

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC UR 43/2023

[2024] NZSC 14

BETWEEN

CATHERINE ANNE SIXTUS
Applicant

AND

JACINDA ARDERN
First Respondent

KRIS FAAFOI
Second Respondent

ANDREW LITTLE
Third Respondent

ASHLEY BLOOMFIELD
Fourth Respondent

Counsel: Applicant in person

Judgment: 20 February 2024

JUDGMENT OF KÓS J

The application for review of the decision of the Deputy Registrar declining to waive the filing fee is dismissed.

REASONS

[1] The applicant filed an application for waiver of a filing fee in this Court in order to appeal a decision of the Court of Appeal declining to grant an extension of time to file under r 43(2) of the Court of Appeal (Civil) Rules 2005.¹

¹ *Sixtus v Ardern* [2023] NZCA 521 (Brown and Katz JJ). Ms Sixtus has previously attempted to appeal another decision of the Court of Appeal, *Sixtus v Ardern* [2022] NZCA 372 (Brown J), but extension of time to do so was declined by this Court: *Sixtus v Ardern* [2023] NZSC 84. We will take the current application to relate therefore to the later Court of Appeal judgment only.

[2] On 28 November 2023 a Deputy Registrar declined that application. He was not satisfied that the requirement set out in reg 5(2)(b)(i) of the Supreme Court Fees Regulations 2003 had been met. He found the proposed appeal would not determine a question of law of significant public interest. He was also not satisfied that the requirement in reg 5(2)(b)(ii) had been met as the application stated that, if it was refused, the applicant might or might not continue the proceeding anyway. The applicant did not rely on reg 5(2)(a), which concerns inability to pay.

[3] The applicant seeks review of the Deputy Registrar's decision. Her memorandum in support is difficult to follow, drawing as it does on such diverse sources as a 1918 Yale Law Journal article on the declaratory judgment by Professor Borchard, the practice of the courts of India and some provisions of the German Code of Civil Procedure. Regrettably for the applicant, however, these do not demonstrate error by the Deputy Registrar in his evaluation of the potential application of reg 5(2)(b) of the Supreme Court Fees Regulations.

Result

[4] The application for review of the decision of the Deputy Registrar declining to waive the filing fee is dismissed.