

**IN THE SUPREME COURT OF NEW ZEALAND**

**I TE KŌTI MANA NUI**

**SC 63/2018  
[2018] NZSC 80**

BETWEEN                      CHRISTOPHER JOSEPH O'NEILL  
   Applicant

AND                              MINISTER OF JUSTICE  
   First Respondent

   HUMAN RIGHTS REVIEW TRIBUNAL  
   Second Respondent

Court:                      Elias CJ, Glazebrook and O'Regan JJ

Counsel:                      Applicant in person

Judgment:                      24 August 2018

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**JUDGMENT OF THE COURT**

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**The application for leave to appeal is dismissed.**

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**REASONS**

[1]      On 18 June 2018, the applicant filed a notice of application for leave to bring a civil appeal. The decisions against which the applicant wished to appeal were described in that application as “The decision of Richard Mark Burton 25 May 2006. The decisions of Fredrick William Monteith McElrea circa 2006/7”.

[2]      The named respondents in the application were the Honourable Mr Burton and His Honour Judge McElrea.

[3]      The decision of Mr Burton to which reference was made in the application for leave was a decision made by Mr Burton as Minister of Justice appointing Judge

McElrea as Deputy Chairperson of the Human Rights Review Tribunal in respect of three proceedings filed with the Tribunal by the applicant in which the then Chairman of the Tribunal, Mr Hindle, was the intended defendant.

[4] The decisions of Judge McElrea “circa 2006/7” referred to in the application for leave were decisions of the Tribunal under the chairmanship of Judge McElrea dealing with aspects of the applicant’s proceedings in the Tribunal against Mr Hindle.<sup>1</sup>

[5] When the notice of application for leave to appeal was presented to the registry of this Court, the Registrar advised the applicant that neither the decision of the Minister to appoint Judge McElrea nor the decisions of the Tribunal were amenable to appeal to this Court. However the applicant indicated that he wished to persist with his application. In accordance with the approach set out in this Court’s judgment in *Slavich v R*, the Registrar therefore accepted the notice of application for leave to appeal for filing and referred it to the present panel for decision.<sup>2</sup>

[6] The jurisdiction of this Court is prescribed in legislation, originally the Supreme Court Act 2003 and now the Senior Courts Act 2016. The Supreme Court’s jurisdiction to hear appeals in civil proceedings is limited to appeals against decisions of the Court of Appeal,<sup>3</sup> High Court,<sup>4</sup> and courts other than the Court of Appeal or High Court to the extent that an enactment provides for the bringing of an appeal against the decision to the Supreme Court.<sup>5</sup>

[7] The decisions against which the applicant wishes to appeal do not come within the jurisdiction of the Court as specified in those sections. As the Court does not have jurisdiction to hear appeals from the decisions against which the applicant wishes to appeal, it cannot grant leave to appeal and the application is therefore dismissed for want of jurisdiction.

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<sup>1</sup> Decisions relating to *O’Neill v Hindle* HRRT 18/05, 44/05 and 04/06.

<sup>2</sup> *Slavich v R* [2015] NZSC 195, (2015) 23 PRNZ 117 at [9].

<sup>3</sup> Supreme Court Act, s 7; Senior Courts Act, s 68.

<sup>4</sup> Supreme Court Act, s 8; Senior Courts Act, s 69.

<sup>5</sup> Supreme Court Act, s 9; Senior Courts Act, s 70.

[8] As the respondents have not been required to respond to the present application, we make no award of costs.