

**IN THE SUPREME COURT OF NEW ZEALAND**

**I TE KŌTI MANA NUI**

**SC 53/2020  
[2020] NZSC 80**

BETWEEN DONNA MARY NEWLANDS  
Applicant

AND NELSON CITY COUNCIL  
Respondent

Court: Glazebrook, Ellen France and Williams JJ

Counsel: Applicant in person  
K E Mitchell for Respondent

Judgment: 10 August 2020

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**JUDGMENT OF THE COURT**

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**The application for a stay is dismissed.**

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**REASONS**

**Introduction**

[1] Ms Newlands has filed an application for leave to appeal against a judgment of Collins J of 29 June 2020.<sup>1</sup> In that decision Collins J declined Ms Newlands's application to review a decision of the Deputy Registrar not to dispense with security for costs on Ms Newlands's appeal to the Court of Appeal against a strike-out decision by the High Court.<sup>2</sup>

[2] The application for leave has its origins in two charges brought by the respondent against Ms Newlands under ss 57(2) and 33EC of the Dog Control Act

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<sup>1</sup> *Newlands v Nelson City Council* [2020] NZCA 262 (Collins J).

<sup>2</sup> *Newlands v Nelson City Council* [2020] NZHC 447 (Associate Judge Lester).

1996. The charges were laid by the Nelson City Council on 31 January 2019 and are due to be heard before the District Court on 19 August 2020.

### **Stay application**

[3] In her application for leave to this Court, Ms Newlands seeks a stay of the District Court proceedings.<sup>3</sup>

[4] The stay application is opposed by the respondent. It argues that r 30 of the Supreme Court Rules 2004 would only allow this Court to order a stay of execution of the Court of Appeal decision and not of the District Court hearing in separate criminal proceedings. In any event, it is submitted that a stay is not appropriate for a number of reasons, including:

- (a) Allowing the stay would prejudice the integrity of the criminal proceedings.
- (b) There is no prejudice to Ms Newlands. The District Court is scheduled to hear and consider evidence as part of the substantive defended criminal hearing and the District Court (upheld by the High Court) has already determined that it is best for the legal issues raised to be determined at the defended hearing once all the evidence has been heard.<sup>4</sup>
- (c) There has already been considerable delay in hearing the charges and no further delay is warranted.

### **Our assessment**

[5] We accept the respondent's submission that there is likely no jurisdiction for a stay order. But in any event, we accept the submission that a stay would not be warranted in the circumstances of this case.

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<sup>3</sup> She was asked by the Registry to clarify which proceedings she was referring to but she has not provided any further information. We assume therefore that it is sought in relation to the District Court hearing on 19 August 2020.

<sup>4</sup> *Newlands v Nelson City Council* [2019] NZHC 1692 (Cull J) at [3].

## **Result**

[6] The application for a stay is dismissed.

Solicitors:  
Tasman Law Limited, Nelson for Respondent