

IN THE SUPREME COURT OF NEW ZEALAND

SC 5/2014  
[2014] NZSC 51

BETWEEN                      QUAKE OUTCASTS  
   Applicant

AND                              THE MINISTER FOR CANTERBURY  
   EARTHQUAKE RECOVERY  
   First Respondent

THE CHIEF EXECUTIVE OF THE  
CANTERBURY EARTHQUAKE  
RECOVERY AUTHORITY  
Second Respondent

FOWLER DEVELOPMENTS LIMITED  
Third Respondent

SC 8/2014

BETWEEN                      FOWLER DEVELOPMENTS LIMITED  
   Applicant

AND                              THE CHIEF EXECUTIVE OF THE  
   CANTERBURY EARTHQUAKE  
   RECOVERY AUTHORITY  
   Respondent

Court:                            Elias CJ and William Young J

Counsel:                        F M R Cooke QC and M S R Palmer for Quake Outcasts  
   S P Rennie and J E Bayley for Fowler Developments Limited  
   D J Goddard QC, K G Stephen and A A Jacobs for Respondents

Judgment:                      5 May 2014

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**JUDGMENT OF THE COURT**

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**A     The applications for leave to appeal in SC 5/2014 and SC 8/2014 are granted.**

**B     The questions on which leave is granted are:**

- (a) Was the establishment of the Residential Red Zones in Christchurch lawful as being a legitimate exercise of any common law powers or “residual freedom” the Crown may have, given the terms of the Christchurch Earthquake Recovery Act 2011?
  - (b) Were the offers made by the Crown to Residential Red Zone property owners under s 53 of the Christchurch Earthquake Recovery Act 2011 lawfully made? In particular:

    - (i) Was there a material failure to comply with the Act?
    - (ii) Was there a rational basis for the distinction drawn between those owners who were insured and those who were uninsured?
- C The appeal is set down for hearing on 29 and 30 July 2014. The appellants’ submissions are to be filed and served by 4 pm on 10 June 2014. The respondents’ submissions are to be filed and served by 4 pm on 1 July 2014.**
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Solicitors:  
GCA Lawyers, Christchurch for Applicant SC5/2014  
Rhodes & Co, Christchurch for Applicant SC8/2014  
Crown Law Office, Wellington for Respondents