

**IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY**

**I TE KŌTI MATUA O AOTEAROA
TĀMAKI MAKĀURAU ROHE**

**CIV-2023-404-1410
[2023] NZHC 1920**

UNDER the Judicial Review Procedure Act 2016

BETWEEN HAYDN CAMPBELL NICHOLAS HILL
Plaintiff

AND ADHB-TEWHATU ORANGA :Tewhetu
Tawera Mental Health Services Auckland
First defendant

POLICE CROWN REPRESENTATIVE
Second defendant

ROBYN LISA ROPATI & DARREN TALAI
ROPATI
Third defendants

Hearing: On the papers

Date of judgment: 21 July 2023

JUDGMENT OF JAGOSE J

*This judgment was delivered by me on 21 July 2023 at 3.00pm.
Pursuant to Rule 11.5 of the High Court Rules.*

.....
Registrar/Deputy Registrar

[1] Under r 5.35A(3)(a) of the High Court Rules 2016, the Registrar referred this proceeding to me as judicial review list judge, for consideration if “plainly an abuse of the process of the court”. An ‘abuse of the process of the court’ is “improper use of [the court’s] machinery”;¹ use of that process “for a purpose or in a way significantly different from its ordinary and proper use”.²

[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.

¹ Simon Goulding, DB Casson and William Blake Odgers *Odgers on Civil Court Actions* (24th ed, Sweet & Maxwell, London 1996) at [10.15] as cited in *Commissioner of Inland Revenue v Chesterfields Preschools Ltd* [2013] NZCA 53, [2013] 2 NZLR 679 at [87].

² *Attorney-General v Barker* [2000] 1 FLR 759 (QBD) at 764.

[5] I apprehend the first defendant is intended to be Health New Zealand, established under the Pae Ora (Healthy Futures) Act 2022, which manages Te Toka Tumai Auckland's Acute Mental Health Unit for Adults, Te Whetu Tawera. I expect the second defendant(s) is intended to be the New Zealand Police as or and a representative of the Crown. I do not know who the third defendants are, but they may be the "maternal birthing parent and her lawful wedded husband" to whom Mr Hill refers.

[6] Mr Hill also filed another document titled "Statement of claim" dated 20 October 2022 in which he complains the "falsified medical records" are being "used to obtain [pecuniary] advantage to obtain the rights to manage my personal properties and establish the defendants to [be] applying to be my [EPA] power of attorney". That may refer to the third defendants in this proceeding.

[7] The document dated 20 October 2022 also refers to s 6 of the Medicines Act 1981, which provides that Act binds the Crown; s 256 of the Crimes Act 1961, which establishes the crime of forgery; indeterminate legislation perhaps made under the Health and Disability Commissioner Act 1994; the Protection of Personal and Property Rights Act 1988; and other contended sources of legal rights. The 20 October 2022 document does not identify any defendants, but seeks also "the entire [fraudulent] document be completely destroyed from all archives and databases", together with "an indefinite protection order" and apologies and compensation of \$20 million.

[8] The subject of judicial review is "the exercise, refusal to exercise, or proposed or purported exercise by any person of a statutory power".³ 'Statutory power' is defined.⁴ On judicial review, this Court assesses if the power is exercised "in accordance with law, fairly and reasonably".⁵ If not, there only is limited relief the Court may grant,⁶ and it generally is discretionary.⁷

³ Judicial Review Procedure Act 2016, s 4.

⁴ Section 5.

⁵ *New Zealand Fishing Industry Association Inc v Minister of Agriculture and Fisheries* [1988] 1 NZLR 544 (CA) at 552.

⁶ Judicial Review Procedure Act, ss 16–19.

⁷ *Ririnui v Landcorp Farming Ltd* [2016] NZSC 62, [2016] 1 NZLR 1056 at [112].

[9] Mr Hill's claim does not identify any exercise of statutory power with reference to any of the defendants. I am satisfied the proceeding is plainly an abuse of the process of the court. Under rr 5.35B(1(a) and 15.1, I **order** the proceeding struck out. Because my order is made without giving Mr Hill an opportunity to be heard, he has the right to appeal against my decision.⁸

[10] I also **direct** a copy of this judgment be brought to the attention of the Health and Disability Commissioner by email to hdc@hdc.org.nz, for consideration if Mr Hill's complaints relate to any infringement of his rights as a health consumer.

—Jagose J

⁸ High Court Rules, r 5.35B(3).