

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC UR 27/2023
[2023] NZSC 122

RE

JOHN KENNETH SLAVICH
Applicant

Court: Ellen France, Williams and Kós JJ

Counsel: Applicant in person

Judgment: 13 September 2023

JUDGMENT OF THE COURT

The application for review of the decision of the Registrar not to accept a memorandum for filing is dismissed.

REASONS

[1] Mr Slavich attempted to file a memorandum dated 3 August 2023. The Registrar refused to accept the memorandum on the basis that the Court had no jurisdiction to provide the explanation sought in the memorandum.

[2] Mr Slavich sought a review of the Registrar's decision not to accept the memorandum for filing. We have dealt with the application for review as a panel of three judges in accordance with *Slavich v R*.¹

[3] The 3 August memorandum refers to a judgment of the High Court in *Slavich v Wellington District Court*.² In particular, Mr Slavich refers to an excerpt in

¹ *Slavich v R* [2015] NZSC 195, (2015) 23 PRNZ 117 at [9].

² *Slavich v Wellington District Court* [2023] NZHC 251 (McQueen J). This judgment dealt with the Attorney-General's application to strike out Mr Slavich's statement of claim seeking judicial review of a decision rejecting a charging document for a private prosecution.

that judgment recording submissions filed in that case by the Crown Law Office on behalf of the Attorney-General relating to an earlier decision of the Court of Appeal dealing with an appeal against conviction by Mr Slavich.³ The submission in issue addresses whether or not the Court of Appeal ruled on a question about whether the trial Judge considered a transcript of evidence in the trial.⁴

[4] In the 3 August memorandum Mr Slavich says that the submissions, as recorded in the High Court judgment, are inconsistent with decisions of this Court. Mr Slavich says in the memorandum that, given the Attorney-General's role and now that the Court's attention has been drawn to what he sees as a direct public challenge by the Attorney-General to this Court's judgments, we should explain why this criticism is acceptable. Orders are sought that the Attorney-General explain his position or remedy it by entering confidential settlement negotiations with Mr Slavich.

[5] The Registrar was correct not to accept the memorandum for filing. As the Registrar explained in her response to Mr Slavich, the jurisdiction of the Court is an appellate one. The Court does not have power to issue the advisory explanation sought here and nor to make the orders sought.

[6] The application for review of the decision of the Registrar not to accept a memorandum for filing is dismissed.

³ *R v Slavich* [2009] NZCA 188.

⁴ Mr Slavich was found guilty by Heath J (sitting alone) on several fraud charges: *R v Slavich* HC Hamilton CRI-2006-410-89, 12 October 2006. Mr Slavich does not accept he was properly convicted.