

IN THE SUPREME COURT OF NEW ZEALAND

[2014] NZSC 30

BETWEEN TATSUHIKO KOYAMA  
Applicant

AND NEW ZEALAND LAW SOCIETY  
Respondent

Court: Glazebrook J

Counsel: Applicant in person

Judgment: 1 April 2014

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**JUDGMENT OF GLAZEBROOK J**

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**The application to review the Registrar's decision is dismissed.**

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**REASONS**

[1] Mr Tatsuhiko Koyama applies for a review of the Registrar's decision to decline to accept for filing Mr Koyama's application for leave to appeal to this Court.

**Background**

[2] Mr Koyama was refused a certificate of character by the Canterbury District Law Society. Mr Koyama then unsuccessfully applied to the Human Rights Review Tribunal. Mr Koyama appealed against that decision to the High Court where his appeal was dismissed by Dobson J.<sup>1</sup> Kós J refused Mr Koyama leave to appeal to the Court of Appeal.<sup>2</sup> Mr Koyama's subsequent application for special leave was

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<sup>1</sup> *Koyama v New Zealand Law Society* [2012] NZHC 1725.

<sup>2</sup> *Koyama v New Zealand Law Society* [2012] NZHC 2853.

dismissed by the Court of Appeal.<sup>3</sup> In addition to the above litigation, Mr Koyama has filed judicial review proceedings which have yet to be heard.

### **Application for leave**

[3] The decisions upon which Mr Koyama applies for leave to appeal to this Court are:

- (a) On 6 March 2014, Ronald Young J (by minute) refused an application to have Mr Koyama's judicial review proceedings and his application for recall of Dobson J's judgment heard together and referred the recall application to Dobson J; and
- (b) On 13 March 2014, the recall application was dismissed by Dobson J.<sup>4</sup>

[4] The Registrar of this Court refused to accept Mr Koyama's application for filing in accordance with s 8(c) of the Supreme Court Act 2003, which states that this Court is unable to hear and determine an appeal regarding a High Court decision made on an interlocutory application. Mr Koyama's main contention in contesting the Registrar's decision is that the decisions for which he seeks leave to appeal are not decisions made upon interlocutory applications.

### **Discussion**

[5] With regard to Dobson J's judgment, an application to recall a judgment requires an interlocutory application.<sup>5</sup> Therefore, the judgment of Dobson J on 13 March 2014 was a decision based upon an interlocutory application and an appeal to this Court is thus barred by reason of s 8(c) of the Supreme Court Act.

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<sup>3</sup> *Koyama v New Zealand Law Society* [2013] NZCA 115 (O'Regan P, Wild and White JJ).

<sup>4</sup> *Koyama v New Zealand Law Society* HC Wellington CIV-2013-485-6873, 13 March 2014.

<sup>5</sup> Andrew Beck and others *McGechan on Procedure* (online looseleaf ed, Brookers) at [11.9.01(1)].

[6] With regards to the minute of Ronald Young J of 6 March 2014, this falls within the definition of an ‘interlocutory order’ under High Court rule 1.3 as it was “for the purposes of a proceeding or an intended proceeding”.

[7] This means that both matters covered in Mr Koyama’s applications for leave to appeal to this Court concerned interlocutory matters in the High Court and this Court has no jurisdiction to hear them.<sup>6</sup>

## **Result**

[8] The application for review of the Registrar’s decision is dismissed.

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<sup>6</sup> Section 8(c) of the Supreme Court Act.