

IN THE SUPREME COURT OF NEW ZEALAND

SC 19/2014
[2014] NZSC 145

BETWEEN RAZDAN RAFIQ
Applicant

AND THE CHIEF EXECUTIVE OF THE
MINISTRY OF BUSINESS,
INNOVATION AND EMPLOYMENT
First Respondent

THE COMMISSIONER OF THE NEW
ZEALAND POLICE
Second Respondent

SC 40/2014

BETWEEN RAZDAN RAFIQ
Applicant

AND THE PRIVACY COMMISSIONER
Respondent

Court: Elias CJ, William Young and Arnold JJ

Counsel: Applicant in person
S M Kinsler for Respondents SC 19/2014
K E Evans for Respondents SC 40/2014

Judgment: 10 October 2014

JUDGMENT OF THE COURT

The application for recall is dismissed.

REASONS

[1] On 16 June 2014, the Court delivered judgment dismissing two applications for leave to appeal by Mr Rafiq against decisions of Harrison J upholding decisions

by the Registrar of the Court of Appeal as to security for costs.¹ Mr Rafiq now seeks a recall of the judgment.

[2] The points raised by Mr Rafiq are not new, with one exception. The exception is that Mr Rafiq alleges that the Court:

... failed to consider that the review of the registrar's decision not to dispense with security for costs was not presided by a panel of 3 Judges including the President of the Court of Appeal. This has prejudiced the outcome of the Court of Appeal's decision.

[3] However, there is clear statutory authority for a single Judge of the Court of Appeal to review a decision of the Registrar as to security for costs: see s 61A(3) of the Judicature Act 1908 and rule 7(2) of the Court of Appeal (Civil) Rules 2005.

[4] Accordingly, the application for recall is dismissed.

Solicitors:
Crown Law Office, Wellington for Respondents SC 19/2014

¹ *Rafiq v Chief Executive of Ministry of Business, Innovation and Employment* [2014] NZSC 72.