



Supreme Court of New Zealand | Te Kōti Mana Nui o Aotearoa

17 JULY 2026

MEDIA RELEASE

RH & JY TRUST v WORKSAFE NEW ZEALAND

(SC 32/2026)

Hearing in the Supreme Court 28 July 2026

CASE HISTORY SYNOPSIS

This synopsis is provided to assist in understanding the history of the case and the issues to be heard by the Court. It does not represent the views of the panel that will hear the appeal in the Supreme Court.

Background

In September 2020, a six-year-old child suffered fatal injuries when he was pulled into machinery in a milking shed.

In connection with the incident, the respondent, WorkSafe New Zealand, brought criminal charges under the Health and Safety at Work Act 2015 against the three appellants: the RH & JY Trust and, in the alternative, each of the trustees of the Trust, namely Ms Jocelyn Brown and Perpetual Trustee Ltd. The offence charged can only be committed by a “person conducting a business or undertaking” (PCBU) as defined in s 17 of the Act. The trustees raised an issue with the District Court as to whether charges could validly be brought against the Trust itself.

On 14 February 2023, Judge Bidois held that a trust is not a person and cannot be held liable for the actions of its trustees and that each trustee had to be charged personally. He accordingly dismissed the charge against the Trust.

On 21 December 2023, the High Court allowed WorkSafe’s appeal in part. Harvey J accepted the Trust could not be prosecuted under the Act, but the trustees could be collectively charged as a PCBU. He directed appropriate charging adjustments to be made.

On 18 July 2024, the Court of Appeal granted the appellants leave to appeal, and on 10 February 2026, it allowed the appeal in part. Cooke and Palmer JJ held that either the Trust or the trustees collectively could be charged, the difference being only semantic. However, where the trustees are named to identify the trust, the trustees are not defendants in any individual capacity. In dissent, Whata J held the trustees may individually be held liable as trustees and that there was no need to invent trust personhood or collective trustee liability.

This appeal

On 13 May 2026, this Court granted the appellants leave to appeal, the approved question being “whether a trust and/or the trustees of a trust acting collectively is a ‘person’ within the meaning of s 16 of the Health and Safety at Work Act 2015”.

Viewing of hearing

The courtroom is open to the public.

This hearing of the appeal will also be live-streamed. Details about access to the live-stream and the conditions of access will be posted on the [Courts of New Zealand website](#) shortly before the hearing. No recording is permitted.

The panel

The Hon Justice Kós	The Hon Justice Ellen France	The Rt Hon the Chief Justice	The Hon Justice Williams	The Hon Justice Campbell
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Judges as seen from the public gallery

Counsel

- The Trust, Ms Brown and Perpetual Trustee (Appellants): *A S Butler KC, S P H Elliot and M D Conaglen*
- WorkSafe (Respondent): *B Finn, T Williams McIlroy and A Bagchi*

Sitting hours

Court will begin at 10:00am and conclude at 4:00pm with adjournments taken from 11:30am to 11:45am and from 1:00pm to 2:15pm. There is no afternoon adjournment.

Enquiries

Any enquiries about the hearing should be directed via email to supremecourt@justice.govt.nz. While attending the hearing, enquiries can also be directed to the Court Registry, which is located outside the main courtroom in the Supreme Court foyer.

Contact person:

Sue Leaupepe, Supreme Court Registrar (04) 914 3613

Court of Appeal decision: [\[2026\] NZCA 12](#) (10 February 2026)

Supreme Court leave decision: [\[2026\] NZSC 57](#) (13 May 2026)