



Supreme Court of New Zealand

16 April 2010

MEDIA RELEASE – FOR IMMEDIATE PUBLICATION

Andrew Robert Poynter v Commerce Commission
(SC 32/2009 [2010] NZSC 38)

PRESS SUMMARY

This summary is provided to assist in the understanding of the Court's judgment. It does not comprise part of the reasons for that judgment. The full judgment with reasons is the only authoritative document. The full text of the judgment and reasons can be found at www.courtsofnz.govt.nz.

The Commerce Commission served proceedings for pecuniary penalties and other relief on the appellant Mr Poynter, a resident of Australia, alleging contraventions by him of the Commerce Act. He protested the jurisdiction of the High Court to hear the proceedings because all the relevant conduct alleged against him took place in Australia. Both the High Court and the Court of Appeal held that despite that fact the High Court did have jurisdiction to hear the proceeding and, if contraventions were established, to impose penalties on Mr Poynter.

The Supreme Court has unanimously allowed Mr Poynter's appeal, holding that because Mr Poynter's conduct, as alleged, does not fall within the terms

of s 4 of the Commerce Act, that being the only section in the Act directed at overseas conduct, the New Zealand Courts have no jurisdiction in the matter. Hence Mr Poynter must be dismissed from the proceeding.

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