

IN THE SUPREME COURT OF NEW ZEALAND

**SC 22/2010
[2010] NZSC 59**

BETWEEN WILLIAM PATRICK JEFFRIES
 Applicant

AND THE ATTORNEY-GENERAL
 Respondent

Court: Blanchard, Tipping and Wilson JJ

Counsel: D H O'Leary for Applicant
 H S Hancock for Respondent

Judgment: 26 May 2010

JUDGMENT OF THE COURT

A The application for leave to appeal is dismissed.

B The applicant is to pay the respondent costs in the sum of \$2,500 plus disbursements and other necessary payments, to be fixed if necessary by the Registrar.

REASONS

[1] The applicant, The Hon W P Jeffries, seeks leave to appeal from a decision of the Court of Appeal upholding a decision of Ronald Young J. Mr Jeffries wrote a letter to the Overseas Investment Commission. Mr and Mrs Powell, who were the subject of that letter, applied under the Official Information Act for access to it. The Commission, after consulting Mr Jeffries, decided to release his letter to the Powells. Mr Jeffries then applied for judicial review of that decision and also for judicial review of the Commission's alleged failure properly to monitor the conditions on

which the Powells, who are American citizens, had been allowed to purchase New Zealand land.

[2] We consider the Court of Appeal was clearly correct to reject the failure to monitor complaint. The issue of Mr Jeffries' standing to seek judicial review was not addressed in the Court of Appeal and, in that light, we do not consider it would be appropriate for this Court to give leave on that topic. Nor is it necessary to do so, as the complaints Mr Jeffries makes have all been addressed by the Courts below.

[3] The arguments Mr Jeffries wishes to raise in this Court for the proposition that the Commission erred in permitting access to his letter, namely maintenance of the law, breach of confidence and effective conduct of public affairs are all, in our view, untenable. The claim that there has been a breach of s 27 of the New Zealand Bill of Rights Act 1990 is answered by the fact that the Commission actually sought Mr Jeffries' views, whether or not it was obliged to do so.

[4] For these reasons we do not consider it to be in the interests of justice to grant leave to appeal on any point raised in the application. In so far as the matters at issue are matters of fact, there have been concurrent findings in the Courts below and no basis has been shown to revisit them again in this Court. In so far as the matters raised are matters of law, whether or not they represent matters of general, public or commercial importance or significance, we consider the Court of Appeal was unarguably correct in the conclusions to which it came. The application for leave must therefore be dismissed with costs.

Solicitors:
DLA Phillips Fox, Wellington for Applicant
Crown Law Office, Wellington for Respondent