

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 72/2024
[2025] NZSC 2

BETWEEN ALLAN GEOFFREY HALSE
Applicant

AND RANGIURA TRUST BOARD
First Respondent

NORRIS WARD MCKINNON LIMITED
Second Respondent

SAMUEL WALLACE HOOD
Third Respondent

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: 20 February 2025

JUDGMENT OF THE COURT

- A The application for recall is dismissed.**
- B The Registrar is instructed not to accept any further application related to this matter.**
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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.¹ An application for recall of that decision was dismissed (Glazebrook and Ellen France JJ) on 19 December 2024.² Mr Halse now applies for recall of the recall decision.

Background

[2] Mr Halse made his application for recall of the decision dismissing his leave application 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.

[3] As noted above, the application for recall was dismissed. The Court (Glazebrook and Ellen France JJ) reviewed the recusal application in the Court of Appeal and the subsequent decision of the Court of Appeal to stay the related proceedings. It held that the case management functions Miller J had undertaken in that related proceeding did not provide any grounds for Miller J to have recused himself from hearing the application for leave to appeal in this Court.³ In any event, the Court said that recall of the Court’s leave judgment would be pointless. The application would still have been dismissed as there would still not be “any realistic prospect that this Court would come to a different conclusion”.⁴

[4] Mr Halse now applies for recall of the recall decision on the basis that the remaining two judges should not have dealt with the recall application and in particular should not have decided there was no conflict without dealing with Mr Halse’s application to file affidavit evidence.

¹ *Halse v Rangiura Trust Board* [2024] NZSC 143 [Leave decision] at [2]–[5]. Mr Halse sought leave to appeal against the judgment of the Court of Appeal in *H v RPW* [2024] NZCA 263 (Wylie, Lang and Campbell JJ) upholding the decision of Moore J in *Halse v Rangiura Trust Board* [2023] NZHC 1519 to make an order under s 166 of the Senior Courts Act 2016.

² *Halse v Rangiura Trust Board* [2024] NZSC 176 [Recall decision].

³ At [4].

⁴ At [5] citing Leave decision, above n 1, at [4].

Discussion

[5] Mr Halse has not identified any valid grounds for recall of the recall decision. It was appropriate in this case that the decision on the alleged conflict and the recall was made by the panel members who had no alleged conflict.

[6] In terms of the application to file affidavit evidence, the basis for the recusal application in the Court of Appeal and the case management functions performed by Miller J were clear from the record. The Court would not have been assisted by affidavit evidence.

Result

[7] The application for recall is dismissed.

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

[9] The Registrar is instructed not to accept any further applications related to this matter.

Solicitors:

Robertsons, Auckland for First Respondent

Fee Langstone, Auckland for Second, Third and Fourth Respondents