s 6 of the Smoke-free Environments Act 1990 and expects focused argument from counsel on this aspect.

[2] The applicant also sought leave to challenge the Court of Appeal's decision to reduce the hearing time for the appeal in that Court. This is a procedural matter related to the particular circumstances of this case and does not meet the criteria for leave to this Court. The application for leave to appeal is refused on this point.

[3] The Registrar is instructed to set the appeal down for one day.

[4] A copy of this decision is to be provided to the Attorney-General.

Solicitors:

Warren Simpson & Co, Auckland for Applicant

Claro Law, Wellington for Respondent