

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 72/2024  
[2024] NZSC 176

BETWEEN ALLAN GEOFFREY HALSE  
Applicant

AND RANGIURA TRUST BOARD  
First Respondent

AND NORRIS WARD MCKINNON LIMITED  
Second Respondent

AND SAMUEL WALLACE HOOD  
Third Respondent

AND ERIN REBEKAH ANDERSON  
Fourth Respondent

Court: Glazebrook and Ellen France JJ

Counsel: Applicant in person  
H M Twomey for First Respondent  
V S Wethey and R H Anderson for Second, Third and Fourth  
Respondents

Judgment: 19 December 2024

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**JUDGMENT OF THE COURT**

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**The application for recall is dismissed.**

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**REASONS**

**Introduction**

[1] On 24 October 2024 this Court (Glazebrook, Ellen France and Miller JJ) dismissed Mr Halse's application for leave to appeal.<sup>1</sup> Mr Halse now makes an

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<sup>1</sup> *Halse v Rangiura Trust Board* [2024] NZSC 143 [Leave decision].

application for recall of that decision on the basis that Miller J, when in the Court of Appeal, had undertaken case management functions in a related application and had been the subject of an undetermined recusal application in that Court.<sup>2</sup>

## **Background**

[2] This Court’s judgment of 24 October 2024 dismissed Mr Halse’s application for leave to appeal against the judgment of the Court of Appeal upholding a High Court decision (Moore J) to make an order under s 166 of the Senior Courts Act 2016.<sup>3</sup> That order prevents Mr Halse from commencing or continuing civil proceedings on the matter before the High Court Judge or any related matter in any senior court, another court, or tribunal.<sup>4</sup>

[3] The background to the related proceedings in the Court of Appeal, in respect of which the application was made for Miller J to recuse himself, is set out by the Court of Appeal in its judgment staying those proceedings pending either the grant of leave to continue the proceedings under s 169 of the Senior Courts Act or the expiry or setting aside of the order made by Moore J on 19 June 2023:<sup>5</sup>

Mr Halse has applied to this Court under s 213 of the Employment Relations Act 2000 (the ERA) for judicial review of a decision of the Employment Court dated 13 September 2022.<sup>6</sup> In that decision, the Employment Court struck out Mr Halse’s application for judicial review of a number of decisions made by the Employment Relations Authority (the Authority). In general terms, the impugned Authority decisions were made in the context of an ongoing dispute involving Mr Halse and the Rangiora Charitable Trust (the Trust) ... .

## **Our assessment**

[4] We have reviewed the recusal application in the Court of Appeal and the subsequent decision of the Court of Appeal to stay the related proceedings. We do not

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<sup>2</sup> Mr Halse had applied to the Court of Appeal for the recusal of Miller J asking that he not hear and decide further matters related to the case. By minute of 31 January 2024, Cooper P said that, as Miller J had been appointed to this Court, the recusal application was moot and did not need to be determined: *Halse v Employment Court of New Zealand* CA235/2023, 31 January 2024 at [2]–[3].

<sup>3</sup> *H v RPW* [2024] NZCA 263 (Wylie, Lang and Campbell JJ).

<sup>4</sup> *Halse v Rangiora Trust Board* [2023] NZHC 1519 at [118].

<sup>5</sup> *Halse v Employment Court of New Zealand* [2024] NZCA 232 (Cooper P and Ellis J) at [1] (footnote omitted). In that decision the Court of Appeal rejected Mr Halse’s submission that Moore J’s decision did not apply to the appeal before it: at [23].

<sup>6</sup> *Halse v Employment Relations Authority* [2022] NZEmpC 167.

consider that the case management functions Miller J undertook in that related proceeding would provide any grounds for Miller J to have recused himself from hearing the application for leave to appeal in this Court in relation to Moore J's s 166 order.

[5] In any event, recall of the Court's leave judgment would be pointless. The application would still be dismissed as there would still not be "any realistic prospect that this Court would come to a different conclusion".<sup>7</sup>

## **Result**

[6] The application for recall is dismissed.

[7] There is no order for costs as the respondents were not required to file submissions.

Solicitors:

Robertsons, Auckland for First Respondent

Fee Langstone, Auckland for Second, Third and Fourth Respondents

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<sup>7</sup> Leave decision, above n 1, at [4].