

IN THE SUPREME COURT OF NEW ZEALAND

SC 141/2016  
[2017] NZSC 13

BETWEEN NEW HEALTH NEW ZEALAND  
INCORPORATED  
Applicant

AND SOUTH TARANAKI DISTRICT  
COUNCIL  
First Respondent

ATTORNEY-GENERAL for and on behalf  
of the Minister of Health  
Second Respondent

Court: William Young, Glazebrook and O'Regan JJ

Counsel: M T Scholtens QC and L M Hansen for Applicant  
D J S Laing and H P Harwood for First Respondent  
S V McKechnie and K G Stone for Second Respondent

Judgment: 20 February 2017

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**JUDGMENT OF THE COURT**

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- A** Leave to appeal is granted (*New Health New Zealand Inc v South Taranaki District Council* [2016] NZCA 462, [2017] 2 NZLR 13).
- B** The approved question is whether the Court of Appeal was correct to dismiss the appeals of the appellant in CA159/2014, CA615/2014 and CA529/2015.
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**REASONS**

[1] We note that if the Health (Fluoridation of Drinking Water) Amendment Bill is passed the Court may ask for submissions on whether we should reconsider the grant of leave.

Solicitors:  
Wynn Williams Lawyers, Christchurch for Applicant  
Simpson Grierson, Wellington for First Respondent  
Crown Law Office, Wellington for Second Respondent