

IN THE SUPREME COURT OF NEW ZEALAND

[2015] NZSC 151

BETWEEN

JOHN KENNETH SLAVICH
Applicant

AND

THE JUDGES OF THE SUPREME
COURT
Respondent

Court: Elias CJ, William Young, Glazebrook, Arnold and O'Regan JJ

Counsel: Applicant in person

Judgment: 22 October 2015

JUDGMENT OF THE COURT

The application for recall is dismissed.

REASONS

Background

[1] Mr Slavich applies for a recall of this Court's judgment in *Slavich v The Judges of the Supreme Court* delivered on 1 September 2015.¹

[2] That judgment dismissed an application for review, pursuant to s 28(3) of the Supreme Court Act 2003, of a decision of William Young J, which in turn dismissed an application for review of a decision of the Supreme Court Registrar under s 28(2) of the Supreme Court Act.²

¹ *Slavich v The Judges of the Supreme Court* [2015] NZSC 130 (Elias CJ, William Young, Glazebrook, Arnold and O'Regan JJ).

² *Slavich v The Judges of the Supreme Court* [2015] NZSC 125.

[3] Mr Slavich submits that the Court’s decision dated 1 September 2015 should be recalled because it did not deal with the contention that the High Court decision declaring Mr Slavich a vexatious litigant is, according to Mr Slavich, a legal “nullity”.

Disposition

[4] The submission is not correct. The argument that the High Court judgment declaring Mr Slavich a vexatious litigant under s 88B of the Judicature Act 1908 is a “nullity” was explicitly acknowledged and rejected in our review decision.³ In any event, it was not relevant to the question of this Court’s jurisdiction to deal with Mr Slavich’s application for leave to appeal.⁴ As William Young J correctly stated, and as we confirmed in our review decision, this Court does not have power to grant leave in “contradiction” of s 88B of the Judicature Act.

[5] To the extent that the application for recall appears to be part of a continuing attempt by Mr Slavich to subvert the High Court order declaring him a vexatious litigant, it is also an abuse of process.

[6] The application for recall is therefore dismissed.

³ *Slavich v The Judges of the Supreme Court*, above n 1, at [3]–[4].

⁴ At [4].