

IN THE SUPREME COURT OF NEW ZEALAND

**SC 47/2008
[2008] NZSC 86**

BETWEEN PRANFIELD HOLDINGS LIMITED
Applicant

AND THE MINISTER OF FISHERIES
First Respondent

AND THE CHIEF EXECUTIVE OF THE
MINISTRY OF FISHERIES
Second Respondent

AND THE ATTORNEY-GENERAL FOR AND
ON BEHALF OF THE MINISTER OF
AGRICULTURE AND
FISHERIES/MINISTRY OF FISHERIES
Third Respondent

SC 47/2008

BETWEEN UNITED FISHERIES LIMITED
Applicant

AND THE ATTORNEY-GENERAL FOR AND
ON BEHALF OF THE DIRECTOR-
GENERAL OF AGRICULTURE AND
FISHERIES AND THE MINISTRY OF
FISHERIES
First Respondent

AND THE MINISTER OF FISHERIES
Second Respondent

AND THE CHIEF EXECUTIVE OF THE
MINISTRY OF FISHERIES
Third Respondent

Court: Blanchard, Tipping and McGrath JJ
Counsel: T J Castle and K G Reid for Applicants
D B Collins QC and P A McCarthy for Respondents
Judgment: 22 October 2008

JUDGMENT OF THE COURT

- A The applications for leave to appeal are dismissed.**
- B The applicants are to pay the respondents costs in the sum of \$2500.00 plus disbursements, to be fixed if necessary by the Registrar.**

REASONS

[1] The applicants seek leave to appeal on the following causes of action, each of which was rejected in the High Court and in the Court of Appeal: misfeasance in public office; breach of statutory duty; and negligence. There are two other grounds upon which the applicants seek leave if they are successful in obtaining leave on any of the three grounds just referred to.

[2] We do not consider any point of general or public importance arises in relation to the misfeasance ground. In that respect, there are concurrent factual findings below. We are not persuaded that it is necessary in the interests of justice to give leave for a third, largely factual, examination of this cause of action.

[3] The other two causes of action are in theory capable of raising matters of general and public importance. We are satisfied, however, that the applicants' chances of success upon them are so slight that it would not be appropriate to grant leave. Depending on the statutory context the legal issues which the applicants seek to raise might well justify the grant of leave in a case with more factual support for the allegations made. But in this case we are satisfied that it would not be in the

interests of justice to grant leave because of the lack of any real factual support for the legal allegations which the applicants seek to raise in this Court.

Solicitors:
Goodman Steven Tavendale & Reid, Christchurch for Applicants
Crown Law Office, Wellington for Respondents