

IN THE SUPREME COURT OF NEW ZEALAND

**SC 64/2006
[2006] NZSC 90**

BETWEEN	TANIA JOY LAMB Applicant
AND	MASSEY UNIVERSITY Respondent

Court: Elias CJ, Blanchard and Anderson JJ

Counsel: Applicant appears in person
P C Chemis and H P Kynaston for Respondent

Judgment: 18 October 2006

JUDGMENT OF THE COURT

- A The application for leave to appeal is dismissed.**
- B The applicant must pay costs of \$1,500, together with reasonable disbursements to be fixed, if necessary, by the Registrar.**

REASONS

[1] This application for leave to appeal relates to judicial review proceedings in connection with Ms Lamb's attempts to obtain a Diploma of Teaching in Primary Education from a college now absorbed by the respondent. She failed most of her papers in two years and was twice stood down for a year in accordance with the College's policy. Ultimately she was refused readmission. Ms Lamb claimed that the College's decision not to give her pass marks and in refusing her readmission were vitiated by bias or were in breach of her legitimate expectation or were made in breach of natural justice.

[2] The High Court dismissed the application for judicial review and the Court of Appeal upheld the High Court.

[3] The grounds on which leave is sought to appeal to this Court are that the trial Judge erred in four respects and that her appeal was not properly argued because her counsel in the Court of Appeal failed to raise those errors. The respondent says that two of those four matters were raised and were dealt with in the Court of Appeal's judgment, one was not pleaded in the High Court or Court of Appeal, and the other is unsubstantiated. Further, that they are not matters of general or public importance and do not import a miscarriage of justice.

[4] We find that the application does not meet the requirements of s 13 of the Supreme Court Act 2003. None of the grounds relates to any matter of general or public importance. Each amounts to no more than an assertion of error by the trial Judge in respects which have no significance beyond the particular case. Nor could the case be characterised as one of a miscarriage of justice in the sense explained by this Court in *Junior Farms Limited v Hampton Securities Limited* [2006] NZSC 60.

[5] The application for leave is dismissed with costs against the applicant of \$1,500, together with reasonable disbursements to be fixed, if necessary, by the Registrar.

Solicitors:
Buddle Findlay, Wellington for Respondent