

IN THE SUPREME COURT OF NEW ZEALAND

SC 36/2016
[2016] NZSC 73

BETWEEN MARTIN JAMES MAILLEY
Applicant

AND DISTRICT COURT AT NORTH SHORE
First Respondent

NEW ZEALAND POLICE
Second Respondent

Court: Glazebrook, Arnold and O'Regan JJ

Counsel: F M R Cooke QC for Applicant
P J Gunn for First Respondent
N E Walker and K E Hogan for Second Respondent

Judgment: 20 June 2016

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] Mr Mailley faces extradition to Australia with regard to fraud charges. He seeks leave to appeal against a Court of Appeal decision¹ dismissing his appeal against an unsuccessful application for judicial review² of a decision of the District Court³ that s 48(4)(a)(ii) of the Extradition Act 1999 did not apply to his case.⁴

¹ *Mailley v District Court at North Shore* [2016] NZCA 83 (Randerson, Wild and Kós JJ) [*Mailley* (CA)].

² *Mailley v District Court at North Shore* [2014] NZHC 2816 (Keane J).

³ *Commonwealth of Australia v Mailley* DC North Shore CRI-2008-044-1978, 20 June 2014 (Judge Pippa Sinclair).

⁴ An earlier decision of the Court of Appeal had required s 48(4)(a)(ii) to be considered: *Mailley v District Court at North Shore* [2013] NZCA 266 (O'Regan P, Harrison and French JJ). The full background of the facts and case history can be found in *Mailley* (CA), above n 1, at [4]–[18].

[2] The first respondent abides the decision of the Court. The second respondent opposes the application.

Our assessment

[3] The interpretation of s 48(4) of the Extradition Act may be a matter of general or public importance. But, given the factual findings in the courts below, nothing raised by Mr Mailley suggests that the outcome may have been different on the interpretation he proposes.

[4] It is not therefore in the interests of justice to grant his application for leave to appeal.

Solicitors:
Power Law, Wellington for Applicant
Crown Law, Wellington for First Respondent
Kayes Fletcher Walker, Manukau City for Second Respondent