

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 107/2024
[2024] NZSC 180

BETWEEN DANIEL CLINTON FITZGERALD
Applicant

AND ATTORNEY-GENERAL
Respondent

Court: Winkelmann CJ, Glazebrook, Williams JJ

Counsel: A S Butler KC, P A Tierney and M D N Harris for Applicant
M F Laracy, J N E Varuhas and Z R Hamill for Respondent

Judgment: 18 December 2024

JUDGMENT OF THE COURT

A Leave to appeal is granted (*Fitzgerald v Attorney-General of New Zealand* [2024] NZCA 419).

B The approved question is whether the Court of Appeal was correct to allow the appeal.

REASONS

[1] If counsel wish to contend that *Attorney-General v Chapman* should no longer remain good law in New Zealand, they must also address the circumstances in which this Court should overrule its prior decisions.¹

Solicitors:
Ord Legal, Wellington for Applicant
Te Tari Ture o te Karauna | Crown Law Office, Wellington for Respondent

¹ *Attorney-General v Chapman* [2011] NZSC 110, [2012] 1 NZLR 462.