



## Supreme Court of New Zealand

3 July 2009

### **MEDIA RELEASE – FOR IMMEDIATE PUBLICATION**

**Saxmere Company Limited and Ors v Wool Board Disestablishment  
Company Limited  
(SC 64/2007) [2009] NZSC 72**

### **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](http://www.courtsofnz.govt.nz).**

Saxmere Co Ltd and associated appellants have appealed to the Supreme Court seeking the setting aside of a judgment of the Court of Appeal in favour of the Wool Board Disestablishment Co Ltd, adverse to the appellants, on the ground that the Hon Justice Wilson, a member of the Court of the Appeal Bench in that case, may have been unconsciously biased by reason of friendship and a business connection with one of the Wool Board's counsel in the case, Mr Galbraith QC.

The Supreme Court has unanimously dismissed the appeal holding that, in accordance with the well-established test, a fair-minded lay observer would not reasonably apprehend that the Judge did not bring an impartial mind to the resolution of the question before the Court of Appeal. The appellants have not articulated a logical connection between the Judge's friendship and business association with counsel and the possibility of some deviation by the Judge from the course of deciding the case on its merits.

The case related to funding of Merino wool marketing, whereas the Judge's business interest was in a horse stud. It was accepted for the appellants that there was no connection between the Judge and the subject matter of the litigation. Furthermore, it was not suggested that he was actually motivated by any bias. The question was solely one of appearances. The Judge had no shareholding or directorship in the stud's operating company. His involvement with Mr Galbraith was restricted to a jointly owned landholding company which owned part of the land of the stud and itself bred one or two horses a year. There were also three small broodmare partnerships. The result of the case in the Court of Appeal could have had no financial impact on Mr Galbraith or on the affairs of the stud. The Court has concluded that an objective lay observer, once acquainted with the facts concerning the business relationship, would not have found any logical reason, particularly in the absence of financial dependency between the Judge and Mr Galbraith, for the Judge to have unconsciously favoured the side represented by Mr Galbraith because of some fear of disadvantage to the Judge if the Wool Board were to be unsuccessful in the case.

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