

IN THE SUPREME COURT OF NEW ZEALAND

[2013] NZSC 140

BETWEEN

JOHN MORGAN MACKENZIE  
Applicant

AND

LEGAL SERVICES COMMISSIONER  
Respondent

Counsel: Applicant in person  
R J Gordon for Respondent

Judgment: 6 December 2013

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JUDGMENT OF WILLIAM YOUNG J

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- A The Registrar’s decision is confirmed but the application is to be treated as if it sought leave to appeal from the High Court judgment.**
- B Any additional submissions by the applicant are to be filed by 24 January 2014.**
- C There is no need for the respondent to file submissions in opposition unless further notified by the Court.**
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REASONS

[1] The applicant seeks review of a decision by the Registrar, conveyed by letter of 21 October 2013, not to accept for filing what purported to be an application for leave to appeal<sup>1</sup> from a judgment of the Court of Appeal of 23 July 2013.<sup>2</sup> In that judgment, the Court of Appeal refused an application by the applicant for special

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<sup>1</sup> In the document, the applicant “applies to the Supreme Court of New Zealand to appeal from the Court of Appeal judgment”. For this reason, I will treat it as an application for leave to appeal even though there are indications in the document that the applicant believes that he has a right of appeal against the Court of Appeal judgment.

<sup>2</sup> *MacKenzie v Legal Services Commissioner* [2013] NZCA 326.

leave to appeal against a judgment of Dobson J delivered on 21 November 2012<sup>3</sup> dismissing an appeal from the Legal Services Tribunal.<sup>4</sup>

[2] Under s 7(b) of the Supreme Court Act 2003, this Court has no jurisdiction to consider an appeal from a decision to refuse leave or special leave to appeal to the Court of Appeal. The Court therefore has no jurisdiction to consider the applicant's proposed appeal. It follows that the Registrar's decision was correct.

[3] There is jurisdiction under s 14 of the Supreme Court Act for the Supreme Court to entertain an appeal directly from the High Court judgment. To avoid the necessity for further papers to be filed, I direct that the applicant's application be treated as if it sought leave to appeal from that judgment. To facilitate the consideration of that application, I direct that any additional submissions from the applicant be filed by 24 January 2014 and that the respondent need not lodge submissions in opposition unless otherwise notified by the Court.

Solicitors:  
MinterEllisonRuddWatts, Wellington for Respondent

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<sup>3</sup> *MacKenzie v Legal Services Commissioner* [2012] NZHC 3098.

<sup>4</sup> *Re CE (Civil)* [2012] NZLAT 023.