

IN THE SUPREME COURT OF NEW ZEALAND

SC CIV 14/04

BETWEEN THE ATTORNEY-GENERAL
Applicant

AND TELEVISION NEW ZEALAND
LIMITED
Respondent

Coram: Gault J
Keith J

Counsel: T Arnold QC and C R Gwyn for Applicant
W Akel for Respondent

Judgment: 14 October 2004

JUDGMENT OF THE COURT

[1] After considering the written submissions in support of, and in opposition to this application for leave to appeal, the Court has determined that it is unnecessary to have oral submissions and that leave should be refused.

[2] The respondent's application to interview Mr Ahmed Zaoui, who is detained pursuant to a warrant under Part IVA of the Immigration Act, was declined by the Chief Executive of the Department of Corrections. The respondent sought judicial review of that decision. That was refused by Ronald Young J in the High Court but an appeal to the Court of Appeal was successful. The Attorney-General on behalf of the Chief Executive now applies for leave to appeal, seeking to reverse the judgment requiring the Chief Executive to reconsider his decision.

[3] In support of the application the submissions are, in effect, that the Court of Appeal placed undue weight on the right of freedom of expression and too little on a

potential undermining of public confidence in the integrity of the statutory processes by which the security risk certificate giving rise to Mr Zaoui's detention is to be reviewed. It is said also that the Court of Appeal did not address one of the reasons for the Chief Executive's decision that Mr Zaoui has had ample opportunity to tell his story through his counsel. It is submitted that these matters raise issues of general public importance such that it is necessary in the interest of justice that leave be granted.

[4] The proceeding involves a conventional application for review of an administrative decision. Although important values in the integrity of statutory processes, freedom of expression and national security are involved, the issues are not really directed to matters which are or are not to be taken into account but to the weight to be accorded to them. We are not satisfied that the interests of justice require a further appeal in relation to that.

[5] We do not read the judgment of the Court of Appeal as reflecting any omission to address the matter of Mr Zaoui's case being advocated publicly by his advisers.

[6] Accordingly we are not persuaded that there are issues of principle of general or public importance calling for leave to appeal. Leave is refused.

Solicitors:
Crown Law Office, Wellington
Simpson Grierson, Auckland, for Respondent