

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC UR 61/2025
[2025] NZSC 186

RE

ANGUS MCKENZIE
Applicant

Counsel: Applicant in person

Judgment: 5 December 2025

JUDGMENT OF KÓS J

**The application for review of the decision of the Deputy Registrar
declining to waive the filing fee is dismissed.**

REASONS

[1] Mr McKenzie applies for review of a decision of a Deputy Registrar refusing to waive the filing fee for an application for leave to appeal a decision of the Court of Appeal.¹ That decision upheld an earlier High Court decision striking out Mr McKenzie’s claim for \$5 million for “reparations and punitive damages” arising from disputed renovation work done on his “single floor, 3 bedroom, 100sqm house”.²

[2] The Deputy Registrar was satisfied Mr McKenzie was unable to pay the filing fee. However, the Deputy Registrar refused to waive the fee because the proposed appeal had no prospects of success and was an abuse of process.³

¹ *McKenzie v New Zealand Proud Kapiti Ltd* [2025] NZCA 586 (Collins, Cull and Osborne JJ).

² *McKenzie v New Zealand Proud Kapiti Ltd (No 2)* [2025] NZHC 395 (McQueen J). The High Court had earlier given Mr McKenzie time to file a rules-compliant pleading: *McKenzie v New Zealand Proud Kapiti Ltd* [2025] NZHC 320 (McQueen J).

³ Citing *Duncan v The Royal New Zealand Society for the Prevention of Cruelty to Animals Inc* [2024] NZCA 628 at [26].

[3] Mr McKenzie says the statement of claim is reparable—enclosing a proposed amendment—and that the Court of Appeal was wrong to confirm its striking-out.

Discussion

[4] The statement of claim (original and amended) is a lengthy, unstructured complaint about renovation work gone wrong, lacking in required particulars, lacking the necessary foundation for impleading parties other than the first respondent, and concluding with this prayer for relief:

I believe I should be paid reparations to make things right, by making up for my lost opportunity and by punishing the defendants for procuring to my disadvantage, by their criminal deceit in their conduct in business. It is to my knowledge they have grown the company and have continued in business after causing loss of my money. I believe I have been a victim to a scam by NZ Proud and they have used the profits to invest further in business, at what could be considered part of my lost opportunity. I believe I should be paid \$5,000,000 in reparations from NZ Proud Kapiti and associates in punitive damages.

[5] Despite indulgences given to amend, the pleading remains so non-compliant with the rules of the Court as to be a clear abuse of process. The proposed appeal to this Court has no realistic prospects of success. The Deputy Registrar was therefore correct to refuse the fee waiver application.

Result

[6] The application for review of the decision of the Deputy Registrar declining to waive the filing fee is dismissed.