

NOTE: PURSUANT TO S 182 OF THE FAMILY VIOLENCE ACT 2018, 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-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 30/2024
[2024] NZSC 146**

BETWEEN

TANYA FELICITY DUNSTAN
Applicant

AND

CHIEF EXECUTIVE OF THE
DEPARTMENT OF CORRECTIONS
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 a 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 a 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] The application arises from a claim for approximately \$1.27 million for alleged breaches of s 9 of the New Zealand Bill of Rights Act 1990 during a six-day period where she was remanded in custody on charges of breach of a protection order and abduction. The claim was heard and dismissed by the High Court.² The applicant filed an appeal, which was accepted for filing by the Court of Appeal once she had obtained leave to do so. But subsequently the applicant's fee waiver applications were declined,³ and her appeal was subsequently deemed abandoned. She now seeks leave to appeal direct to this Court from the High Court decision.⁴

Discussion

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

Result

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

¹ *Re Dunstan* [2023] NZHC 3176 at [15]. The s 166 order also extends to civil proceedings in the District Court (including the Family Court).

² *Dunstan v Chief Executive, Department of Corrections* [2023] NZHC 3221 (Downs J).

³ *Dunstan v Chief Executive of the Department of Corrections* [2024] NZCA 406 (Palmer J).

⁴ Senior Courts Act 2016, s 75. Although the applicant did not file a notice of application for leave to appeal in the correct form, for the purposes of the present application we treat her attempted filing as if it were such an application.