

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 28/2025  
[2025] NZSC 79

BETWEEN	FRANCISC CATALIN DELIU Applicant
AND	INDEPENDENT POLICE CONDUCT AUTHORITY Respondent

Court: Williams, Kós and Miller JJ

Counsel: Applicant in person  
S B McCusker and E L Dallas for Respondent

Judgment: 8 July 2025

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JUDGMENT OF THE COURT

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- A The application for leave to appeal is dismissed.**
- B The applicant must pay the respondent costs of \$2,500.**
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REASONS

[1] The applicant seeks leave to appeal a decision by Mallon J in the Court of Appeal (acting under s 49(6) of the Senior Courts Act 2016) in which that Judge declined an application to review the Deputy Registrar's refusal to reduce or dispense with security for costs.<sup>1</sup>

[2] The underlying proceeding relates to judicial review of a decision of the respondent, the Independent Police Conduct Authority (IPCA). The applicant complained about comments a police officer had reportedly made about him to a third party. Upon considering the complaint, the IPCA determined not to take any further

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<sup>1</sup> *Deliu v Independent Police Conduct Authority* [2025] NZCA 26 [CA judgment].

action on the basis that the reported comments, even if made, did not amount to misconduct or neglect of duty. This view was upheld in the High Court by Wilkinson-Smith J.<sup>2</sup> The applicant now appeals the judgment of the High Court.

[3] On review of the security for costs decision, Mallon J considered the Deputy Registrar was correct and determined this was not a case where an award of costs against the applicant was unlikely if he was unsuccessful.<sup>3</sup> The Judge also agreed that the fact the proceeding sought to hold a senior police officer to account did not in itself give rise to an issue of public importance requiring the IPCA to defend the appeal without the benefit of security for costs. Finally, the Judge confirmed the Deputy Registrar's determinations that the appeal would not have been pursued by a reasonable, solvent litigant and that it lacked merit.

[4] The grounds of proposed appeal are that Mallon J did no more than rubberstamp the Deputy Registrar's decision and failed to engage with the specific grounds of review, and that in any event the judgment was plainly wrong.

[5] In submissions the applicant referred to this Court's decision in *Reekie v Attorney-General* and various ancient statutes of the Parliament of England, and submitted that his entitlement to reasons was breached by the "paucity, if not dearth, of any explanation" in Mallon J's judgment.<sup>4</sup>

[6] Counsel for the respondent opposes leave, submitting that the requirements of s 74 of the Senior Courts Act are not met.

## **Analysis**

[7] No matter of general or public importance arises in this case, nor is there any risk of a substantial miscarriage of justice should leave not be granted.<sup>5</sup> The issues raised concern procedural matters affecting only the applicant, and we see no evident error in the judgment of Mallon J. It is not therefore necessary in the interests of

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<sup>2</sup> *Deliu v Independent Police Conduct Authority* [2024] NZHC 2334.

<sup>3</sup> CA judgment, above n 1, at [6].

<sup>4</sup> *Reekie v Attorney-General* [2014] NZSC 63, [2014] 1 NZLR 737.

<sup>5</sup> Senior Courts Act 2016, s 74(2)(a)–(b).

justice for this Court to hear and determine the proposed appeal.<sup>6</sup> The application will be dismissed accordingly.

### **Result**

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

[9] The applicant must pay the respondent costs of \$2,500.

Solicitors:  
Luke Cunningham Clere, Wellington for Respondent

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<sup>6</sup> Section 74(1).