

IN THE SUPREME COURT OF NEW ZEALAND

SC 87/2015
[2015] NZSC 154

BETWEEN CARL JAMES PETERSON
 Applicant

AND ATTORNEY-GENERAL
 Respondent

Court: Elias CJ, William Young and Arnold JJ

Counsel: Applicant in person
 K Laurenson and M J McKillop for Respondent

Judgment: 23 October 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 respondent.

REASONS

[1] The applicant, Mr Peterson, seeks leave to appeal directly to this Court against a decision of Associate Judge Christiansen striking out proceedings which he brought against the Attorney-General.¹ In the proceedings, Mr Peterson claimed that his rights under s 27 of the New Zealand Bill of Rights Act 1990 were breached when the High Court made an order for an interim injunction against him and his company, Peterson Portable Sawing Systems Ltd, but did not require the giving of an undertaking as to damages, and that he suffered loss as a consequence. He sought damages in the amount of \$3 million.

¹ *Peterson v Attorney-General* [2015] NZHC 1336.

[2] Mr Peterson applied for a review of the Associate Judge’s decision, an application which, as we understand it, has not yet been determined. He also filed the present application.

[3] The Attorney-General opposes the application, on the basis that the Court does not have jurisdiction to hear appeals against decisions on interlocutory applications in civil matters² and, in any event, the general requirements for the granting of leave are not met,³ nor is the “exceptional circumstances” criterion for a direct appeal from the High Court to this Court.⁴

[4] We consider that the Attorney-General’s submissions are correct. If Mr Peterson wishes to challenge the decision of Associate Judge Christiansen, he must pursue his application for review in the High Court.

[5] Accordingly, the application for leave to appeal is dismissed. Mr Peterson must pay costs of \$2,500 to the respondent.

Solicitors:
Crown Law Office, Wellington for Respondent

² Supreme Court Act 2003, s 8(c) and *M v Minister of Immigration* [2011] NZSC 154 at [2]–[3].

³ Supreme Court Act, s 13.

⁴ Section 14.