

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 4/2025
[2025] NZSC 17

BETWEEN	JOHN KENNETH SLAVICH Applicant
AND	WELLINGTON DISTRICT COURT First Respondent
	ATTORNEY-GENERAL Second Respondent
Court:	Glazebrook, Kós and Miller JJ
Counsel:	Applicant in person A P Lawson and G E D C Marchant for First Respondent P J Gunn and I M C A McGlone for Second Respondent
Judgment:	24 March 2025

JUDGMENT OF THE COURT

- A The application for leave to appeal is dismissed.**
- B The application for recusal of counsel for the second respondent is dismissed.**
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REASONS

[1] Mr Slavich was convicted of fraud in 2006.¹ His appeal against conviction failed and he was denied leave to appeal to this Court in 2009.² As the Court of Appeal later noted, he then “made numerous applications and sought to bring prosecutions against the Crown solicitor and the Solicitor-General and others”.³ The High Court

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

² *R v Slavich* [2009] NZCA 188; and *R v Slavich* [2009] NZSC 87.

³ *Slavich v Wellington District Court* [2024] NZCA 12 at [2] (Goddard and Mallon JJ) [CA judgment].

declared him a vexatious litigant in 2013.⁴ In 2019, he applied on three occasions, but unsuccessfully, for exercise of the royal prerogative of mercy.

[2] In 2022, Mr Slavich sought to file a charging document in the District Court. It alleged a wilful attempt to pervert the course of justice by the Ministry of Justice's chief legal counsel in advice he had given on the prerogative applications. On rejection of the charging document by a District Court Judge,⁵ Mr Slavich sought judicial review in the High Court. Those proceedings were struck out as disclosing no cause of action and an abuse of process.⁶

[3] Mr Slavich then filed a notice of appeal against that decision in the Court of Appeal. He sought a filing fee waiver. That was declined by a Deputy Registrar and, thereafter on review, by a Judge of the Court of Appeal.⁷ A slew of further applications were made by Mr Slavich which we need not discuss.⁸ On 30 November 2023, Mr Slavich was given ten working days' notice of the Court of Appeal's intention to consider making an order striking out the appeal under rr 37(1) and 44A(1) of the Court of Appeal (Civil) Rules 2005 on account of his default in payment of the filing fee and security for costs.⁹ That period expired; the Court of Appeal then declined extension of time and struck out the appeal.¹⁰

[4] Mr Slavich seeks leave to appeal to this Court. He does so obliquely, saying an allegation of contempt of court made by him should have been adjudicated by the Court of Appeal. He says if the contempt allegation had been upheld, his applications regarding security for costs and fee waiver would likely have been decided differently.

[5] Mr Slavich also seeks by memorandum to have this Court remove Crown counsel from acting, on the basis of alleged conflict.

⁴ *Attorney-General v Slavich* [2013] NZHC 627 at [179].

⁵ *Slavich v Orr* DC Wellington, 31 March 2022 (Ruling of Judge Mill).

⁶ *Slavich v Wellington District Court* [2023] NZHC 251 (McQueen J).

⁷ *Slavich v Wellington District Court* [2023] NZCA 76 (Goddard J).

⁸ They are set out in detail in the CA judgment, above n 3, at [5].

⁹ *Slavich v Wellington District Court* CA100/2023, 30 November 2023 (Minute of Brown J) at [6].

¹⁰ CA judgment, above n 3, at [19]–[20].

[6] The second respondent opposes leave, on the basis of abuse of process, want of jurisdiction, and lack of any matter of general or public importance.

Our assessment

[7] We consider the second respondent's objections are sound. First, this is a collateral attempt to revisit this Court's prior refusal of leave in *Slavich v Wellington District Court*.¹¹ That involved an attempted appeal against a direction given by Mallon J declining further action on the same complaint of contempt. In that decision this Court held it did not have jurisdiction to consider such an appeal because there was no longer a live proceeding below, and nor an application for leave to appeal calculated to reinstate that former proceeding, thus leaving the Court without jurisdiction to act in terms of s 68 of the Senior Courts Act 2016.¹² An application for recall of that decision was dismissed.¹³ Secondly, we do not discern in the application any matter qualifying for leave to appeal in terms of the criteria stated in s 74 of the Senior Courts Act.

[8] In these circumstances we do not consider this Court has jurisdiction to entertain the substance of the proposed appeal, targeted as it is at the same post-strikeout direction at issue in our earlier leave decision. Nor is it necessary in the interests of justice for this Court to hear and determine the proposed appeal.¹⁴ Finally, the application for recusal of counsel is thereby beside the point and will be dismissed.

Result

[9] The application for leave to appeal is dismissed.

[10] The application for recusal of counsel for the second respondent is dismissed.

Solicitors:

Te Tari Ture o te Karauna | Crown Law Office, Wellington for First and Second Respondents

¹¹ *Slavich v Wellington District Court* [2024] NZSC 30 (Glazebrook, Kós and Miller JJ). As that decision noted, Mr Slavich did not seek leave to appeal the strike-out decision itself: at [2].

¹² At [4].

¹³ *Slavich v Wellington District Court* [2024] NZSC 41 (Glazebrook, Kós and Miller JJ).

¹⁴ Senior Courts Act 2016, s 74(1).