

IN THE SUPREME COURT OF NEW ZEALAND

SC 52/2015
[2015] NZSC 112

BETWEEN MALCOLM EDWARD RABSON
Applicant

AND REGISTRAR OF THE SUPREME
COURT
First Respondent

MINISTRY OF JUSTICE
Second Respondent

Court: Glazebrook, Arnold and O'Regan JJ

Counsel: Applicant in person
K Laurenson for the Respondents

Judgment: 24 July 2015

JUDGMENT OF THE COURT

- A The application for leave to appeal is dismissed.**
- B The applicant must pay costs of \$2,500 to the respondents.**
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REASONS

Background

[1] Mr Rabson applies for leave to appeal to this Court against a decision of Randerson J.¹ In that decision, Randerson J upheld the Registrar of the Court of Appeal's decision refusing to dispense with security for costs for Mr Rabson's appeal.

¹ *Rabson v Registrar of the Supreme Court* [2015] NZCA 186.

[2] Mr Rabson’s underlying appeal relates to judicial review proceedings instituted in the High Court against the Registrar of this Court and other defendants.

Application for Leave to Appeal

[3] Mr Rabson seeks leave to appeal on two grounds. First, the applicant submits that Randerson J’s decision breached s 27 of the New Zealand Bill of Rights Act 1990 by employing a procedure which limited his access to justice and prevented his right to be heard. He submits this is to be contrasted with another case in the Court of Appeal at the same time.² Secondly, Mr Rabson submits that Randerson J based his judgment on the basis that the “the New Zealand Supreme Court needs to make the decision”.

Our Assessment

[4] As to the first ground, a similar submission was rejected by this Court in *Rabson v Registrar of the Supreme Court*.³

[5] As to the second ground, Randerson J was merely stating his view that Mr Rabson’s appeal is not one a reasonable and solvent litigant would pursue.⁴

[6] No matter of general or public importance arises. Nor is there a risk of a miscarriage of justice.

Result

[7] The application for leave to appeal is dismissed.

[8] The applicant must pay costs of \$2,500 to the respondents.

Solicitors:
Crown Law Office, Wellington for Respondents

² *Houghton v Saunders* [2015] NZCA 141.

³ *Rabson v Registrar of the Supreme Court* [2015] NZSC 74 at [5]. See also *Creser v Creser* [2015] NZSC 104 at [5] where the same claim was rejected.

⁴ *Reekie v Attorney-General* [2014] NZSC 63, [2014] 1 NZLR 737 at [35].