

SUPREME COURT OF QUEENSLAND

CITATION: *Mbuzi v Redlich* [2012] QSC 106

PARTIES: **JOSIYAS MBUZI**
(applicant)
v
GARRY REDLICH
(respondent)

FILE NO: BS9129 of 2011

DIVISION: Trial Division

PROCEEDING: Originating application

DELIVERED ON: 24 April 2012

DELIVERED AT: Brisbane

HEARING DATE: 17 November 2011

JUDGE: Mullins J

ORDER: **1. The originating application is stayed until the determination in BS7491 of 2011 (*Cooper v Mbuzi*) of whether this proceeding should be stayed pursuant to s 6(2)(a) of the *Vexatious Proceedings Act 2005*, or earlier order.**

2. Liberty to either party to apply on two days' notice in writing to the other party.

CATCHWORDS: ADMINISTRATIVE LAW – JUDICIAL REVIEW – GENERALLY – where applicant applied for statement of reasons and judicial review of decision – where applicant sought directions – where respondent claims the proceeding is vexatious – where Crown Solicitor applied for vexatious proceedings orders under *Vexatious Proceedings Act 2005* (Qld) against the applicant that had not been determined – whether appropriate to make directions in the judicial review application

COUNSEL: The applicant appeared in person
T J Bradley for the respondent

SOLICITORS: Minter Ellison for the respondent

[1] On 10 October 2011 Mr Mbuzi filed an application seeking a statement of reasons and the review of decisions of Mr Redlich (who is the chair of the Student Misconduct Appeals Committee for Griffith University) that Mr Mbuzi is guilty of misconduct and the imposition of an official reprimand as punishment. The application was listed for directions on 13 October 2011 and, at the request of Mr

Redlich, the application was adjourned for directions to be dealt with on the same day as the Crown Solicitor's application in proceedings BS7491 of 2011 against Mr Mbuzi under the *Vexatious Proceedings Act 2005* (the Act). On the basis that this proceeding against him is bound to fail and is vexatious, Mr Redlich wished to defer the directions hearing until the outcome of the Crown Solicitor's application was known. It was proposed on behalf of Mr Redlich that this proceeding be added to the list of proceedings to be stayed under any order made in the Crown Solicitor's application.

- [2] As this proceeding was commenced after the Crown Solicitor had applied for vexatious proceedings orders under the Act, this proceeding was not included in the list of proceedings of which the Crown Solicitor had given notice he was seeking a stay under s 6(2)(a) of the Act at the time of the hearing on 17 November 2011.
- [3] I have today published my reasons on the Crown Solicitor's application under the Act: *Cooper v Mbuzi* [2012] QSC 105. For the reasons given in that judgment, I have made directions giving the Crown Solicitor an opportunity to give notice of whether the Crown Solicitor seeks an order pursuant to s 6(2)(a) of the Act staying this proceeding and for directions to facilitate the determination of that question, if the Crown Solicitor gives such notice of intention.
- [4] In the light of the proposed course, it is appropriate to stay this proceeding until the determination in BS7491 of 2011 of whether this proceeding should be stayed pursuant to s 6(2)(a) of the Act. The orders that I will make are:
1. The originating application is stayed until the determination in BS7491 of 2011 (*Cooper v Mbuzi*) of whether this proceeding should be stayed pursuant to s 6(2)(a) of the *Vexatious Proceedings Act 2005*, or earlier order.
 2. Liberty to either party to apply on two days' notice in writing to the other party.