

IN THE SUPREME COURT OF NEW ZEALAND

SC 83/2014
[2014] NZSC 144

BETWEEN TATSUHIKO KOYAMA
Applicant

AND NEW ZEALAND LAW SOCIETY
First Respondent

ATTORNEY-GENERAL
Second Respondent

Court: McGrath, William Young and Arnold JJ

Counsel: Applicant in Person
P N Collins for First Respondent
H M Carrad for Second Respondent

Judgment: 10 October 2014

JUDGMENT OF THE COURT

- A The application for leave to appeal is dismissed.**
- B The applicant must pay the first respondent costs of \$2,500 and reasonable disbursements determined if necessary by the Registrar.**
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REASONS

[1] Mr Koyama seeks leave to appeal against a decision of the High Court which dismissed his appeal against two costs decisions of the Human Rights Review Tribunal and made a further costs order against Mr Koyama.¹

[2] The applicant has asked that this application be adjourned pending the resolution of a complaint that he has made to the Lawyers Complaints Service about

¹ *Koyama v New Zealand Law Society* [2014] NZHC 1146.

counsel for the respondent. He has attached copies of documents and emails from earlier in the proceedings. He has also submitted a report in which he reiterates the submissions he has made in support of his application for leave. There is nothing in this material that would warrant us deferring delivery of judgment on the leave application.

[3] Mr Koyama's submissions set out at some length the background to the many proceedings he has instituted against the New Zealand Law Society after being refused a certificate of character in 2005. The ground for his application for leave to appeal to this Court is that he was not given an opportunity to be heard by the High Court and that no hearing took place. Other grounds raised in his submissions include judicial bias, that the judgment was forged, and that the judgment violates the Judicature Act 1908, the Crimes Act 1961, the New Zealand Bill of Rights Act 1990, principles of natural justice and the International Covenant on Civil and Political Rights.

[4] The High Court judgment records that the applicant chose not to make submissions in support of his appeal, or to appear at the hearing.² It seems that, although it was his appeal, he protested the jurisdiction of the Court. The judgment also sets out at some length the procedural history of the appeal and records that the applicant was notified a number of times of the hearing date.³

[5] The applicant does not raise any tenable legal questions in his submissions, let alone any of special or public importance. There is nothing to indicate that there was a miscarriage of justice in the decisions of the Tribunal and the High Court to award costs against him.

[6] As well, because this is a direct appeal, leave can only be granted if there are "exceptional circumstances that justify taking the proposed appeal directly to the Supreme Court" rather than to the Court of Appeal.⁴ The applicant has not identified any circumstance that could approach this threshold.

² At [12].

³ At [13].

⁴ Supreme Court Act 2003, s 14.

[7] For these reasons it is not in the interests of justice for us to hear and determine the proposed appeal. The application for leave to appeal is dismissed.

Solicitors:

New Zealand Law Society, Wellington for First Respondent

Crown Law Office, Wellington for Second Respondent