

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 39/2024
[2024] NZSC 88

BETWEEN HAYDN CAMPBELL NICHOLAS HILL
Applicant

AND TE WHATU ORA: TE WHETU TAWERA
MENTAL HEALTH SERVICES
AUCKLAND
First Respondent

POLICE CROWN REPRESENTATIVE
Second Respondent

ROBYN LISA ROPATI
Third Respondent

Court: Glazebrook, Kós and Miller JJ

Counsel: Applicant in person
A J Cordner for First Respondent
K M Eckersley for Second Respondent
No appearance for Third Respondent

Judgment: 1 August 2024

JUDGMENT OF THE COURT

- A The application for leave to appeal is dismissed.**
- B The applicant must pay the first and second respondents one set of costs of \$2,500.**
-

REASONS

[1] The applicant filed proceedings in the High Court, ostensibly by way of judicial review, in terms described as follows by Jagose J:¹

¹ *Hill v ADHB-Tewhātu Oranga* [2023] NZHC 1920 at [2]–[4] (amendments in original).

[2] Mr Hill's claim expressly is made under the "Judicial Review [Procedure] Act 2016" and asserts the defendants:

... have published falsified medical records and provided false information between one another in respect to obtain pecuniary advantage causing [him] significant financial loss and hardship, also medical misadventure and medical malpractice along with negligence, defamation of character, and surgical error, breach of code of patient rights including [cultural] and religious rights breach of privacy and tort which is nuisancing and [harassment].

[3] He explains:

[T]his documentation they refer to under clinical notes was labelled as clinical intervention created 2014, 2017 then digitally reprinted 13/07/2021 requested by Redryer and Aedcon to my understanding defines numerology and infrastructure[.] These documents became computerised and reprinted and stated destroy confidentially once complete on the date 13/07/2021. [T]hese documents where in the matter to obtain my personal [properties] and have lead to mistaken identities wrongful diagnosis [altered] times and dates the suggestion of corruption of police and crown efforts[.]

[4] He seeks:

deletion of the entire falsified documented accounts of any false records concerning my-self or otherwise from all electronical electric mechanical this includes quantum archives databases and servers and [infinite] instruction to put in place protection orders of the defendants and their immediate associations. especially my maternal birthing parent and her lawful wedded husband and any and all [immediate] surviving family members of the Hill family

that the law enforce all legal [penalties] upon the persons responsible for such [heinous] crimes in the public

a written apology from all associated with the intention to allow this to ever had occurred

along with 100 million [dollars] in damages including special damages.

[2] Jagose J struck the proceeding out under rr 5.35B(2)(a) and 15.1 of the High Court Rules 2016 on the basis it did not identify any exercise of statutory power with reference to any of the defendants and was plainly an abuse of the process of the Court.²

² At [9]. The Judge referred to "r 5.35B(1(a))" but this was clearly intended as a reference to r 5.35B(2)(a).

[3] An appeal was filed in the Court of Appeal. It was struck out under r 44A(1)(c) of the Court of Appeal (Civil) Rules 2005 as an abuse of process, the applicant's notice of appeal having disclosed no arguable cause of action.³

[4] The applicant seeks leave to appeal to this Court. His submissions in support, to the extent discernible, reprise arguments he made in the Court of Appeal.

Our assessment

[5] The criteria for leave are not made out.⁴ Nothing raised by the applicant suggests that the decisions of the Courts below were wrong. It is not in the interests of justice for this Court to hear and determine the appeal and the application for leave must therefore be dismissed.⁵

Result

[6] The application for leave to appeal is dismissed.

[7] The applicant must pay the first and second respondents one set of costs of \$2,500.

Solicitors:

Crown Law Office | Te Tari Ture o te Karauna, Wellington for First and Second Respondents

³ *Hill v ADHB-Tewhata Oranga: Tewheta Tawera Mental Health Services Auckland* [2024] NZCA 132 (Courtney, Dunningham and Moore JJ) at [8]–[10].

⁴ Senior Courts Act 2016, s 74(2)(a)-(c).

⁵ Subsection (1).