NOTE: COURT OF APPEAL ORDER PROHIBITING PUBLICATION OF NAMES OR IDENTIFYING PARTICULARS OF MR RADHI'S WIFE AND CHILDREN REMAINS IN FORCE.

IN THE SUPREME COURT OF NEW ZEALAND

SC 57/2017 [2017] NZSC 123

BETWEEN MAYTHEM KAMIL RADHI

Applicant

AND THE DISTRICT COURT AT MANUKAU

First Respondent

THE COMMONWEALTH OF

AUSTRALIA

Second Respondent

Hearing: 17 August 2017

Court: William Young, O'Regan and Ellen France JJ

Counsel: R M Mansfield for Applicant

No appearance for First Respondent

M J Lillico and R K Thomson for Second Respondent

Judgment: 18 August 2017

JUDGMENT OF THE COURT

- A Leave to appeal is granted (Radhi v District Court at Manukau [2017] NZCA 157).
- B The approved question is whether the Court of Appeal was correct to conclude that circumstances of the applicant did not warrant a reference to the Minister of Justice under s 48(4)(a)(ii) of the Extradition Act 1999.

REASONS

[1] The evidence as to what is likely to happen to the applicant should he be required to stay in Australia for longer than two years which was adduced in the District Court was limited. It may be that there will be agreement as to what the

likely	consequence	s for	the	applicant	would	be.	If	such	agreement	cannot	be
reached, the parties have leave to file affidavits addressed to this issue.											

Solicitors: Crown Law Office, Wellington for First and Second Respondents