

IN THE SUPREME COURT OF NEW ZEALAND

SC 12/2015
[2015] NZSC 58

BETWEEN MALCOLM EDWARD RABSON
Applicant

AND REGISTRAR OF THE SUPREME
COURT
First Respondent

AND MINISTRY OF JUSTICE
Second Respondent

SC 20/2015

AND BETWEEN MALCOLM EDWARD RABSON
Applicant

AND REGISTRAR OF THE SUPREME
COURT
First Respondent

AND MINISTRY OF JUSTICE
Second Respondent

Court: Glazebrook, Arnold and O'Regan JJ

Counsel: Applicant in person
K Laursen for the Respondents

Judgment: 12 May 2015

JUDGMENT OF THE COURT

- A The applications for leave to appeal are dismissed.**
- B Costs of \$2,500 are payable to the respondents.**
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REASONS

[1] In SC 12/2015 Mr Rabson seeks leave to appeal against a judgment of French J of 30 January 2015.¹ In that judgment, French J reviewed a decision of the Deputy Registrar of the Court of Appeal and also made a number of procedural orders.

[2] In SC 20/2015 Mr Rabson seeks leave to appeal against a judgment of the Court of Appeal of 13 March 2015.² This judgment dismissed an application for the review of French J's judgment of 30 January 2015. The Court held that French J had no disqualifying conflict and that she had applied the law correctly. In addition the procedural orders she made were in Mr Rabson's favour.

[3] Mr Rabson's underlying concern appears to be with an earlier judgment of French J.³ That earlier judgment has been the subject of an unsuccessful application for leave to this Court.⁴

[4] Mr Rabson also, in relation to French J's 30 January 2015 decision and the review by the Court of Appeal of that decision, argues that the incorrect procedure was followed in terms of s 61A of the Judicature Act 1908, that the procedural orders should not have been made and that French J had a disqualifying conflict because of her earlier rulings in the matter.

[5] To the extent that the application relates to jurisdictional issues, these, have been settled by this Court in *Reekie v Attorney-General*.⁵ No issue of public or general importance therefore arises. To the extent the application relates to French J's procedural orders, these were in Mr Rabson's favour. Involvement at another stage of a matter does not amount to disqualifying conduct. Therefore the applications do not meet the test for leave to appeal in s 13 of the Supreme Court Act 2003.

¹ *Rabson v Registrar of the Supreme Court* [2015] NZCA 5.

² *Rabson v Registrar of the Supreme Court* [2015] NZCA 68 (Randerson, White and Miller JJ).

³ *Rabson v Registrar of the Supreme Court* [2014] NZCA 481 (French J).

⁴ *Rabson v Registrar of the Supreme Court* [2014] NZSC 176.

⁵ *Reekie v Attorney-General* [2014] NZSC 63.

Result

[6] Both applications for leave to appeal are dismissed. Costs of \$2,500 are payable to the respondents.

Solicitors:
Crown Law Office, Wellington for Respondents