

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC UR 39/2024  
[2024] NZSC 174

BETWEEN STEWART ROBERT COULSON  
Applicant

AND AUCKLAND HIGH COURT  
Respondent

Counsel: Applicant in person

Judgment: 18 December 2024

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JUDGMENT OF MILLER J

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- A The application for review of the decision of the Deputy Registrar not to accept the application for leave to appeal for filing is upheld.**
- B The application for leave to appeal should be accepted for filing and referred to a panel for decision.**
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REASONS

[1] Mr Coulson has applied for review of the Deputy Registrar's decision to refuse to accept an application for leave to appeal for filing.

[2] The Deputy Registrar made that decision on the ground the application seeks leave to appeal direct to this Court from an interlocutory decision of the High Court, contrary to s 69(c) of the Senior Courts Act 2016. Mr Coulson maintains that the decision, among other things, was unlawful and an abuse of power and process.

[3] It appears that the decision that Mr Coulson seeks to appeal is a High Court order under r 5.35B of the High Court Rules 2016 striking out a proposed proceeding which challenges a Family Court decision making protection and interim parenting

orders.<sup>1</sup> Mr Coulson has a right of appeal to the Court of Appeal from a decision under r 5.35B.

[4] I agree with the applicant that the application ought not to have been rejected for filing on the ground that the High Court decision was interlocutory. It had the effect of bringing the proceeding to an end.

[5] Accordingly, I uphold the review. The application for leave to appeal should be accepted for filing and referred to a panel for decision.

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<sup>1</sup> *Coulson v Family Court at Waihi* HC Auckland CIV-2024-404-2378, 13 November 2024 (Jagose J).