

**NOTE: PURSUANT TO S 22A OF THE ADOPTION ACT 1955, ANY
REPORT OF THIS PROCEEDING MUST COMPLY WITH SS 11B TO 11D
OF THE FAMILY COURTS ACT 1980.**

IN THE SUPREME COURT OF NEW ZEALAND

**SC24/2013
[2013] NZSC 54**

BETWEEN S (SC24/2013)
 Applicant

AND CHIEF EXECUTIVE OF MINISTRY OF
 SOCIAL DEVELOPMENT
 Respondent

Court: Elias CJ and William Young J

Counsel: Applicant in person

Judgment: 10 June 2013

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

[1] The applicant seeks leave to appeal against a judgment of Stevens J in the Court of Appeal dismissing an application for review of the Registrar's decision not to waive payment for security for costs on an appeal to the Court of Appeal.¹

[2] The applicant is the appellant in two appeals before the High Court in which she challenges decisions made by the Family Court of 5 October 2011 and 25 November 2011. She applied to adduce further evidence on appeal, an application which Williams J dismissed.² She then appealed to the Court of Appeal against that judgment. The Registrar directed that she pay \$5,880 as security for costs. The applicant applied to the Registrar to have the security dispensed with

¹ *S v H* [2013] NZCA 21.

² *S v Chief Executive of the Ministry of Social Development* [2012] NZHC 1451.

under Rule 35(6)(c) of the Court of Appeal (Civil) Rules 2005. The Registrar declined the application and this decision was upheld by Stevens J.

[3] In his judgment, Stevens J noted that the only point in favour of the applicant was her financial position which he accepted was “not strong”.³ He regarded the appeal against the decision of Williams J as being “of doubtful merit”.⁴ In light of this, he saw no reason why the applicant should not provide security for costs.

[4] We have carefully considered the submissions advanced by the applicant. In very large measure they challenge the substantive Family Court judgments (and what preceded them). They do not engage in any meaningful way with the reasons given by Williams J for refusing to allow her to call further evidence.

[5] In all the circumstances, we are satisfied that the issues she wishes to raise do not warrant the grant of leave to appeal and we see no reason to require the respondent to file submissions.

[6] Accordingly the application is dismissed.

Solicitors:
Crown Law Office, Wellington for Respondent

³ S, above n 1, at [11].

⁴ At [12].