

IN THE SUPREME COURT OF NEW ZEALAND

**SC 63/2005
[2005] NZSC 84**

BRETT LIONEL ALLISON

v

THE QUEEN

Court: Elias CJ and Tipping J
Counsel: G N Bradford for Appellant
J C Pike for Crown
Judgment: 16 December 2005

JUDGMENT OF THE COURT

A. The application for leave to appeal is dismissed.

REASONS

(Given by Tipping J)

[1] The appellant was convicted of money laundering at his trial before a High Court Judge alone. The charge was based on s 257A(2) of the Crimes Act 1961, which has now been repealed and replaced by materially different provisions. The essence of the crime of money laundering, as it applied to the appellant, was engaging in a money laundering transaction, as defined, in respect of property the accused knew or believed to be the proceeds of any serious offence, as defined. The

trial Judge found that the appellant had manufactured methamphetamine which was a serious offence and had laundered the proceeds of that crime.

[2] The appellant seeks leave to argue in this Court a point which he has not earlier raised. It involves the contention that the trial Judge could not properly have found that he had committed a serious offence because he had not been separately charged with that offence and found guilty after a trial by jury. Leaving aside the difficulties caused by the fact that the appellant seeks to raise this point for the first time in this Court, the point is not one of general or public importance. It is directed to the interpretation of a statutory provision that has been repealed and replaced by materially different provisions.

[3] The appellant also contends that a substantial miscarriage of justice may have occurred or may occur unless his proposed appeal is heard. We are not satisfied that this is so. No basis has been put forward for any conclusion that the trial Judge was not entitled to find that the appellant had committed the serious offence of manufacturing methamphetamine.

[4] In these circumstances we are of the view that it is not necessary in the interests of justice for this Court to hear and determine the proposed appeal. That being so, the application must fail in terms of s 13(1) of the Supreme Court Act 2003.

Solicitors:
Crown Law Office, Wellington