

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 134/2023
[2024] NZSC 4

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

Court:	Glazebrook, Ellen France and Kós JJ
Counsel:	Applicant in person
Judgment:	7 February 2024

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] Mr Boyd is serving a 12-year and four-month sentence of imprisonment for sexual offending against a family member and a former partner. He has brought civil claims in the High Court against the Australian Federal Police, New South Wales Legal Aid, New Zealand Defence Force, New Zealand Police, Attorney-General, Office of the Inspectorate, Canterbury Intelligence Team and Ministry of Health, relating to his removal from Australia and subsequent detention in this country. Inter alia he alleges subjection to psychological torture and denial of protections afforded him under the New Zealand Bill of Rights Act 1990.

[2] That claim was struck out as an abuse of process by the High Court.¹ He has appealed to the Court of Appeal. In that Court Mallon J declined Mr Boyd's application for appointment of an amicus curiae, and a six-month stay of his appeal.² The Judge observed:³

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] The proposed appeal to this Court from that interlocutory decision seeks to relitigate the reasons given by the Judge. The decisions made about a stay and the appointment of counsel relate to the individual circumstances of the applicant and the particular appeal. They involve no inherent matter of general or public importance.⁴ The reasons given by the Court of Appeal are cogent and there is no apparent substantial miscarriage of justice arising from the decision below.⁵ It is not therefore necessary in the interests of justice for the Court to hear and determine the appeal.⁶ Nor in any case do we consider it necessary to hear and determine the

¹ *Boyd v Australian Federal Police* [2023] NZHC 2358 (Churchman J).

² *Boyd v Australian Federal Police* [2023] NZCA 517.

³ At [2].

⁴ Senior Courts Act 2016, s 74(2)(a).

⁵ Section 74(2)(b).

⁶ Section 74(1).

proposed appeal before the Court of Appeal determines the substantive appeal, as these are points available to Mr Boyd on any further application for leave to appeal.⁷ The criteria for leave are not met.

Result

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

[5] As the respondents were not required to file submissions, there will be no order for costs.

⁷ Section 74(4).