

IN THE SUPREME COURT OF NEW ZEALAND

SC 134/2013
[2014] NZSC 7

BETWEEN RAZDAN RAFIQ
Applicant

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

Court: Elias CJ, William Young and Arnold JJ

Counsel: Applicant in person
W N Fotherby for Respondent

Judgment: 19 February 2014

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] The applicant seeks leave to appeal against a decision made on 27 November 2013 by Harrison J¹ in which he dismissed applications by the applicant to review decisions made by the Registrar of the Court of Appeal refusing (a) to waive security for costs and (b) to allocate a fixture for his appeal. The underlying appeal to the Court of Appeal is primarily in respect of an order for security for costs made against him by the High Court where he is suing the Chief Executive of the Ministry of Business, Innovation and Employment for defamation. This is in respect of third-party supplied information about the applicant which is held by the Ministry. From the submissions he has made in support of the application for leave to appeal, he is seeking \$999m (for what seem to be compensatory and perhaps aggravated

¹ *Razdan Rafiq v The Chief Executive of the Ministry of Business, Innovation and Employment* [2013] NZCA 586.

damages) and another \$999m for punitive damages. So the total amount claimed is just short of two billion dollars.

[2] In October and November last year, the applicant attempted to file many applications in this Court challenging decisions by registrars of the High Court and Court of Appeal, interlocutory judgments given in the High Court and leave decisions by the Court of Appeal. Some, but not all, of these were associated with the defamation proceedings. In none of these cases did this Court have jurisdiction and the applications were rejected by the Registrar. The applicant also sent to the Court what appears to be the service copy of High Court proceedings against this Court, although we understand that the High Court registry has refused to accept the original for filing. His correspondence to the Registrar has been abusive to say the least.

[3] It is apparent from the judgment of Priestley J² ordering security for costs (which is the subject of the appeal to the Court of Appeal) and other judicial minutes that the applicant has conducted the proceedings in the High Court in a way which is very similar to his dealings with this Court. Priestley J referred to his conduct as “insulting and certainly in contempt”. On the basis of material which he has supplied to the Court, it is apparent that he has been ordered to pay costs to the Commissioner of Inland Revenue and the Commissioner of Police in respect of proceedings in the Human Rights Review Tribunal which are related to the defamation proceedings. It is at least implicit in his submissions that he will not be paying those costs. He has also made it clear that he does not intend to apply for legal aid.

[4] On the basis of the material to which we have referred, we see no issue of public or general importance in respect of the proposed appeal and also no appearance of a miscarriage of justice. The application is accordingly dismissed.

Solicitors:
Meredith Connell, Auckland for Respondent

² *Rafiq v Chief Executive of the Ministry Of Business, Innovation and Employment* [2013] NZHC 1134.