

**NOTE: PUBLICATION OF NAME OR IDENTIFYING PARTICULARS OF  
APPLICANT PROHIBITED.**

**IN THE SUPREME COURT OF NEW ZEALAND**

**SC 118/2011  
[2011] NZSC 154**

BETWEEN

M  
Applicant

AND

MINISTER OF IMMIGRATION  
Respondent

Court: Blanchard, Tipping and McGrath JJ  
Counsel: Applicant in Person  
M G Coleman and R J Hoare for Respondent  
Judgment: 13 December 2011

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**JUDGMENT OF THE COURT**

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**The application for leave to appeal is dismissed with costs of  
\$2,500 to the Respondent**

**REASONS**

[1] The applicant has appealed to the Court of Appeal against a decision of the High Court striking out his application for judicial review.<sup>1</sup> A Court of Appeal Judge has declined his application for review of the decision of the Registrar of that Court to fix security for costs for that appeal at \$2,780.<sup>2</sup> He now seeks leave to appeal directly to this Court against the High Court judgment (and against an earlier High Court decision striking out a different judicial review application)<sup>3</sup> and leave to appeal against the decision of the Court of Appeal Judge.

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<sup>1</sup> *M v Minister of Immigration* HC Auckland CIV-2011-404-2913, 5 September 2011 per Courtney J.

<sup>2</sup> *M(CA 587/2011) v Minister of Immigration* [2011] NZCA 565.

<sup>3</sup> *M v Minister of Immigration* HC Auckland CIV-2011-404-1517, 10 May 2011 per Peters J.

[2] This Court cannot hear the proposed direct appeals. Section 8(c) of the Supreme Court Act 2003 provides:

**8 Appeals against decisions of High Court in civil proceedings**

The Supreme Court can hear and determine an appeal by a party to a civil proceeding in the High Court against any decision made in the proceeding, unless—

...

(c) the decision was made on an interlocutory application.

[3] A decision to strike out a proceeding is a decision made on an interlocutory application: see definition of interlocutory order as including “an order striking out the whole or part of a proceeding” in r 1.3 of the High Court Rules.

[4] The Court of Appeal judgment concerning security for costs simply follows rulings made on similar applications by the applicant. The proposed appeal in relation to it must fail for the reason given in this Court’s judgment declining leave to appeal against those decisions,<sup>4</sup> namely that the Judge’s decision was an entirely orthodox exercise of his discretion.

Solicitors:  
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<sup>4</sup> *M v Refugee Status Appeals Authority* [2011] NZSC 143.