

IN THE MATTER OF

**An Application for Judicial Review under  
the Judicature Amendment Act 1978 and s  
27(2) of the New Zealand Bill of Rights Act  
1990**

**BETWEEN**

**MALCOLM EDWARD  
RABSON, and RICHARD  
JOHN CRESER**  
Citizens and residents of  
New Zealand  
Wellington  
Applicants

**AND**

**TRANSPARENCY  
INTERNATIONAL NEW  
ZEALAND INCORPORATED**  
An incorporated society  
granted charitable status  
Wellington  
Respondent

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**NOTICE OF APPEAL**

19 March 2015

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Filed by: Malcolm Rabson, for the Appellants  
173 Wellington Road  
PĀEKAKARIKI 5034

We, the above named Appellants, give notice that we are appealing against the strike out judgment in the judicial review of *Rabson v Transparency International New Zealand Inc.* CIV 2014 485 10920 [2015] NZHC 334 given by Mallon J on 3 March 2015 in the Wellington High Court (“the judgment”). Three copies of the judgment are provided with this Notice.

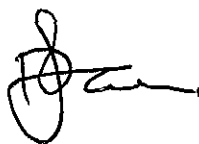
**The grounds for appeal are:**

1. The Judge erred in law when concluding the Respondent’s dismissal of the Appellant’s ethics complaint by a committee hand-picked by the Chairperson (the alleged offender) to decide the complaint against her is “not amendable to judicial review” – particularly in circumstances where the Respondent’s own evidence confirmed the Respondent is funded by the New Zealand government, controlled by the New Zealand government and “the Judiciary” also advised the Respondent to “ignore” the Appellant’s complaint.
2. Where the Appellants needed only to show an *arguable* case to succeed against strike out, as *Couch v Attorney-General* [2008] NZSC 45 confirmed, the Judge erred in law by applying a far lower legal threshold, with the Judge then relying only on the Respondent’s *submissions* in support.
3. The evident breaches of due process and natural justice – confirmed by the Respondent’s own Board Minutes – were **public issues** given the New Zealand government’s funding (including the Chairperson’s salary), control over and advice to the Respondent concerning this matter – all of which required consideration of **s 27(2)** of **The New Zealand Bill of Rights Act 1990**, relevant legislation which was wrongly and fatally ignored altogether by the Judge and in the Judgment.

The appellants have not sought legal aid and will not be legally aided in this appeal.

The Appellants seek an order quashing the Judgment and directing the Judicial Review be remitted back to the High Court for a discovery timetable and substantive hearing.

  
For the appellants



Copies to Chapman Tripp for the Respondent