

IN THE COURT OF APPEAL OF NEW ZEALAND

I TE KŌTI PĪRA O AOTEAROA

**CA534/2021
[2021] NZCA 506**

BETWEEN RAEWYN WALLACE
 Applicant

AND ATTORNEY-GENERAL
 Respondent

Counsel: G E Minchin for Applicant

Judgment: 4 October 2021 at 10.00 am
(On the papers)

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

The application for review of the Registrar’s decision to refuse a fee waiver is declined.

REASONS

[1] I accept that this appeal and cross-appeal raise questions of law that merit determination. They are: the finding that there was not a rights-compliant investigation; the finding that the Solicitor-General gave inadequate reasons for declining to prosecute in the circumstances; whether the applicant was obliged to prove Constable Abbott did not act in self-defence; and whether a claim for damages for a breach of the Bill of Rights Act 1990 is time-barred.

[2] However, contrary to Mr Minchin’s submissions, the proceeding has been brought to vindicate a private interest, not a public one, and it is clear that it will

proceed with or without a fee waiver. That being so, the issues I have identified will be examined in any event and the Registrar was right to refuse the waiver.

Solicitors:
Thomas & Co, Auckland for Applicant