

**NOTE: ANY REPORT OF THIS PROCEEDING MUST COMPLY WITH SS 11B, 11C AND 11D OF THE FAMILY COURT ACT 1980 PER FAMILY COURT AND HIGH COURT ORDER. SEE [2024] NZHC 2460 AT [7]. FOR FURTHER INFORMATION, PLEASE SEE <https://www.justice.govt.nz/family/family-court/after-the-family-court/restrictions-on-publishing-information/>**

**IN THE SUPREME COURT OF NEW ZEALAND**

**I TE KŌTI MANA NUI O AOTEAROA**

**SC 73/2025  
[2025] NZSC 201**

BETWEEN P (SC 73/2025)  
Applicant

AND WELLINGTON FAMILY COURT  
First Respondent

THE REGISTRAR-GENERAL OF  
BIRTHS, DEATHS, MARRIAGES AND  
RELATIONSHIPS  
Second Respondent

C  
Third Respondent

Court: Williams, Kós and Miller JJ

Counsel: Applicant in person  
No appearance for Respondents

Judgment: 23 December 2025

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**JUDGMENT OF THE COURT**

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- A The application for leave to appeal is dismissed.**
- B The applications referred to at [9] and [11] of this judgment are declined.**
- C There is no order as to costs.**

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## REASONS

[1] The applicant, P, seeks leave to appeal a decision of the Court of Appeal which upheld a High Court decision striking out P's application for judicial review of a Family Court decision.<sup>1</sup> The Family Court had struck out P's application to correct his birth certificate.<sup>2</sup>

### Background

[2] The essence of P's claim in the Family Court was that both the mother (C) and father<sup>3</sup> named on his birth certificate are not his biological parents. P sought orders directing the Registrar-General to require C to make a statutory declaration, to recommend C take a parentage test and to correct the birth register.

[3] Deputy Registrar-General Jeremy Williams deposed that, following inquiry into the relevant supporting documentation, he was satisfied there was insufficient evidence of any error or fraud and no correction was required. C also gave evidence confirming that she was P's mother, though she accepted that the identity of P's father was not correctly recorded. The Judge recorded that P, who had been granted leave to attend the hearing by AVL, "ha[d] elected not to attend Court . . . ?"<sup>4</sup>

[4] On reviewing the evidence, the Family Court found there was "a preponderance of evidence that [C] . . . is [P's] mother".<sup>5</sup> There was no evidence of error requiring P's birth certificate to be corrected, nor, the Court considered, was there any jurisdiction or evidential basis to make the other orders sought. As there was no basis upon which the application could succeed, the Family Court struck it out as an abuse of process.<sup>6</sup> Finding C to be a vulnerable person under s 11D(i) of the Family

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<sup>1</sup> *P v Wellington Family Court* [2025] NZCA 262 (Woolford, Jagose and Powell JJ) [CA judgment]; *P v Wellington Family Court* [2024] NZHC 2460 (McHerron J) [HC judgment]; and *[P] v [C] FC Wellington FAM-2024-085-159*, 19 July 2024 (Minute of Judge Montague) [FC minute]. See also r 5.35B of the High Court Rules 2016.

<sup>2</sup> Under s 133(2) of the Births, Deaths, Marriages, and Relationships Registration Act 2021.

<sup>3</sup> Now deceased.

<sup>4</sup> P said his non-attendance was due to a technical issue with the AVL. We are not in a position to reconcile these different views.

<sup>5</sup> FC minute, above n 2.

<sup>6</sup> Under r 193 of the Family Court Rules 2002.

Court Act 1980, the Court also directed that reports of the proceeding may not be published without leave under s 11B(3)(b)(ii) of that Act.

