

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

**SC UR 39/2025
[2025] NZSC 128**

BETWEEN SAMANTHA JANE GRANT
Applicant

AND GOVERNOR-GENERAL
Respondent

Counsel: Applicant in person

Judgment: 30 September 2025

JUDGMENT OF ELLEN FRANCE J

**The application for review of the decision of the Deputy Registrar
declining to waive the filing fee is dismissed.**

REASONS

Introduction

[1] The applicant has applied for leave to appeal to this Court. On 10 September 2025, the Deputy Registrar of this Court declined the applicant’s application for a waiver of the leave to appeal filing fee of \$1,482. This was because the Deputy Registrar considered granting a fee waiver would not promote access to justice where the proposed appeal had no merit and would not be pursued by a reasonable solvent litigant.

[2] Following receipt of the Deputy Registrar’s decision, the applicant applied for review of this decision under s 160 of the Senior Courts Act 2016. That application has been referred to me for decision.

Background

[3] The present application arises out of the applicant's attempts to file charging documents in the District Court to enable the applicant to pursue a private prosecution against the Governor-General. The proposed private prosecution would relate to actions taken against the applicant by the New Zealand Police | Ngā Pirihimana o Aotearoa, the Ministry of Justice | Te Tāhū o te Ture, the courts, Ara Poutama Aotearoa | the Department of Corrections and other state agencies which the applicant says, when considered together, amount to torture because of the resulting psychological, physical, emotional and financial hardship.

[4] The District Court Judge, in issuing a direction that the charging documents be rejected for filing, concluded that the evidence provided was not sufficient to justify a trial and that the proposed prosecution was an abuse of process under s 26(3) of the Criminal Procedure Act 2011. It appears that the applicant sought to file the same documents several months later and the District Court again determined the documents should not be accepted for filing on the same grounds.

[5] The applicant then presented documents for filing in the High Court seeking judicial review of the District Court decisions. The proceedings were referred to Isac J, who struck out the proceeding under r 5.35B of the High Court Rules 2016 on the basis it comprised an abuse of process.¹

[6] The applicant appealed from the strike-out decision to the Court of Appeal. In dismissing the appeal, the Court of Appeal noted that the applicant had not identified any errors in the approach of the High Court.² The Court continued:³

While Ms Grant feels aggrieved at her treatment by a number of state agencies, she has been unable to construct a justiciable claim. Not only is the Governor-General unable to be prosecuted on a representative basis, but there remains no identifiable ground of review of [the District Court's] decision and no recognisable form of relief sought.

¹ *Grant v Governor-General* [2024] NZHC 2606, at [17] and [19]–[20].

² *Grant v Governor-General* [2025] NZCA 414 (Woolford, Dunningham and Walker JJ).

³ At [15].

The fee waiver application

[7] The fee waiver was sought on the basis that the applicant is unable to pay the fee because that would lead to undue financial hardship if paid in terms of reg 5(2)(a) and 5(3)(b)(i) of the Supreme Court Fees Regulations 2003. Although the applicant did not specify that the waiver application also relied on reg 5(2)(b)(i), there is some reference in that application to matters the applicant says are in the public interest.

[8] In declining to waive the fee, the Deputy Registrar determined that the proposed appeal did not concern a matter of genuine public interest noting the application did not address any of the specified criteria. The Deputy Registrar accepted that the applicant was unable to pay the fee but did not consider a fee waiver would promote access to justice where the proposed appeal had no merit.

[9] In seeking a review of the Deputy Registrar's decision, the applicant essentially says that her case has real merit and that a miscarriage of justice will otherwise result if her case is not heard. In support of that submission she submits, amongst other matters, that the repeated behaviours by police have worsened over the years. She also emphasises the unlawful release of information.

[10] Having reviewed the material filed by the applicant, I agree with the Deputy Registrar's assessment. There is a lack of clarity about the particular decision from which leave to appeal is sought in the notice of application for leave to appeal, but the application for review refers to the strike out judgment in the High Court. It is clear, as the Court of Appeal said, that the problems with the judicial review proceeding identified by the High Court remain, even in light of the high threshold that must be met before a claim can be dismissed as plainly an abuse of process. Those problems include an absence of an identifiable ground of review and of any recognisable form of relief. Further, the Court of Appeal made the point that the content required for a private prosecution under s 17 of the Criminal Procedure Act is missing.

[11] As the Deputy Registrar noted, the applicant appears now to accept that the Governor-General cannot be prosecuted for these matters. The applicant now frames the proceeding as one against the Solicitor-General on behalf of various ministers and

organisations. That does not alter the fundamental problems identified and, as both Courts below have said, the applicant also seeks to relitigate a number of cases in various jurisdictions in which she has been unsuccessful by combining them in the proposed criminal prosecution. Against this background, the fee waiver was correctly declined.

Result

[12] The application for review of the decision of the Deputy Registrar declining to waive the filing fee is dismissed. If the applicant wishes to have the application for leave to appeal accepted for filing, the applicant must first pay the filing fee.