

**IN THE COURT OF APPEAL OF NEW ZEALAND**

**I TE KŌTI PĪRA O AOTEAROA**

**CA547/2023  
[2023] NZCA 517**

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| BETWEEN | ABDULLAH ROBERT BOYD<br>Applicant                  |
| AND     | AUSTRALIAN FEDERAL POLICE<br>First Respondent      |
|         | NEW SOUTH WALES LEGAL AID<br>Second Respondent     |
|         | NEW ZEALAND DEFENCE FORCE<br>Third Respondent      |
|         | NEW ZEALAND POLICE<br>Fourth Respondent            |
|         | ATTORNEY-GENERAL<br>Fifth Respondent               |
|         | OFFICE OF THE INSPECTORATE<br>Sixth Respondent     |
|         | CANTERBURY INTELLIGENCE TEAM<br>Seventh Respondent |
|         | MINISTRY OF HEALTH<br>Eighth Respondent            |

Judgment: 25 October 2023 at 2 pm  
(On the papers)

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**JUDGMENT OF MALLON J**

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- A The applications for the appointment of an amicus curiae and a stay are declined.**
- B The Court will consider whether to strike out the appeal under r 44A of the Court of Appeal (Civil) Rules 2005 on the papers.**
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## REASONS

[1] The applicant has filed an interlocutory application seeking the appointment of an amicus curiae and a six month stay of his appeal. The interlocutory application relates to his appeal from a High Court decision striking out his claim in that Court under r 5.35B of the High Court Rules 2016 as an abuse of process.<sup>1</sup> A direction has been made by Goddard J that the appeal need not be served on the respondents and the respondents need not participate.

[2] The applicant seeks the appointment of an amicus curiae and a stay on the basis that he says he has post traumatic stress disorder and long term effects from psychological torture. He says his untreated condition means he is unable to follow the procedures and rules of the Court. He says he needs a minimum of six months of rehabilitation. His medical condition has not, therefore, prevented him from filing an appeal, nor advancing the applications he wishes to make in relation to it, nor advancing the points he wishes to make in support of the applications. This is not a matter where the Court would be assisted by the appointment of an amicus curiae.

[3] Having reviewed the file, I decline to appoint an amicus curiae or to grant a six month stay of his appeal. Mr Boyd has been able to put together a detailed notice of appeal, interlocutory application and submissions in support of his application that sets out his position. Having reviewed the High Court's decision and the notice of appeal, this Court will consider whether the appeal should be struck out as an abuse of process of the Court.<sup>2</sup> This Court will determine the matter on the papers.<sup>3</sup> If Mr Boyd wishes to advance submissions additional to the material before the Court on why his appeal should not be struck out, he is to do so writing by **16 November 2023**. The Court will then make its decision on whether the appeal is to be struck out.

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<sup>1</sup> *Boyd v The Australian Federal Police* [2023] NZHC 2358.

<sup>2</sup> Court of Appeal (Civil) Rules 2005, r 44A(1)(b).

<sup>3</sup> Rule 44A(3).