

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 41/2023
[2023] NZSC 83

BETWEEN D (SC 41/2023)
Applicant

AND AUCKLAND DISTRICT COURT
First Respondent

N
Second Respondent

Court: Glazebrook, O'Regan and Ellen France JJ

Counsel: Applicant in person
H T N Fong and S Cvitanovich for First Respondent
No appearance by Second Respondent

Judgment: 7 July 2023

JUDGMENT OF THE COURT

- A The application for leave to appeal is dismissed.**
- B We make no order as to costs.**
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REASONS

Introduction

[1] Ms D has filed an application for leave to appeal from a decision of the Court of Appeal.¹ The Court of Appeal dismissed an appeal by Ms D from a decision

¹ [D] v Auckland District Court [2023] NZCA 130 (Courtney, Venning and Downs JJ).

and minute of the High Court (the High Court decision and minute) refusing various applications in connection with a judicial review of a District Court decision.²

Background

[2] Ms D attempted to file a charging document in the District Court to commence a private prosecution against Ms N. Judge Glubb issued a direction and minute refusing to accept the document for filing.

[3] Ms D applied for judicial review of Judge Glubb's decision. Her claim was initially struck out as an abuse of process, but the strike-out was overturned on appeal.³

[4] Ms D's application for judicial review was granted in the High Court, and Judge Glubb's decision not to accept the charging document was set aside.⁴ The question of whether the charging document should be accepted for filing was referred back to the District Court for reconsideration. In a minute, Lang J rejected several informal applications made by Ms D on other matters.⁵

[5] Ms D appealed to the Court of Appeal, alleging various errors in the High Court decision and minute and seeking various orders, including compensation. As indicated above at [1], that appeal was dismissed by the Court of Appeal and Ms D now seeks leave to appeal to this Court.

Our assessment

[6] Ms D's proposed grounds of appeal relate only to the particular circumstances of her case. No matters of general or public importance arise.⁶ Further, nothing raised by Ms D suggests that the Court of Appeal's decision on those points may have been wrong. Therefore nothing suggests that a substantial miscarriage of justice may have occurred.⁷

² *[D] v Auckland District Court* [2022] NZHC 3308 (Lang J) [HC judgment]; and *[D] v Auckland District Court* HC Auckland CIV 2022-404-223, 20 December 2022 (Minute of Lang J) [HC minute].

³ *D v Auckland District Court* [2022] NZCA 477 (Katz, Wylie and Palmer JJ).

⁴ HC judgment, above n 2, at [31].

⁵ HC minute, above n 2.

⁶ Senior Courts Act 2016, s 74(2)(a).

⁷ Section 74(2)(b).

Result

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

[8] There is no orders for costs as the first respondent did not file substantive submissions and the second respondent filed no submissions.

Solicitors:

Crown Law Office, Wellington for First Respondent