

IN THE SUPREME COURT OF NEW ZEALAND

SC 23/2017
[2017] NZSC 90

BETWEEN ANNA ELIZABETH OSBORNE AND
SONYA LYNNE ROCKHOUSE
Applicants

AND WORKSAFE NEW ZEALAND
First Respondent

DISTRICT COURT AT WELLINGTON
Second Respondent

Court: Elias CJ, William Young and Ellen France JJ

Counsel: K N Hampton QC and S N Meikle for Applicants
J C Holden and M J R Conway for First Respondent
No appearance for Second Respondent

Judgment: 19 June 2017

JUDGMENT OF THE COURT

**A The application for leave to appeal is granted in part
(*Osborne v Worksafe New Zealand* [2017] NZCA 11).**

**B Subject to the qualification discussed at [1], the approved
question is whether the Court of Appeal was correct to
dismiss the applicants' appeal to that Court.**

REASONS

[1] The applicants also sought leave to challenge the Court of Appeal's conclusion that the decision of Judge Farish in the District Court¹ was not unlawful by reason of the Judge's failure to recuse herself.² This is an issue related to the

¹ *Department of Labour v Whittall* DC Christchurch CRI-2012-018-0821, 12 December 2013.

² *Osborne v Worksafe New Zealand* [2017] NZCA 11, [2017] 2 NZLR 513 (Kós P, Randerson and French JJ) at [99].

particular circumstances of this case and does not meet the criteria for leave to appeal to this Court. The application for leave to appeal is refused on this point.

Solicitors:
S N Meikle, Wellington for Applicants
Crown Law Office, Wellington for First Respondent