

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 65/2023
[2023] NZSC 100

BETWEEN TANYA FELICITY DUNSTAN
Applicant

AND ATTORNEY-GENERAL
First Respondent

DISTRICT COURT AT MANUKAU
Second Respondent

JDN
Third Respondent

Court: Glazebrook, O'Regan and Kós JJ

Counsel: Applicant in person
D Jones for First Respondent
No appearance for Second and Third Respondents

Judgment: 9 August 2023

JUDGMENT OF THE COURT

- A The application for leave to appeal is dismissed.**
- B The applicant must pay the first respondent costs of \$2,500.**
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REASONS

[1] Ms Dunstan applies for leave to appeal a decision of the Court of Appeal refusing extension of time to appeal against a judgment of the High Court dismissing judicial review of a decision of the District Court declining to authorise the commencement of five private prosecutions.¹ In a judgment delivered on

¹ *DFT v Attorney-General* [2023] NZCA 225 [CA judgment]; and *Dunstan v The District Court at Manukau* [2021] NZHC 311 [HC judgment].

26 February 2021, the High Court Judge concluded none of the grounds advanced for judicial review had merit, and the application failed “by some margin”.²

[2] Almost two years later, on 28 December 2022, Ms Dunstan applied to the Court of Appeal for extension of time to appeal the High Court judgment. On 12 June 2023 the Court of Appeal declined the application, noting the unexplained delay, absence of public interest in the grounds advanced and the apparent absence of any basis on which to conclude the High Court judgment might be properly challenged”.³

Application for leave to appeal

[3] Ms Dunstan advances 14 grounds. As Mr Jones submits for the respondent, they are difficult to understand and summarise. Several take issue with factual and procedural findings. Others traverse “delays due to distress and exhaustive measures to protect my children in all family court proceedings”. Others assert intimidation and harassment, and misconduct, by various courts.

Our assessment

[4] None of the criteria for appeal provided in s 74(2) of the Senior Courts Act 2016 are made out here. The proposed appeal turns on its particular facts. No question of general or public importance arises.⁴ Nor does anything raised by Ms Dunstan give rise to the appearance of a miscarriage of justice.⁵

Result

[5] The application for leave to appeal is dismissed.

² HC judgment, above n 1, at [62].

³ CA judgment, above n 1, at [10]–[12].

⁴ Senior Courts Act 2016, s 74(2)(a).

⁵ Section 74(2)(b); and *Junior Farms Ltd v Hampton Securities Ltd (in liq)* [2006] NZSC 60, (2006) 18 PRNZ 369.

[6] The first respondent having filed submissions on the application, the applicant must pay the first respondent costs of \$2,500.

Solicitors:
Crown Law Office, Wellington for First Respondent