

IN THE SUPREME COURT OF NEW ZEALAND

SC 44/2015
[2015] NZSC 99

BETWEEN MALCOLM EDWARD RABSON
Applicant

AND REGISTRAR OF THE SUPREME
COURT
First Respondent

MINISTRY OF JUSTICE
Second Respondent

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

Counsel: Applicant in person
H M Carrad for First and Second Respondents

Judgment: 13 July 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 second respondent.**
-

REASONS

[1] This is an application for leave to appeal directly to this Court against a decision of Collins J.¹ In that decision, Collins J ordered that the applicant's application for judicial review of a decision of the first respondent be struck out on the basis that it disclosed no reasonably arguable cause of action.

[2] The application falls to be determined under s 14 of the Supreme Court Act 2003: leave must not be given unless there are exceptional circumstances that justify

¹ *Rabson v Registrar of the Supreme Court* [2015] NZHC 709.

a direct appeal to this Court. This Court made it clear in a very similar case, *Siemer v Registrar of the Supreme Court*, that if this Court was ultimately required to determine the issue raised in that case (being the same issue as is raised in this case), it would be assisted by the view of the Court of Appeal.² The s 14 test was not satisfied in that case and is not satisfied in this case either.

[3] The application for leave to appeal is dismissed.

[4] We award costs of \$2,500 to the second respondent.

Solicitors:
Crown Law Office, Wellington for Respondents

² *Siemer v Registrar of the Supreme Court* [2014] NZSC 100 at [2].