

22 September 2016

By e-mail: fyi-request-4503-2ca31975@requests.fyi.org.nz and rcdahiya1@gmail.com

Dear Mr Dahiya

Request under the Official Information Act: *Dahiya v Chief Executive of the Ministry of Business, Innovation and Employment* CIV-2016-404-191 and CA410/2016

Our Ref: OIA353/1

Thank you for your e-mail of 25 August 2016.

You have made a request under the Official Information Act 1982 (“OIA”) asking for a range of documents and reasons for decisions. We refer to your email for the terms of that request, a copy of which is **attached** to this letter.

Please be advised the Crown Law Office did not act in any of the proceedings before the IPT or the High Court. Crown Law does not hold any information within the scope of your request, other than the Immigration and Protection Tribunal (“IPT”) decision that was the subject of the subsequent application for leave to appeal to the High Court.¹ We understand you already have a copy of the IPT’s decision.

Your request for information is therefore declined, on the basis that the information does not exist or cannot be found (s 18(e)).

We note, however, that much of the information you have requested should be evident from documents, such as the submissions, evidence and/or transcript, as applicable, from the IPT and the High Court hearings. We understand you have copies of these documents. We also understand you have been in contact with the Auckland High Court and Nicole Copeland of Meredith Connell regarding the matters raised in your email. Accordingly, we have not transferred your request to either of these institutions.

You have the right to complain to the Ombudsman about this refusal, under section 28(3) of the OIA.

Yours sincerely

Crown Law



Rebecca Garden
Assistant Crown Counsel

Responsible Counsel: Jenny Catran, Crown Counsel

¹ *Dahiya* [2016] NZIPT 202924.

Samantha Perkovic

-----Original Message-----

From: RC DAHIYA [mailto:fyi-request-4503-2ca31975@requests.fyi.org.nz]

Sent: Thursday, 25 August 2016 22:31

To: Library Library

Subject: Official Information request - Our queries to be answered and evidences provided; CIV2016-404-191 Dahiya v The Chief Executive of the Ministry of Business, Innovation and Employment

Dear Crown Law Office,

Dear Sir/Madam

Sub: Our queries to be answered and evidences provided by Ms Nicole Copeland (Crown Solicitor) & the Hon'ble High Court Judge Lang J.

This is in reference to our case: CIV2016-404-191 Dahiya v The Chief Executive of the Ministry of Business, Innovation and Employment [MC-MCDMS.FID563837]

We had requested the Crown Solicitor, Ms Nicole Copeland of Meredith Connell to answer to our vital queries that we have to place before the Hon'ble Court of Appeal regarding our case CA 410/2016. Our application has been accepted for filing at the Hon'ble Court of Appeal reference with reference no: CA 410/2016.

We have got the following reply from Ms Nicole Copeland through her email dated Aug 23, 2016:

"I have answered your queries to the extent I can in my email of 17 August 2016 and do not intend to correspond any further on those issues."

Kindly help us get the answers to our various queries, ALL SUPPORTING, REQUIRED EVIDENCES AND THE REASONS OF NOT ANSWERING TO OUR QUERIES, PROVIDING OUR REQUESTED, ALL REQUIRE EVIDENCES.

Below are given our queries and required evidences that we requested to Ms Nicole Copeland.

Dear Nicole

Thank you very much for your reply to our queries.

1. You have written, "I understood at that time that you were in Auckland and informed the Judge that that was my understanding – I now gather that you are in fact in Australia. I trust it is apparent to you that this error was not a factor in the Court's decision."
2. It is quite amusing and wondrous for us that Parveen's contact details are NOT VISIBLE TO YOU and THE HON'BLE JUDGE LANG J BOTH even its being there 2 times ON THE VERY FIRST, FRONT PAGE of the MAIN VERY IMPORTANT "Application for Leave to Appeal". But still the understanding about Parveen's being Auckland based takes the main front stage in BOTH THE TRANSCRIPT AND THE JUDGEMENT OF THE HON'BLE JUDGE LANG J and Parveen's being Australia based, and is still not seen on the Application for Leave to Appeal. We feel, the important document "Application for Leave to Appeal" MUST have been referred to Hon'ble Judge Lang J on the Hearing day.

We shall be highly thankful to have your detailed reply to as HOW & WHY your understanding led to Parveen being Auckland based and NOT Australia based as we have never indicated Parveen's being Auckland based.

Also we had very regularly sent and did correspond with Sulliman Gordon (Team Leader, Civil Registry High Court) all evidences regarding our documents being sent and their tracking via Australia Post, DHL in the month of February itself clearly indicating Parveen being Australia based.

