

**NOTE: ANY REPORT OF THIS PROCEEDING MUST COMPLY WITH
SS 11B, 11C AND 11D OF THE FAMILY COURT ACT 1980.**

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

**SC 122/2023
[2024] NZSC 3**

BETWEEN	IAN ADAMSON AND KATE JONES Applicants
AND	JAMES ROBINSON Respondent

Court:	Glazebrook, Ellen France and Kós JJ
Counsel:	Applicants in person C J Nicholls for Respondent
Judgment:	5 February 2024

JUDGMENT OF THE COURT

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

[1] The applicants seek leave to appeal a decision of Gilbert J in the Court of Appeal declining review of a decision of a Deputy Registrar not to extend time to apply to dispense with security for costs.¹ The underlying claim in the High Court was an application for habeas corpus, purportedly on behalf of a child subject to an interim parenting order made by the Family Court.² The order gives day-to-day care of the child to Ms Jones and some weekend and holiday contact to Mr Robinson.

¹ *Adamson v Robinson* [2023] NZCA 531 [CA judgment].
² *Adamson v Robinson* [2023] NZHC 2115 (Gwyn J).

[2] The proposed appeal does not meet the criteria for leave. As Miller J had earlier observed in the Court of Appeal, the appeal there was an attempt to relitigate a parenting order made by the Family Court when the applicants had a remedy in that Court.³ The proposed appeal in this Court would turn on its own facts and involves no matter of general or public importance.⁴ The Treaty of Waitangi argument now advanced by the applicants does not alter that conclusion where there is nothing to suggest security for costs was set here without due (and therefore equal) regard to economic capacity. There is no apparent substantial miscarriage of justice arising from the decision below.⁵ It is not therefore necessary in the interests of justice for the Court to hear and determine the appeal.⁶

Result

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

[4] The applicants must pay the respondent one set of costs of \$2,500.

Solicitors:
Chris Nicholls, Lower Hutt for Respondent

³ See CA judgment, above n 1, at [3].

⁴ Senior Courts Act 2016, s 74(2)(a).

⁵ Section 74(2)(b).

⁶ Section 74(1).