

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 123/2024
[2025] NZSC 54

BETWEEN	TONY JAMES SOFUS PASCOE and DEBBIE ANN PASCOE Applicants
AND	MINISTER FOR LAND INFORMATION Respondent
Court:	Glazebrook, Kós and Miller JJ
Counsel:	Applicants in person R L Roff and E S Harris for Respondent
Judgment:	19 May 2025

JUDGMENT OF THE COURT

- A** The application for leave to appeal is granted (*Pascoe v Minister for Land Information* [2024] NZCA 557).
- B** The approved question is whether the Court of Appeal was correct to find that negotiations prior to the compulsory acquisition of land for essential works, under s 18 of the Public Works Act 1981, may be undertaken by an accredited contractor rather than by the Respondent personally (or an official of Toitū Te Whenua | Land Information New Zealand with delegated authority by the Respondent).
- C** Counsel to assist the Court will be appointed by the Registrar.
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REASONS

[1] The focus of argument on the approved question should be on the following three questions:

- (a) May the negotiation function be exercised by an accredited contractor?

- (b) Does the negotiation function need to be formally delegated if it is to be exercised by an accredited contractor?
- (c) Was the outsourcing of the negotiation function consistent with the respondent's statutory duty to "make every endeavour to negotiate in good faith"?

[2] Given the complexity and nature of the appeal, counsel to assist the Court will be appointed by the Registrar to present arguments in support of the appeal.

Solicitors:

Te Tari Ture o te Karauna | Crown Law Office, Wellington for Respondent