

IN THE SUPREME COURT OF NEW ZEALAND

SC 22/2015
[2015] NZSC 56

BETWEEN MALCOM EDWARD RABSON AND
RICHARD JOHN CRESER
Applicants

AND TRANSPARENCY INTERNATIONAL
(NEW ZEALAND) INCORPORATED
Respondent

Court: Glazebrook, Arnold and O'Regan JJ

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

Judgment: 8 May 2015

JUDGMENT OF THE COURT

A The application for leave to appeal is dismissed.

B Costs of \$2,500 are payable to the respondent.

REASONS

[1] The applicants seek leave to appeal against a High Court judgment of Mallon J dated 3 March 2015.¹ In that judgment, Mallon J struck out the applicants' statement of claim seeking judicial review of various decisions of Transparency International (New Zealand) Inc.

[2] Under s 14 of the Supreme Court Act 2003, the Supreme Court must not give leave to appeal directly to it against a decision made in a court other than the Court of Appeal unless (in addition to being satisfied that it is necessary in the interests of

¹ *Rabson v Transparency International (New Zealand) Inc* [2015] NZHC 334.

justice for the Court to hear and determine the proposed appeal) it is satisfied that there are exceptional circumstances justifying taking the proposed appeal directly to this Court.

[3] The applicants argue that the underlying appeal is of significant public importance and that the exceptional circumstances for a direct appeal are reinforced by “an oppressive security for costs regime” which will prevent the applicants appealing against the judgment to the New Zealand Court of Appeal.

[4] The fact an appeal may be of public importance is not an exceptional circumstance justifying a direct appeal to this Court.² As to security for costs, as this Court stated in *Siemer v Brown*, it “is not appropriate to allow a leapfrog appeal to this Court to circumvent the application of the rules applying to appeals to the Court of Appeal, in particular, the requirement to pay security for costs”.³

[5] The application for leave to appeal is dismissed and costs of \$2,500 are payable to the respondent.

Solicitors:
Chapman Tripp, Wellington for Respondent

² In any event, the respondent submits the underlying allegations that are the subject of the proceedings are trivial, moot and lack seriousness.

³ *Siemer v Brown* [2015] NZSC 41 at [6].