



Supreme Court of New Zealand

27 November 2009

MEDIA RELEASE – FOR IMMEDIATE PUBLICATION

**Saxmere Company Limited and Ors v Wool Board Disestablishment
Company Limited
(SC 64/2007) [2009] NZSC 122**

PRESS SUMMARY

This summary is provided to assist in the understanding of the Court's judgment. It does not comprise part of the reasons for that judgment. The full judgment with reasons is the only authoritative document. The full text of the judgment and reasons can be found at www.courtsofnz.govt.nz.

The Supreme Court held in a judgment delivered on 3 July 2009 ([2009] NZSC 72) that the Hon Justice Wilson had not been disqualified for apparent bias from sitting as one of a panel of three Court of Appeal Judges which allowed an appeal by the Wool Board and overturned a High Court judgment in favour of the Saxmere interests. The alleged apparent bias was said to arise from the Judge's association with one of the Board's counsel, Mr Galbraith QC, in a company which owned land on which there was a horse stud.

Finding on the basis of the material before it, including a statement of disclosure by Justice Wilson, that the jointly owned company, Rich Hill Ltd,

was primarily a passive land holding vehicle, and that there was nothing to indicate that the Judge was beholden in any way to Mr Galbraith, the Supreme Court held in its earlier judgment that a fair-minded lay observer would not have had a reasonable apprehension of bias arising from that relationship.

An application for recall of that judgment has been made by the Saxmere interests and, having reviewed further information provided by the Judge, the Court has now concluded that its earlier view cannot be sustained; that there was in fact an indirect indebtedness at the time the proceeding was before the Court of Appeal because of an imbalance as between the Judge and Mr Galbraith in their loan accounts with the company, and that arrangements were then in train for the company to borrow a substantial sum in order to participate in the purchase of further land for the stud. In those circumstances, the Court has now held, the Judge should not have sat on the case. The Court has recalled its judgment, allowed Saxmere's appeal and remitted the case to the Court of Appeal for rehearing before a new panel.

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