



Supreme Court of New Zealand

30 May 2007

MEDIA RELEASE – FOR IMMEDIATE PUBLICATION

**Commerce Commission v Fonterra Co-operative Group Limited
(SC 39/2006)
[2007] NZSC 36**

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 Supreme Court has allowed this appeal. The Court has held that the phrase “cost of capital rate” in reg 9(1) of the Dairy Industry Restructuring (Raw Milk) Regulations 2001 refers to the cost of Fonterra’s equity capital rather than to the weighted average cost of all Fonterra’s capital, as both the High Court and the Court of Appeal had decided. The Court has made a formal declaration to that effect.

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