

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 4/2025
[2025] NZSC 58

BETWEEN

JOHN KENNETH SLAVICH
Applicant

AND

WELLINGTON DISTRICT COURT
First Respondent

ATTORNEY-GENERAL
Second Respondent

Counsel: Applicant in person

Judgment: 26 May 2025

JUDGMENT OF THE COURT

The application for review of the Registrar's decision is dismissed.

REASONS

[1] On 24 March 2025 this Court declined leave to appeal a decision of the Court of Appeal declining extension of time and striking out an appeal in that Court.¹

[2] Mr Slavich applied for recall of that judgment, which application was dismissed on 15 April 2024.² The Registrar was directed not to accept for filing any further applications, original or for recall, relating to the subject matter of the judgment referred to at [1] above.³

¹ *Slavich v Wellington District Court* [2025] NZSC 17 (Glazebrook, Kós and Miller JJ); and *Slavich v Wellington District Court* [2024] NZCA 12 (Goddard and Mallon JJ).

² *Slavich v Wellington District Court* [2025] NZSC 38 (Glazebrook, Kós and Miller JJ).

³ At [4].

[3] Despite that direction, Mr Slavich then purported to apply for refund of his filing fee for the application for leave to appeal.

[4] The Registrar declined that application on the basis that the criteria in reg 8(1) of the Supreme Court Fees Regulations 2003 were not sustained here.

[5] Mr Slavich now seeks my review of that decision by the Registrar on the basis that his original application was not for leave to appeal from the Court of Appeal's decision at all, but was based on an allegation of breach of rights by the Court of Appeal Judges in not determining, prior to judgment, an allegation by Mr Slavich of contempt of court by Crown counsel.

Analysis

[6] By statute this Court's jurisdiction lies exclusively from decisions made by courts below.⁴ An applicant for leave is required to identify the decision to be appealed in accordance with Form 1 of the Supreme Court Rules 2004.⁵ Mr Slavich's amended notice of appeal dated 29 April 2024, identified the decision appealed as "*Slavich v Wellington District Court and Attorney-General* CA100/2023[2024] NZCA 12 [the Judgment]". Mr Slavich now asserts that his appeal was not from that decision, but from a non-decision by the Court of Appeal prior to delivery of the judgment above. An appeal against a judgment may (and should) include any argument that the Court omitted to deal with any essential matter. No appeal lies to this Court from reasoning, or matters collateral to judgment, rather than judgment itself.⁶ *A fortiori*, no appeal lies from non-reasoning either.

[7] Secondly, there is no suggestion the Registrar was wrong in her conclusion that the criteria for refund in reg 8(1) were not met. The application plainly falls well short of those criteria.

⁴ Senior Courts Act 2016, ss 68-70.

⁵ Supreme Court Rules 2004, r 12(1), and see sch 1 form 1.

⁶ *Burke v Superintendent of Wellington Prison* SC CIV 3/2004, 30 June 2004 at [2]; and *A Person or Persons Unknown v Tea Custodians (Bluestone) Ltd* [2011] NZSC 79, (2011) 20 PRNZ 328 at [6].

[8] Thirdly, as we noted in our March judgment, the leave application was a collateral attempt to revisit this Court’s prior refusal of leave in *Slavich v Wellington District Court*.⁷ It was an abuse of process, as is the present refund application.

[9] I repeat the direction given to the Registrar not to accept for filing any further applications, original or for recall, relating to the subject matter of the judgment referred to at [1] above. That includes any application for recall of this judgment.

Result

[10] The application for review is dismissed.

Solicitors:

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

⁷ *Slavich v Wellington District Court* [2024] NZSC 30.