



## Supreme Court of New Zealand

27 November 2009

### **MEDIA RELEASE – FOR IMMEDIATE PUBLICATION**

**The Commerce Commission v Carter Holt Harvey Limited  
(SC 25/2009)  
[2009] NZSC 120**

### **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](http://www.courtsofnz.govt.nz).**

This appeal concerns an application made by the Commerce Commission against Carter Holt Harvey Ltd to recover losses suffered by purchasers of timber on account of that timber having allegedly been sold as being of a certain grade when in fact it was of a lesser grade. Carter Holt Harvey applied to the High Court for the claim to be struck out on the basis that it was brought too late and was time barred. The High Court declined to do so. The Court of Appeal reversed that decision with the consequence that the Commerce Commission's claim was struck out. This Court has allowed the Commerce Commission's appeal and reinstated the claim, with the issue of whether the

claim is time barred to be determined at trial in the ordinary way. This Court has held that the claim is not so clearly time barred as to justify being struck out peremptorily without the factual questions involved being fully investigated at trial.

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