

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

SC UR 18/2019
[2020] NZSC 17

BETWEEN BENJAMIN MORLAND EASTON
Applicant
AND ATTORNEY-GENERAL
Respondent

Counsel: Applicant in person

Judgment: 6 March 2020

JUDGMENT OF GLAZEBROOK J

The application for review of the Deputy-Registrar's decision declining to waive the payment of the filing fee is dismissed.

REASONS

Background

[1] On 22 November 2019, Mr Easton filed an application for leave to appeal against a judgment of the High Court striking out his proceedings for judicial review.¹ He also filed an application for waiver of the filing fee.

[2] On 26 November the application for a fee waiver was declined by the Deputy-Registrar. She determined that the proposed appeal did not concern a question of law of significant interest to the public or to a significant section of the public. Therefore, the criterion in reg 5(4)(a) of the Supreme Court Fees Regulations 2003 was not met. She also considered that the criteria in reg 5(4)(b) were not met as the

¹ *Easton v Attorney General (Crown)* [2019] NZHC 2910 (Doogue J).

appeal was not in respect of a judgment issued in a proceeding commenced by an organisation of the type described in reg 5(4)(b)(ii).

[3] In general, the Deputy-Registrar considered that Doogue J's decision raised issues specific to the parties only and that it applied well-established principles relating to strike-out applications.

[4] Mr Easton applied for a review of the Deputy-Registrar's decision on 23 December 2019.

My assessment

[5] I have reviewed the statement of claim, Doogue J's decision and Mr Easton's submissions in support of his application for review.

[6] While the issues raised may be of importance to Mr Easton, I agree with the Deputy-Registrar that the criteria for a fee waiver are not met.

[7] I note in any event that, on the material currently before the Court, it is not apparent that the criterion in s 75(b) of the Senior Courts Act 2016 is met. That section provides that there must be exceptional circumstances to justify a direct appeal from the High Court to this Court.

Result

[8] The application for review of the Deputy-Registrar's decision declining to waive the payment of the filing fee is dismissed.