

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

SC 103/2018
[2018] NZSC 127

BETWEEN MINA CRICHTON
 Applicant

AND CAROLYN GREEN
 First Respondent

 JANE REIDL-MOSS
 Second Respondent

 STEVE CULPAN
 Third Respondent

Court: William Young, Glazebrook and O'Regan JJ

Counsel: Applicant in person

Judgment: 20 December 2018

JUDGMENT OF THE COURT

- A The application for leave to appeal is dismissed.**
- B There is no award of costs.**
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REASONS

[1] The applicant commenced proceedings in the District Court against six defendants, including the three respondents named above. Her claims in relation to the respondents related to mental health assessments of the applicant in which those respondents had been involved.

[2] The defendants applied to strike out the claims. The claims against the present respondents were struck out.¹ The claims against the other three defendants were not struck out.

[3] The applicant appealed to the High Court against the decision striking out the claim against the present respondents. This was dismissed.² She then applied to the High Court for leave to appeal to the Court of Appeal against the High Court appeal decision. Leave was declined.³

[4] The applicant sought to commence an appeal against the High Court leave decision. The Registrar of the Court of Appeal declined to accept this appeal document, on the basis that there was no right of appeal against a judgment declining leave to appeal. Rather, the appropriate procedural step was to apply to the Court of Appeal for leave to appeal against the High Court appeal decision. The applicant applied for a review of the Registrar's decision. Clifford J declined this application.⁴ Clifford J's reasoning differed slightly from that of the Registrar, but he confirmed that there was no provision for an appeal to the Court of Appeal against a decision of the High Court refusing leave to appeal.⁵

[5] The applicant then attempted to file an application for an extension of time under r 5(2) of the Court of Appeal (Civil) Rules 2005 to file an application for leave to appeal against the High Court appeal decision. The Deputy Registrar of the Court of Appeal declined to accept the document for filing on the basis that it did not list the correct respondents: the named respondents in her application were "City Med" and the Ministry of Health rather than the present respondents. The Deputy Registrar gave her the opportunity of changing the intituling so that the present respondents were named as respondents, but the applicant declined.

[6] The applicant then applied for a review of the Deputy Registrar's decision to refuse to accept the application for extension of time for filing. That application was

¹ *Crichton v Joseph* [2017] NZDC 4154 (Judge Jelas).

² *Crichton v Green* [2017] NZHC 2336 (Gordon J) [High Court appeal decision].

³ *Crichton v Green* [2018] NZHC 184 (Gordon J) [High Court leave decision].

⁴ *Crichton v Green* [2018] NZCA 247 (Clifford J).

⁵ At [26].

dismissed by Brown J.⁶ He found that the Deputy Registrar of the Court of Appeal had been correct to advise the applicant that the respondents named in her application for an extension of time should be the three persons who were struck out as defendants in the District Court proceeding and had also been correct to reject the application for filing when the applicant declined to do this.⁷

[7] The applicant then filed a notice of application for leave to bring a civil appeal to this Court. Again, the Ministry of Health and City Med were named as respondents. The Registrar of this Court accepted the notice of application for leave to appeal for filing, but changed the name of the respondents to those of the present respondents.

[8] The material submitted by the applicant in support of her application for leave to appeal is wide-ranging in nature and raises a number of issues that are not within the scope of the application for leave. The only issue that this Court could deal with if leave to appeal were to be granted would be whether Brown J was correct to dismiss the applicant's application for review of the decision of the Deputy Registrar referred to above. There is nothing in the decision of Brown J that raises an issue of public importance and there is no appearance of a miscarriage of justice. That means there is no basis on which this Court could properly grant leave to appeal and the application for leave to appeal is therefore dismissed.

[9] The Court did not call upon the respondents named above to make submissions and, in light of that fact, no award of costs is made against the applicant in relation to this application.

⁶ *Crichton v Green* [2018] NZCA 400 (Brown J).

⁷ At [13].