

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC UR 51/2025
[2025] NZSC 161

RE

JOHN KENNETH SLAVICH
Applicant

Counsel: Applicant in person

Judgment: 13 November 2025

JUDGMENT OF ELLEN FRANCE J

**The application for recall of my judgment of 30 October 2025
(*Re Slavich* [2025] NZSC 148) is dismissed.**

REASONS

[1] The applicant seeks a recall of my judgment of 30 October 2025 dismissing an application for review of the decision of the Registrar declining to waive a filing fee.¹

[2] The application for review was dismissed on the basis the Registrar was correct that the application for leave to appeal, to which the filing fee related, was without merit, vexatious and would not be pursued by a reasonable solvent litigant. I endorsed the view of the Court of Appeal, describing that the application was “an attempt to re-litigate matters that have been determined in the earlier proceedings”.²

[3] The applicant in seeking recall challenges these conclusions noting the current proceedings are civil, not criminal. The applicant also submits I may have

¹ *Re Slavich* [2025] NZSC 148.

² At [8] and see *Slavich v Judicial Conduct Commissioner* [2025] NZCA 453 at [4].

misapprehended one of this Court's earlier judgments relating to the criminal proceedings.³

[4] That earlier judgments relate to criminal proceedings does not mean subsequent civil proceedings covering the same ground cannot be an abuse of process.⁴ The application for recall is an attempt to re-argue the application for review and, in particular, the underlying assessment that the Court of Appeal properly characterised the current proceedings as an abuse of process. That does not provide a basis for recall.⁵

[5] I add that the judgment of 30 October 2025 did not proceed on a misapprehension as to the effect of the earlier decisions on the topic.⁶

[6] The application for recall is dismissed.

³ *Slavich v R* [2024] NZSC 133 [2024 judgment].

⁴ See for example the observation in *Lai v Chamberlains* [2006] NZSC 70, [2007] 2 NZLR 7 at [71] per Elias CJ, Gault and Keith JJ that "civil proceedings which seek a conclusion that a subsisting criminal conviction is wrong will usually be an abuse of process".

⁵ See *Saxmere Co Ltd v Wool Board Disestablishment Co Ltd (No 2)* [2009] NZSC 122, [2010] 1 NZLR 76 at [2] citing *Horowhenua County v Nash (No 2)* [1968] NZLR 632 (SC) at 633.

⁶ See 2024 judgment, above n 3, at [3]; and *Slavich v R* [2011] NZSC 103 at [3].