

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC UR 10/2024

[2024] NZSC 66

RE

JOHN KENNETH SLAVICH  
Applicant

Counsel: Applicant in person

Judgment: 31 May 2024

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JUDGMENT OF WILLIAMS J

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**The application for review of the decision of the Deputy Registrar  
declining to waive the filing fee is dismissed.**

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REASONS

[1] Mr Slavich has applied for a review of the Deputy Registrar's decision declining to waive the filing fee associated with Mr Slavich's intended application for leave to appeal to this Court. Mr Slavich argues his proceeding raises a matter of genuine public interest, to do with an alleged breach of rights by judges of the Court of Appeal in failing to adjudicate Mr Slavich's allegation of contempt of court against counsel for the Attorney-General in (or prior to issuing) their judgment striking out his proceeding.

[2] Mr Slavich's substantive complaint has a longer history. In 2006, Mr Slavich was convicted on fraud charges,<sup>1</sup> which he appealed without success in 2009.<sup>2</sup> Mr Slavich then made numerous applications and sought to bring prosecutions against the Crown Solicitor, Solicitor-General and others. In 2013, the High Court made an order declaring Mr Slavich a vexatious litigant.<sup>3</sup> Around six years later, in about 2019,

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<sup>1</sup> *R v Slavich* HC Hamilton CRI-2006-419-89, 12 October 2006.

<sup>2</sup> *R v Slavich* [2009] NZCA 188; and *Slavich v R* [2009] NZSC 87.

<sup>3</sup> *Attorney-General v Slavich* [2013] NZHC 627.

Mr Slavich made three applications for the exercise of the royal prerogative of mercy. Then, in March 2022, Mr Slavich sought to file a charging document in the Wellington District Court. This document alleged that the Chief Legal Counsel for the Ministry of Justice wilfully attempted to pervert the course of justice in the advice he gave as to whether Mr Slavich's fraud convictions should be referred to the Court of Appeal for reconsideration in exercise of the royal prerogative of mercy. Judge Mill rejected the document for filing on the basis that there was insufficient evidence to justify a trial. Mr Slavich brought judicial review proceedings challenging this decision, which McQueen J struck out on the basis that Mr Slavich's statement of claim disclosed no reasonably arguable case and was an abuse of process.<sup>4</sup> Mr Slavich filed a notice of appeal against this decision in the Court of Appeal on 24 February 2023.

[3] Mr Slavich then filed numerous interlocutory applications in that Court. Among these, Mr Slavich filed a memorandum on 3 November 2023 alleging contempt of court against counsel for the Attorney-General. The Court of Appeal struck out his proceeding on 14 February 2024, under rr 37(1) and 44A of the Court of Appeal (Civil) Rules 2005 for failing to pay the filing fee and security for costs.<sup>5</sup> The Court of Appeal did not address Mr Slavich's contempt memorandum. When Mr Slavich enquired about whether the Court would release a judgment on that memorandum, Mallon J issued a direction that: "As the appeal is struck out, there are no live matters for decision."

[4] Mr Slavich has turned to this Court to reinstate his appeal and to request the Court of Appeal to rule on his contempt allegation. His starting point, though, is an application to waive the filing fee for the required application for leave to appeal. The Deputy Registrar declined Mr Slavich's fee waiver application because his proceeding does not raise a matter of genuine public interest.<sup>6</sup>

[5] The Deputy Registrar was correct that Mr Slavich's intended proceeding raises a narrow issue, specific to his application only. That issue is whether the Court of Appeal was correct not to engage with an allegation of contempt which was

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<sup>4</sup> *Slavich v Wellington District Court* [2023] NZHC 251.

<sup>5</sup> *Slavich v Wellington District Court* [2024] NZCA 12 (Goddard and Mallon JJ) at [17].

<sup>6</sup> Supreme Court Fees Regulations 2003, reg 5(2)(b)(i).

collateral to the main proceeding in question, in circumstances where failure to pay the filing fee and security for costs justified striking out the main proceeding in any event.

[6] Mr Slavich's intended leave application also appears to lack any merit that would justify granting leave, let alone constitute a genuine public interest justifying fee waiver. This was not a case where a court plainly refused to engage with a matter properly put to it, in circumstances where it was required to rule on that matter. While it was open to the Court of Appeal to determine the contempt allegation, the allegation had no bearing on its determination of whether strike-out was appropriate.

[7] In any event, the contempt allegation in essence demands a relitigation of matters that were finally determined over a decade ago. Mr Slavich's claim that counsel for the Attorney-General have advocated in their own cause and misled the Court ultimately flows from an alleged irregularity in the Court's consideration of a witness's evidence at Mr Slavich's original fraud trial. That alleged irregularity has been relitigated numerous times over the years and repeatedly found to be baseless.<sup>7</sup> A further attempt to relitigate this matter in the guise of a baseless contempt allegation would be an abuse of process. There is no genuine public interest in such an attempt.

[8] For these reasons, I decline the application for review of the Deputy Registrar's decision to decline waiver of the relevant filing fee.

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<sup>7</sup> See, for example, *R v Slavich*, above n 2; *Slavich v R*, above n 2; *Slavich v Judicial Conduct Commissioner* HC Hamilton CIV 2010-419-975, 14 July 2011; *Slavich v Collins* [2012] NZHC 856; *Attorney-General v Slavich*, above n 3; and *Slavich v R* [2016] NZSC 99.