

**NOTE: HIGH COURT ORDER PROHIBITING PUBLICATION OF THE
NAME OR IDENTIFYING PARTICULARS OF THE PATIENT REMAINS IN
FORCE.**

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

**SC 98/2021
[2021] NZSC 143**

BETWEEN CHRISTOPHER RYAN
Applicant

AND HEALTH AND DISABILITY
COMMISSIONER
Respondent

Court: Glazebrook, O'Regan and Ellen France JJ

Counsel: S M O'Sullivan and K M Wills for Applicant
V E Casey QC for Respondent

Judgment: 2 November 2021

JUDGMENT OF THE COURT

- A** Leave to appeal is granted (*Ryan v The Health and Disability Commissioner* [2021] NZCA 347).
- B** The approved question is whether the Court of Appeal was correct to uphold the finding of liability under s 72 of the Health and Disability Commissioner Act 1994.
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REASONS

[1] The applicant has indicated that his argument will be limited to the interpretation of the proviso in s 72(4) of the Health and Disability Commissioner Act 1994.

[2] The Court is, however, open to hearing argument addressing the application of s 72 to the Medical Centre more generally.

Solicitors:

Wotton + Kearney, Wellington for Applicant

Crown Law Office, Wellington for Respondent