

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 31/2026
[2026] NZSC 87

BETWEEN ALLAN MAGNUS YORSTON
Applicant

AND ATTORNEY-GENERAL
Respondent

Court: Ellen France, Williams and Cooke JJ

Counsel: Applicant in person
D L Harris for Respondent

Judgment: 3 July 2026

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] The applicant, Mr Yorston, seeks leave to appeal a decision of the Court of Appeal dismissing his appeal from a decision of the High Court which declined his application for judicial review relating to the accuracy of his criminal record.¹

Background

[2] Mr Yorston has criminal convictions. In 2024, he brought a judicial review proceeding alleging that, as a consequence of a number of actions of the Crown, errors were introduced into his criminal history records. He referred to 19 drug-related convictions that had been included in his records that he alleged were inaccurate,

¹ *Yorston v Attorney-General* [2026] NZCA 15 (Collins, Cull and Osborne JJ) [CA judgment]; and *Yorston v Attorney-General* [2025] NZHC 38 (Radich J) [HC judgment].

including nine convictions that had been overturned by the Court of Appeal,² and two which were withdrawn at trial. He said that these inaccurate records had been used to his disadvantage in Family Court proceedings, and in relation to an application for a firearms licence by his partner.

[3] Alongside his substantive challenge before the High Court, Mr Yorston applied for an injunction. The application by Mr Yorston's partner for a firearms licence had been unsuccessful, and his partner had appealed to the District Court. Mr Yorston sought to stay the appeal on the basis that the police had filed inaccurate information in evidence for the appeal. This application was declined by Radich J on the basis that there was no basis upon which such an order could be granted.³

[4] By the time the substantive proceedings came before the High Court, Mr Yorston's criminal history records no longer recorded the 19 convictions Mr Yorston had referred to. But there remained an issue because a convictions history report produced by the Ministry of Justice recorded some of his conviction and sentence dates to be the same, and this was not accurate.

[5] In declining the application for judicial review, Radich J found that populating a convictions history report through the Ministry of Justice software system was not a statutory power of decision under the Judicial Review Procedure Act 2016, which meant that there was no ability to challenge what had occurred by way of judicial review.⁴ He also held that these inaccuracies had been remedied.⁵

[6] Mr Yorston appealed to the Court of Appeal. That Court disagreed with Radich J's finding that there was no decision amenable to judicial review, finding that the production of conviction history reports was amenable to judicial review challenge.⁶ The Court accepted, however, that the High Court was right to say that all alleged errors with the reports had been corrected, and concluded that the proceedings

² *R v Yorston* [2008] NZCA 285.

³ *Yorston v Attorney-General* [2024] NZHC 2005.

⁴ HC judgment, above n 1, at [28].

⁵ At [23]–[24].

⁶ CA judgment, above n 1, at [39]–[42].

were moot.⁷ The Court also found that there had been administrative errors in the production of the reports rather than deliberate falsification.⁸

[7] In support of his application for leave, Mr Yorston renews his allegation of deliberate falsification of his criminal history records, contending that there have been miscarriages of justice as a consequence, and that the matters he wishes to raise are of public importance.

Analysis

[8] We agree with the Court of Appeal that the maintenance of accurate criminal history reports is important for the administration of justice,⁹ and with the Court of Appeal's observation that:

[48] The more pressing issue arising from the facts on this appeal, is why two separate reports from the same case management system, operated by the Ministry, contained several errors. Criminal and traffic history reports are relied on by the sentencing courts on a daily basis and it is concerning to find that both this report, and the [convictions history report] produced at the request of Mr Yorston, contained inaccurate information.

[9] But we nevertheless agree with the conclusions of both the High Court and the Court of Appeal that the correction of all apparent errors with Mr Yorston's criminal history means there is no longer a live issue in these proceedings, and that Mr Yorston has achieved everything he could achieve by way of this judicial review challenge. The Court of Appeal also noted that there is a procedure to challenge the accuracy of criminal history records under the Privacy Act 2020.¹⁰

[10] We also consider that there is insufficient prospect of this Court overturning the factual finding that the inaccuracies in the criminal history were administrative errors and not the product of deliberate falsification.

[11] For these reasons, we are not satisfied it is necessary in the interests of justice for the Court to hear and determine the proposed appeal under s 74(1) of the

⁷ At [56].

⁸ At [47].

⁹ See at [39]–[42].

¹⁰ At [50]–[55]; and see HC judgment, above n 1, at [29].

Senior Courts Act 2016. The proposed appeal is not of general or public importance, and neither will there be a substantial miscarriage of justice if the appeal is not heard by the Court.¹¹

Result

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

Solicitors:

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

¹¹ Section 74(1) and (2)(a)–(b); and *Junior Farms Ltd v Hampton Securities Ltd (in liq)* [2006] NZSC 60, (2006) 18 PRNZ 369 at [5].