

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

SC 2/2019  
[2019] NZSC 2

BETWEEN                      MICHAEL MAIN  
   Applicant  
  
AND                                NEW ZEALAND POLICE  
   Respondent

Court:                            Glazebrook, O'Regan and Ellen France JJ

Counsel:                        Applicant in person

Judgment:                      18 February 2019

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**JUDGMENT OF THE COURT**

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**The application for leave to appeal is dismissed.**

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**REASONS**

[1]     The applicant was found liable by a Community Magistrate under infringement notices issued for various transport-related offences.<sup>1</sup> He appealed to the District Court challenging the jurisdiction of the Court over him because of his status as a Māori. His appeal was dismissed.<sup>2</sup> He then applied for leave to appeal to the High Court. Again, his arguments were directed to the proposition that the Court did not have jurisdiction over him. Leave was declined.<sup>3</sup>

[2]     The applicant then attempted to file in the Court of Appeal an application for leave to appeal to that Court. The Deputy Registrar declined to accept this application.

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<sup>1</sup> *Police v Main* DC Hamilton CRI-2017-019-8526, 22 June 2018.

<sup>2</sup> *Main v Police* [2018] NZDC 15859 (Judge Menzies).

<sup>3</sup> *Main v Police* [2018] NZHC 1828 (Brewer J).

The Deputy Registrar pointed out, in a letter to the applicant, that the decision of the High Court was final and no further appeal was available.

[3] The applicant applied for a review of the Deputy Registrar's decision by a judge of the Court of Appeal. Brown J upheld the Deputy Registrar's decision.<sup>4</sup> He noted that a decision of the High Court refusing to give leave for a second appeal is final and not amenable to appeal to the Court of Appeal.<sup>5</sup>

[4] The applicant then filed an application for leave to appeal to this Court against the decision of Brown J. This Court's jurisdiction in relation to appeals in criminal proceedings is governed by s 71 of the Senior Courts Act 2016, which, relevantly, provides that this Court may hear and determine appeals authorised by Part 6 of the Criminal Procedure Act 2011. No provision is made in that Part for appeals against decisions of Court of Appeal judges dealing with a review of a decision of a Registrar or Deputy Registrar.

[5] As the Court does not have jurisdiction to hear and determine the application for leave to appeal, the application is dismissed.

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<sup>4</sup> *Main v Police* [2018] NZCA 527.

<sup>5</sup> At [9], referring to s 213(3) of the Criminal Procedure Act 2011.