

IN THE SUPREME COURT OF NEW ZEALAND

SC 150/2016
[2017] NZSC 47

BETWEEN FONTERRA CO-OPERATIVE GROUP
LIMITED
Applicant

AND MCINTYRE AND WILLIAMSON
PARTNERSHIP AND OTHERS
Respondents

Court: William Young, Arnold and Ellen France JJ

Counsel: J E Hodder QC and D T Street for Applicant
D J Goddard QC and B M Russell for Respondents

Judgment: 10 April 2017

JUDGMENT OF THE COURT

- A** The application for leave to appeal is granted (*Fonterra Co-Operative Group Ltd v McIntyre and Williamson Partnership* [2016] NZCA 538).
- B** The approved question is whether the Court of Appeal was right to answer the following two questions in the affirmative:
- (a) Were the respondents “new entrants” for the purposes of s 106 of the Dairy Industry Restructuring Act 2001?
- (b) If so, did the appellant breach s 106 in offering the respondents the terms of supply set out in the milk supply agreements signed by the respondents?
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Solicitors:
Chapman Tripp, Wellington for Applicant
Lane Neave, Christchurch for Respondents