

IN THE SUPREME COURT OF NEW ZEALAND

SC 69/2007
[2007] NZSC 109

BETWEEN ATTORNEY-GENERAL
 Appellant

AND X
 First Respondent

AND REFUGEE STATUS APPEAL
 AUTHORITY
 Second Respondent

Court: Elias CJ, Blanchard and Anderson JJ

Counsel: Solicitor-General D B Collins QC, I C Carter and B Keith for Appellant
 G M Illingworth QC for First Respondent

Judgment: 14 December 2007

JUDGMENT OF THE COURT

- A Leave to appeal is granted to the appellant.**
- B The approved ground of appeal is whether s 129T(3)(b) of the Immigration Act 1987 permits those who are subject to a duty of confidence under s 129T of that Act to disclose matters that are confidential in relation to the first respondent to any officer or employee of a Government department or other Crown agency for the purpose of the possible extradition of the first respondent to Rwanda or for the possible prosecution of the first respondent in New Zealand under the International Crimes and International Court Act 2000.**
- C The first respondent's application for leave to appeal is dismissed.**

REASONS

[1] In the High Court the first respondent sought relief by way of a declaration and alternatively relief by way of an order setting aside a procedural decision of the Refugee Status Appeal Authority. The High Court granted a declaration and, consequentially, the alternative form of relief was not ordered. In the Court of Appeal the outcome similarly rendered unnecessary a consideration of the alternative relief.

[2] Now, the first respondent is anxious to revive consideration of his request for alternative relief in the event that the appellant should succeed on the present appeal. He accordingly asks this Court to make what would, in effect, be orders for a stay of the respondent's hearing before the Refugee Status Appeal Authority.

[3] What consequential procedural orders would be just, in the event that the appellant succeeds, may have to be considered. However, the issues raised by the alternative request for relief are, at this stage, merely abstract and it would be premature to give them consideration without an adequate factual matrix.

[4] The first respondent's application for leave to appeal is dismissed.

Solicitors:
Crown Law Office, Wellington for Appellant
Marshall Bird & Curtis, Auckland for First Respondent
Edwards Clark Dickie, Auckland for Second Respondent