

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 49/2023
[2023] NZSC 84

BETWEEN CATHERINE ANNE SIXTUS
Applicant

AND JACINDA ARDERN
First Respondent

KRIS FAAFOI
Second Respondent

ANDREW LITTLE
Third Respondent

ASHLEY BLOOMFIELD
Fourth Respondent

Court: Glazebrook, Williams and Kós JJ

Counsel: Applicant in person
P J Gunn and A J Vincent for Respondents

Judgment: 12 July 2023

JUDGMENT OF THE COURT

- A The application for an extension of time to apply for leave to appeal is dismissed.**
- B The applicant must pay the respondents one set of costs of \$1,000.**
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REASONS

[1] The applicant seeks leave to appeal a decision by Brown J in the Court of Appeal refusing (on review from a decision of the Deputy Registrar) to waive

the filing fee in that Court.¹ The appeal to which Brown J's decision related was that of Cooke J in the High Court who struck out the applicant's judicial review proceedings as an abuse of process.² Ms Sixtus' failure to prosecute the appeal in light of the fee waiver decision led to the appeal being deemed abandoned.³ That order has since been sealed.

[2] In complex, wide-ranging and discursive submissions, the applicant essentially argues that the fee waiver decision denied her access to justice.⁴ Underpinning her argument is the further argument that the issues at stake in the substantive proceeding are matters of significant public interest.⁵

[3] Since the applicant's substantive appeal in the Court of Appeal is no longer extant, having been abandoned, this application for leave in relation to that Court's refusal to waive the filing fee is now moot.

[4] The criteria in s 74 of the Senior Courts Act 2016 for the grant of leave are therefore not met. The notice of application for leave to appeal was filed out of time. In these circumstances there is no point in granting an extension of time.

[5] The application for an extension of time to apply for leave to appeal is dismissed.

[6] The applicant must pay the respondents one set of costs of \$1,000.

Solicitors:
Crown Law Office, Wellington for Respondents

¹ *Sixtus v Ardern* [2022] NZCA 372.

² *Sixtus v Ardern* [2022] NZHC 1161.

³ Court of Appeal (Civil) Rules 2005, r 43.

⁴ Senior Courts Act 2016, s 74(2)(b).

⁵ Section 74(2)(a).