[5] P then sought judicial review of the Family Court's decision. His application was referred to McHerron J by the High Court Registrar.<sup>7</sup> P's statement of claim was described as "tolerably well-written" but "discursive and lurid in its detail", containing "a far-fetched narrative".<sup>8</sup> P alleged, among other things, that C seriously abused him, and that C was involved in baby-farming organised by eugenicists, in which P was subjected to hypnotic coercion.<sup>9</sup>

[6] Insofar as P's claim related to C, McHerron J considered it met the threshold for strike-out. The Judge did not, however, consider it appropriate to strike the proceeding out in its entirety, given the agreement between C and P as to the father recorded on P's birth certificate, and given that technical difficulties had prevented P from participating in the Family Court hearing. McHerron J instead stayed the proceeding to give P a month to replead in terms limited to the issue of P's father and without the discursive material relating to C. Should P not do so, the statement of claim was to be regarded as struck out without further notice.<sup>10</sup> McHerron J also directed that the Family Court's suppression order continue to apply in respect of the judicial proceeding insofar as it related to C.<sup>11</sup>

[7] P did not replead. Instead he appealed the High Court decision as procedurally improper, ultra vires, irrational and infringing on his rights under the New Zealand Bill of Rights Act 1990. The Court of Appeal endorsed McHerron J's approach, agreeing that the proceeding was clearly abusive such that strike-out was justified.<sup>12</sup>

[8] For completeness, we note that it appears that P also applied for a rehearing in the Family Court.<sup>13</sup> Following the High Court's judgment, he applied to adjourn the Family Court proceeding. In granting the adjournment, the Family Court recorded

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<sup>7</sup> Under r 5.35A of the High Court Rules.

<sup>8</sup> HC judgment, above n 1, at [8].

<sup>9</sup> This process, he alleged, selectively edited his memory and led to his trafficking into slavery in an abusive forced marriage: HC judgment, above n 1, at [9]–[10].

<sup>10</sup> At [15]–[18].

<sup>11</sup> At [7].

<sup>12</sup> CA judgment, above n 1, at [16]–[18].

<sup>13</sup> Under r 209 of the Family Court Rules 2002.

that there was consent to removal of the named father from P's birth certificate, so that “the birth certificate can be corrected accordingly”.<sup>14</sup>

### **P's submissions**

[9] In this Court, P has filed a large volume of material maintaining his allegations against C and reiterating submissions made in the Courts below. The specific grounds for his proposed appeal, however, are that the strike out and permanent suppression of C's identity were irrational, illegal, procedurally improper and disproportionate. As to relief, P seeks reinstatement of his judicial review proceeding, quashing of the suppression order (with “any alleged privacy issues” to be referred for reconsideration by the Family Court) and costs. P has also applied for leave to adduce further evidence and to file an amended statement of claim, as well as requesting directions on a matter relating to the suppression in this case.

### **Analysis**

[10] P's long list of allegations against C should not distract from the issue at the core of this proceeding—that is, whether it was open to the Family Court to find on the evidence before it that C's claim to be P's mother should be preferred over P's claim that she was not. There is no proper basis upon which this Court, on a third review, could interfere in that Court's evaluation. We take the same view with respect to permanent suppression of C's identity. We see no appearance of error in the Courts below. It follows that it is unnecessary in the interests of justice for this Court to hear and determine the proposed appeal.<sup>15</sup> There is no risk of a miscarriage of justice, and no matter of general or public importance arises.<sup>16</sup>

[11] As to P's application to adduce further evidence and file an amended statement of claim, the material P seeks to adduce essentially reiterates the allegations against C and elaborates on matters already fully covered by his submissions. The additional material would not affect our view. As to the directions sought by P, these can be addressed in the Family Court. We decline the applications accordingly.

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<sup>14</sup> *[P] v [C]* FC Wellington FAM-2024-085-159, 25 September 2024 (Minute of Judge Montague).

<sup>15</sup> Senior Courts Act 2016, s 74(1).

<sup>16</sup> Section 74(2)(a)–(b).

## **Result**

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

[13] The applications referred to at [9] and [11] of this judgment are declined.

[14] There is no order as to costs.

Solicitors  
Rachael Dewar Law, Wellington for Second Respondent