So there were occasions where Parveen's being Australia based were very clearly visible.

It is most amazing that such overlookings of vital facts took place not only by you but even by Hon'ble Lang J affecting our case. We need to be given a very clear reply as such lapses tend to build up a wrong impression about our case resulting in rejection again.

Kindly explain WHY and HOW the contact details of Parveen were ignored as these were VERY CLEARLY and MOST VISIBLY written on the Application for Leave to Appeal not only once but 2 times on the VERY FIRST PAGE. Parveen's contact details were also given VERY CLEARLY on the VERY FIRST PAGE of the Notice of Appeal sent to you by Matt Amon on 4th March 2016.

3. We have/had substantiated whatever has/had been written in our submissions with various links and statutory provisions under various acts. But these have been brushed aside considering them unimportant and insignificant weakening our case. For instance, the slapping of costs which is like rubbing salt to our wounds. We give below the link and the statutory provisions regarding the Memorandum of Costs.

"A judge will order the unsuccessful party to pay costs on a solicitor-client basis if the parties have entered into a contract with a clause stating that, in the event of litigation, the unsuccessful party will pay the successful party's costs on that basis."

Ref:<https://www.justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/costs-and-disbursements/>

Home > Courts> Going to court > Going to court without a lawyer > Representing yourself in a civil case in the High Court > Costs & disbursements.....

.....

Very similarly it is quite wondrous to see that various sections under the Acts are mentioned under various references and the very simple statutory guidelines, references etc HAVE NOT BEEN TAKEN CARE OF OR FOLLOWED BUT INSTEAD QUITE OBVIOUSLY FLOUTED and MEMORANDUM OF COSTS IS FILED AND AWARDED TOO.

Please give a VERY DETAILED, SPECIFIC and CORRECT REPLY as to WHY & HOW this statutory provision was BYPASSED, FLOUTED and MEMORANDUM OF COSTS WAS FILED AND AWARDED TOO.

Kindly provide us the CONTRACT, ITS ALL DETAILS ETC, if any, entered with us.

4. You have quoted in your email, "When I referred to the filing of material as late as last week, I was referring to your submissions in reply which had been emailed to Peter Gayaman at the High Court on 1 June 2016. At that stage there was had been no indication that there would be no appearance on behalf of the applicants at the hearing on 7 June 2016."

To counter your statement, we want to say that we had emailed to you and other High Court officials on 25 March 2016, the submissions sequence-wise. Matt Amon duly acknowledged them (evidences attached). We had also requested if anything else was required. The same were sent AGAIN on 18th May 2016.

On 30th May 2016 we sent another submission in reply to respondent's submission and a minor typographical error was corrected by Peter Gayaman on 1 June, 2016 that we feel you are referring to. From your email nothing seems to have been explained about these submissions. Kindly explain WHAT HAPPENED TO OUR EARLIER SUBMISSIONS. All these confirm our assertion that our side through our submissions was never gone through by the Hon'ble Judge. Thus his decision is one-sided, partial and is against the concept of natural justice.

5. You yourself had indicated on 11th March 2016 (evidence attached) seeking court appearing exemption in: "We are in the process of drafting a joint memorandum which basically sets out the orders required to progress this matter. This will include excusing our appearances on Tuesday 15 March 2016".

Kindly provide us the EVIDENCE wherein we had indicated that Parveen would be appearing at the hearing on 7th June 2016.

6. As per Hon'ble Lang J's judgement decision of 8th June 2016:

"[22] Secondly, the Tribunal invited Mr Dahiya and his wife to provide it with details of the steps they would have taken if they had been aware of the true position. Mr Dahiya declined to take up that invitation. The Tribunal and the

Court are therefore left to speculate how Mr Dahiya and his wife have been disadvantaged by the fact that they were not aware they had been issued with SSRV's rather than PRV's."

Kindly explain HOW, WHY AND FROM WHERE it has entered into the decision as there is no mention of it in the Transcript.

7. Kindly provide us the THE EVIDENCE WHERE IPT INVITED AND "WE DECLINED" along with the date, sender's details, its mode, ie letter, email etcand other detailed information related to it.

In the end, we urge you to kindly give us a detailed reply to ALL OF these points as we need them to place our side in clearer light before the appropriate authorities.

Yours faithfully,

RC DAHIYA

This is an Official Information request made via the FYI website.

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fyi-request-4503-2ca31975@requests.fyi.org.nz

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