

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 104/2024
[2024] NZSC 136

BETWEEN PONSONBY CHAMBERS (ON BEHALF
 OF TANYA FELICITY DUNSTAN)
 Applicant

AND ATTORNEY-GENERAL
 First Respondent

 MINISTER OF JUSTICE
 Second Respondent

 ANDREW KIBBLEWHITE
 Third Respondent

Court: Glazebrook, Ellen France and Miller JJ

Counsel: Applicant in person
 No appearance for Respondents

Judgment: 9 October 2024

JUDGMENT OF THE COURT

The Registrar is directed not to accept for filing the application for leave to appeal.

REASONS

[1] “Ponsonby Chambers” has sought to file an application for leave to appeal from a decision of Blanchard J in the High Court,¹ seeking to bypass the

¹ *Ponsonby Chambers (on behalf of Tanya Dunstan) v Attorney-General* HC Auckland CIV-2024-404-2281, 16 September 2024. The decision was made in a minute declining to entertain a habeas corpus application on the ground that it related to an order made against Ms Dunstan under s 166 of the Senior Courts Act 2016, which was not an order to detain anyone.

Court of Appeal.² The Registrar has referred it to us for direction, having regard to apparent irregularities.

[2] Ponsonby Chambers is not a barristers' chambers. It appears to be a reference to Ponsonby Chambers Ltd, a limited liability company owned and directed by Tanya Dunstan. The application for leave to appeal is said to have been brought on behalf of "the appellant", Ms Dunstan. It appears to have been signed by "Mr X", while the decision of Blanchard J records "M Rolls" as solicitor. Melanie Rolls is a name used by Ms Dunstan. She appears to have used it to file the High Court proceeding in which the decision she now wishes to appeal to this Court was made.

[3] The application is a plain abuse of process. Ms Dunstan is the subject of an order under s 166 of the Senior Courts Act 2016 and cannot bring a proceeding without first obtaining leave.³ She cannot evade that order by the device of using Ponsonby Chambers to file the application on her behalf and what appears to be an alias. She appears to have attempted to mislead the Registrar by doing so.

[4] In these circumstances the Court will not consider the application for leave to appeal. The Registrar is directed not to accept it for filing.⁴

² Pursuant to s 69 of the Senior Courts Act and s 16(1A)(a) of the Habeas Corpus Act 2011.

³ *Re Dunstan* [2023] NZHC 3176 at [15].

⁴ See *Greer v Smith* [2015] NZSC 196, (2015) 22 PRNZ 785 at [6].