



## **20190619 NZ Refining seeking to be removed from Arndt Vs ACC & NZ Refining case**

IN THE DISTRICT COURT  
AT HAMILTON

ACR 110/19

UNDER the Accident Compensation Act 2001

IN THE MATTER of an appeal under section 149 of the Act

BETWEEN Brian Arndt  
Appellant

AND Accident Compensation Corporation  
First Respondent

AND The New Zealand Refining Company Limited  
Second Respondent

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MEMORANDUM OF COUNSEL FOR THE NEW ZEALAND REFINING  
COMPANY LIMITED SEEKING TO BE REMOVED FROM PROCEEDING

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Dated: 19 June 2019

Next Event Date: TBC

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SOLICITOR ACTING: MATTHEW FERRIER  
PARTNER RESPONSIBLE: OLIVER SKILTON

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MAY IT PLEASE THE COURT:

This memorandum is filed on behalf of The New Zealand Refining Company Limited (Refining NZ), further to:

the Notice of Appeal filed by Brian Arndt, dated 2 May 2019; and

the Support Officer's email sent on 9 May 2019, asking Refining NZ to advise whether it wishes to be a party to Mr Arndt's appeal.

Refining NZ's name was incorrectly given to the Registry, and recorded in the Initial Minute of Judge Henare dated 9 May 2019, as New Zealand Refinery Limited. The correct name is The New Zealand Refining Company Limited.

3. Mr Arndt appeals a review decision pursuant to s 149 of the Accident Compensation Act 2001, which in turn relates to various decisions of the Accident Compensation Corporation (ACC).

4. Although the decisions below have focused on the absence of literature/evidence supporting any causal link between exposure to lead and cancer, Refining NZ rejects Mr Arndt's account of working conditions and lead handling practices during his time working at the Refinery.

5. However, because the issues to be determined in the appeal relate to liability as between ACC and Mr Arndt, Refining NZ does not seek to appear at the hearing of the appeal.

Orders sought

6. Accordingly, Refining NZ respectfully seeks the following orders:

Refining NZ is to be removed as the second respondent in these proceedings; and

Refining NZ's name is to be removed from the intituling used in these proceedings.

DATED at Wellington this 19th day of June 2019

[signed]

O J Skilton/M J Ferrier

Counsel for the Second Respondent