

IN THE SUPREME COURT OF NEW ZEALAND

SC 51/2015
[2015] NZSC 121

BETWEEN MALCOLM EDWARD RABSON
Applicant

AND TRANSPARENCY INTERNATIONAL
NEW ZEALAND INCORPORATED
Respondent

Court: Glazebrook, Arnold and O'Regan JJ

Counsel: Applicant in person
D R Kalderimis and K E Yesberg for the Respondent

Judgment: 4 August 2015

JUDGMENT OF THE COURT

The application for recall is dismissed.

REASONS

[1] Mr Rabson applies for recall of this Court's decision in *Rabson v Transparency International New Zealand*.¹ In that decision, this Court declined an application for leave to appeal against a decision of Randerson J upholding the decision of the Deputy Registrar of the Court of Appeal refusing to dispense with security for costs.²

[2] Mr Rabson submits that this Court in its decision did not address his proposed ground of appeal which was that Randerson J erred when he said that this Court's decision in *Reekie v Attorney-General*³ required the Deputy Registrar to

¹ *Rabson v Transparency International New Zealand* [2015] NZSC 111.

² *Rabson v Transparency International New Zealand Inc* [2015] NZCA 188.

³ *Reekie v Attorney-General* [2014] NZSC 63, [2014] 1 NZLR 737.

make an assessment of the merits of the proposed appeal. Mr Rabson submits that this is contrary to the rule of law.

[3] This Court dealt with the role of the Registrar in *Reekie*. It noted that the Court of Appeal (Civil) Rules 2005 give the dispensing power to the Registrar.⁴ The Court recognised that the Registrar will not always be well placed to perform this task, given that the test for dispensation can include an assessment of merit.⁵ The Court commented, however, that the Registrar “will simply have to do the best that he or she can”.⁶ The Court recommended that the Rules Committee reconsider the rules.⁷ In the meantime, however, the Court of Appeal (Civil) Rules must be complied with. In any event, Randerson J himself reviewed the prospects of success of the appeal, which he described as “low”.⁸ Randerson J’s approach was therefore correct.

[4] The application for recall is dismissed.

Solicitors:
Chapman Tripp, Wellington for Respondent

⁴ At [17].

⁵ At [35].

⁶ At [21].

⁷ At [22].

⁸ *Rabson v Transparency International New Zealand Inc*, above n 2, at [7]. He was required to assess this: see at [23] and [28] of *Reekie v Attorney-General*, above n 3.