

OFFICE OF THE
Judicial Conduct Commissioner

26 September 2016

PRIVATE AND CONFIDENTIAL

Mr Malcolm Rabson
House 10, 618 Maungatautari Road
Cambridge

By email to: bluescape@xtra.xco.nz

Dear Mr Rabson

Complaint about Chief Justice Elias and Justices William Young, Glazebrook, Arnold and O'Regan

1. Your complaint about these Judges (your letter of 18 August 2016) concerned the Supreme Court's judgment of 18 December 2015¹ in *Greer v Smith*.

Background

2. You previously complained about this judgment on 1 January 2016. In my decision of 13 April 2016², I dismissed the complaint under section 16(1)(a) of the Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004 because it sought to challenge the correctness of the Court's judgment, which falls outside my jurisdiction³.

Your complaint

3. You know that section 8(2) of the Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004 expressly provides that it is not a function of the Commissioner to "challenge or call into question the *legality* or correctness" of any judicial decision. (my emphasis)
4. You should not, therefore, expect me to entertain your complaint, which alleges that the 18 December 2015 judgment was unlawful in multiple respects.

Decision

¹ *Greer v Smith* [2015] NZSC 196.

² JCC decision of 13 April 2016 on complaint by Mr M Rabson dated 1 January 2016.

³ Section 8(2), Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004.

5. Your complaint falls outside my jurisdiction. I must therefore dismiss it under section 16(1)(a) of the Act.

Yours sincerely



Alan Ritchie
Judicial Conduct Commissioner