

IN THE SUPREME COURT OF NEW ZEALAND

SC MA 13/2016
[2017] NZSC 19

IN THE MATTER OF AN APPLICATION BY MALCOLM
EDWARD RABSON
Applicant

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

Counsel: M E Rabson in person

Judgment: 2 March 2017

JUDGMENT OF THE COURT

The application for review is dismissed.

REASONS

[1] This is an application for review of a decision of Arnold J by minute of 19 December 2016. In that minute, Arnold J dealt with an application by Mr Rabson for recall of this Court's judgment in *Erceg v Erceg*.¹ Arnold J noted that Mr Rabson was not a party to the *Erceg v Erceg* litigation, nor did he have a qualifying interest in it. He ruled, therefore, that Mr Rabson had no standing to seek a recall of the Court's judgment. He also noted that the grounds on which recall was sought were misplaced.

[2] In *Greer v Smith*, this Court set out the approach to be taken in relation to applications for access to Court records otherwise than by parties to the proceedings.² It determined that applications for access to Court records otherwise

¹ *Erceg v Erceg* [2016] NZSC 135.

² *Greer v Smith* [2015] NZSC 196, (2015) 22 PRNZ 785.

than by parties to proceedings should be directed to a Judge. It also concluded that there was no statutory right to seek a review of a decision by a Judge determining such an application and no statutory jurisdiction to review such a decision.³

[3] We consider that the same approach should be applied to an application for recall of a judgment by a person who is not a party to the litigation to which the judgment relates and has no potentially qualifying interest in the proceeding. That means there is no statutory right to seek a review and no statutory jurisdiction to review in the present case .

[4] We therefore dismiss the application for review for want of jurisdiction.

³ At [11].