

IN THE SUPREME COURT OF NEW ZEALAND

SC 21/2016
[2016] NZSC 110

BETWEEN JOHN MORGAN MACKENZIE
Applicant

AND THE ATTORNEY-GENERAL
Respondent

Court: Elias CJ, William Young and Arnold JJ

Counsel: Applicant in person
I M G Clarke for Respondent

Judgment: 23 August 2016

JUDGMENT OF THE COURT

The application for recall is dismissed.

REASONS

[1] The applicant seeks a recall of our judgment of 1 June 2016 declining him leave to appeal against a judgment of Andrews J in the High Court.¹

[2] Amongst his complaints is the suggestion that his argument as to limitation was not fully captured in [7] of the leave judgment. In an earlier leave judgment, we explained his argument in a slightly different and perhaps better way:²

The applicant has the fixed idea that time did not begin to run for limitation purposes until 24 November 2006, which is the date on which he received a letter from the Crown Health Financing Agency denying liability. If this is the case, then his proceedings were issued in time. He considers that he could not have filed proceedings in the High Court until liability was denied.

¹ *MacKenzie v Attorney-General* [2016] NZSC 60.

² *MacKenzie v Legal Services Commissioner* [2014] NZSC 49 at [2].

In that judgment, we then went on to say:³

This, however, is not in accordance with the way the Limitation Act 1950 operated.

[3] Nothing that has been said in support of the application would warrant a recall of the 1 June 2016 judgment.

Solicitors:
Crown Law Office, Wellington for Respondent

³ At [2].