

**IN THE SUPREME COURT OF NEW ZEALAND**

**SC 15/2015  
[2015] NZSC 46**

BETWEEN                      RAZDAN RAFIQ  
   Applicant

AND                              THE COMMISSIONER OF  
   NEW ZEALAND POLICE  
   Respondent

Court:                            Elias CJ, Arnold and O'Regan JJ

Counsel:                        Applicant in person  
   N M H Whittington and O M Klaassen for Respondent

Judgment:                      23 April 2015

---

**JUDGMENT OF THE COURT**

---

**A        The application for leave to appeal is dismissed.**

**B        The applicant must pay the respondent costs of \$2,500.**

---

**REASONS**

[1]        On 22 July 2014 the applicant, Mr Rafiq, applied to the High Court for leave to commence a defamation proceeding against the Commissioner of Police out of time. Mr Rafiq required leave because the allegedly defamatory statement was made in an email sent by a police officer to an employee of the Department of Internal Affairs on 10 March 2008, outside the period in s 4 of the Limitation Act 1950, although there was also reference to a further statement made in a brief of evidence of 10 February 2012 filed with the Human Rights Review Tribunal. In his amended draft statement of claim, Mr Rafiq sought a declaration that the respondent is liable to him in defamation, compensatory damages of \$50 million, aggravated damages of \$20 million and exemplary damages of \$10 million.

[2] Andrews J doubted that the Court had jurisdiction to grant leave given that Mr Rafiq had not applied within six years of the March 2008 statement being made, but went on to consider the merits, particularly given the reference to the February 2012 brief. The Judge refused leave.<sup>1</sup>

[3] Mr Rafiq filed an appeal against Andrews J's decision. The Registrar of the Court of Appeal fixed security for costs at \$5,880.00. Mr Rafiq sought a review of her decision by a Judge of the Court of Appeal. Harrison J dismissed Mr Rafiq's application for review.<sup>2</sup> Mr Rafiq now seeks leave to appeal to this Court.

[4] This Court has set out the proper approach to security for costs in *Reekie v Attorney-General*.<sup>3</sup> Accordingly, the proposed appeal does not involve any issue of general or public importance but rather involves simply the application of a settled approach to particular facts. Moreover, there is nothing to indicate that a substantial miscarriage of justice may have occurred. In these circumstances, leave must be declined.

[5] The application for leave to appeal is dismissed. The applicant must pay the respondent costs of \$2,500.

Solicitors:  
Meredith Connell, Auckland for Respondent

---

<sup>1</sup> *Rafiq v The Commissioner of the New Zealand Police* [2014] NZHC 2837 (Andrews J).

<sup>2</sup> *Rafiq v The Commissioner of the New Zealand Police* [2015] NZCA 8 (Harrison J).

<sup>3</sup> *Reekie v Attorney-General* [2014] NZSC 63, [2014] 1 NZLR 737.