

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 59/2024
[2024] NZSC 123

BETWEEN WHANGAREI DISTRICT COUNCIL
Applicant

AND MALCOLM JAMES DAISLEY
Respondent

Court: Glazebrook, Ellen France and Kós JJ

Counsel: D H McLellan KC and S O H Coad for Applicant
J A Farmer KC and D J MacRae for Respondent

Judgment: 25 September 2024

JUDGMENT OF THE COURT

- A** The applications for leave to appeal and cross-appeal are granted (*Whangarei District Council v Daisley* [2024] NZCA 161).
- B** The approved question is whether the Court of Appeal was correct to (1) dismiss the appeal against the High Court's finding that the applicant was liable in negligence; and (2) allow the appeal against the High Court's finding that the applicant was liable for misfeasance in public office, for which it should pay exemplary damages.
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Solicitors:
Heaney & Partners, Auckland for Applicant
Morgan Coakle, Auckland for Respondent