

IN THE SUPREME COURT OF NEW ZEALAND

SC 21/2017
[2017] NZSC 74

BETWEEN MALCOLM EDWARD RABSON
Applicant

AND JUDICIAL CONDUCT
COMMISSIONER
First Respondent

JUSTICES ELIAS, YOUNG,
GLAZEBROOK, ARNOLD AND
O'REGAN
Second Respondents

Court: Elias CJ, William Young and Ellen France JJ

Counsel: Applicant in person
C P A Cross for First Respondent
H M Carrad for Second Respondents

Judgment: 16 May 2017

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] The applicant seeks leave to appeal from a decision of Brown J in the Court of Appeal dismissing applications (a) for review of the decision of a Deputy Registrar declining to dispense with security for costs and (b) to extend time for the filing of the application for dispensation.¹ The underlying appeal was against a minute of Williams J striking out the second respondents as parties to proceedings to

¹ *Rabson v Judicial Conduct Commissioner* [2017] NZCA 44 [*Rabson* (CA)].

judicially review a decision of the Judicial Conduct Commissioner.² The substantive judicial review application has since been dismissed.³

[2] The background to the applications dismissed by Brown J is outlined in his judgment.⁴ He saw the underlying appeal as not being reasonably arguable.⁵ He was also satisfied that a reasonable and solvent litigant would not pursue the appeal.⁶ In dismissing the applications, he applied well-established principles.

[3] The proposed appeal does not raise any question of public or general importance and there is no appearance of a miscarriage of justice. The criteria for leave thus not being satisfied, the application for leave to appeal is dismissed.

Solicitors:
Meredith Connell, Wellington for First Respondent
Crown Law Office, Wellington for Second Respondents

² *Rabson v Judicial Conduct Commissioner* HC Wellington CIV-2016-485-781, 1 November 2016.

³ *Rabson v Judicial Conduct Commissioner* [2016] NZHC 3162.

⁴ *Rabson* (CA), above n 1, at [1]–[6].

⁵ At [10].

⁶ At [11].`