

IN THE COURT OF APPEAL OF NEW ZEALAND

I TE KŌTI PĪRA O AOTEAROA

**CA261/2019
[2019] NZCA 538**

BETWEEN THE KIWI PARTY INCORPORATED
Appellant

AND THE ATTORNEY-GENERAL
Respondent

Counsel: G E Minchin for Appellant
G M Taylor for Respondent

Judgment: 6 November 2019 at 10.30 am
(On the papers)

**JUDGMENT OF MILLER J
(Review of Registrar's Decision)**

The application for review is declined.

REASONS

[1] The appellant has sought a review of the Registrar's decision to decline to waive the scheduling fee of \$2,700.00

[2] The Registrar refused the waiver application on the ground that the appellant had indicated it would proceed with the appeal anyway. On review, the appellant says that that goes only to means and does not justify the decision. It says that the primary consideration is the scope of the public interest that the appellant claims to represent, which is nothing less than preservation of the rule of law.

[3] I accept that the appellant, which describes itself as a political party, has asserted that the case concerns a matter of genuine public interest. However, that proposition is not self-evidently correct. The fact that the appellant is a political organisation pursuing a political outcome (in this case, the repeal of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019) — would not normally justify a fee waiver. To the extent that there is said to be a wider public interest at stake, all that can be said at this stage is that it is bound up with the merits of the appeal, which are contested.

[4] The application for review is declined.

Solicitors:
Thomas & Co, Auckland for Appellant
Crown Law Office, Wellington for Respondent