

NOTE: PURSUANT TO S 139 OF THE CARE OF CHILDREN ACT 2004, ANY REPORT OF THIS PROCEEDING MUST COMPLY WITH SS 11B, 11C AND 11D OF THE FAMILY COURT ACT 1980. FOR FURTHER INFORMATION, PLEASE SEE <https://www.justice.govt.nz/family/family-court/after-the-family-court/restrictions-on-publishing-information/>

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

**SC UR 27/2024
[2024] NZSC 145**

BETWEEN D (SC UR 27/2024)
Applicant

AND CHIEF EXECUTIVE OF ORANGA
TAMARIKI
First Respondent

AND N (SC UR 27/2024)
Second Respondent

Court: Glazebrook, Kós and Miller JJ
Counsel: Applicant in person
Judgment: 1 November 2024

JUDGMENT OF THE COURT

The application for review of the Registrar’s decision to decline to accept notice of application for leave to appeal by the applicant is dismissed.

REASONS

[1] The applicant has applied for review of the Registrar’s decision to decline to accept her notice of application for leave to appeal to this Court.

[2] The applicant is currently the subject of an order under s 166 of the Senior Courts Act 2016 which restrains her from commencing or continuing civil

proceedings in any of the senior courts without first obtaining leave from a judge of the High Court.¹

[3] Leave was granted under that order permitting the applicant to apply to the Court of Appeal for leave to appeal a judgment of the High Court (dismissing an appeal against decisions in the Family Court concerning parenting orders).² The Court of Appeal subsequently declined leave to appeal, holding the arguments the applicant wished to make were not capable of bona fide and serious argument.³ The applicant then filed what purports to be an ordinary notice of application to this Court for leave to appeal against that decision, which the Registrar declined to accept.

Discussion

[4] Leave not first having been obtained under the s 166 order, the Registrar was right to refuse to accept the application for filing.

Result

[5] The application for review of the Registrar's decision to decline to accept notice of application for leave to appeal by the applicant is dismissed.

¹ The s 166 order also extends to civil proceedings in the District Court (including the Family Court).

² *D v Chief Executive of Oranga Tamariki — Ministry for Children* [2023] NZHC 2366 (Becroft J); *[D] v [N]* [2022] NZFC 9600 (Judge Mahon); *Chief Executive of Oranga Tamariki — Ministry for Children v [D]* [2023] NZFC 4165 (Judge Mahon); *[D] v [N]* [2023] NZFC 6804 (Judge Mahon); and *[D] v [N]* [2023] NZFC 7292 (Judge Mahon).

³ *[D] v Chief Executive of Oranga Tamariki* [2024] NZCA 377 (Mallon and Palmer JJ).