

IN THE COURT OF APPEAL OF NEW ZEALAND

CA495/2014
[2014] NZCA 500

BETWEEN RAZDAN RAFIQ
Appellant

AND COMMISSIONER OF NEW ZEALAND
POLICE
Respondent

Counsel: Appellant in person
A Todd for Respondent

Judgment: 14 October 2014 at 2.30 pm
(On the papers)

**JUDGMENT OF HARRISON J
(Review of Registrar's Decision)**

A The application to review the Registrar's decision refusing to dispense with security for costs is dismissed.

B The appellant is to pay the sum of \$5,880.00 by way of security for costs on or before 3 November 2014.

REASONS

[1] On 5 September 2014 the appellant, Razdan Rafiq, pre-emptively applied to review a decision made by the Registrar on 6 October, declining his application to dispense with security for costs on this appeal in *Rafiq v Commissioner of New Zealand Police*.¹ She directed the security be set at \$5,880.00 and be paid on or before 3 November 2014.

¹ *Rafiq v Commissioner of New Zealand Police* [2014] NZHC 2074.

[2] While it is doubtful whether Mr Rafiq is able to apply for a review of the Registrar's decision before that decision has even been made, I am prepared to treat what is before me as such an application.

[3] The Registrar properly considered that security for costs should not be dispensed with if a reasonable and solvent litigant would not proceed with the appeal, having regard to the benefits of bringing the appeal weighed against the costs. She was entitled to consider the sheer volume of unmeritorious proceedings brought by Mr Rafiq as well as the views of a number of Judges, presiding over other litigation brought by him, that Mr Rafiq's efforts are an abuse of procedure brought to vex and harass the various respondents.²

[4] The Registrar was also entitled to consider the views of Thomas J in the judgment under appeal that the prospect of success of Mr Rafiq's claim is slim.³ The Registrar properly concluded it would not be right to require the Commissioner of New Zealand Police to defend the judgment under challenge without the usual protection as to costs provided by security.⁴

[5] She could have added that there are no exceptional circumstances justifying dispensation in this case. Impecuniosity does not suffice. Furthermore, this appeal does not raise an issue of public importance or significance. The application to review is dismissed. Mr Rafiq must pay the sum of \$5,880.00 by way of security for costs on or before 3 November 2014.

Solicitors:
Crown Law Office, Auckland for Respondent

² This factor may justify closer consideration by the Solicitor-General.

³ At [23].

⁴ *Reekie v Attorney-General* [2014] NZSC 63 at [31].