

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 136/2024
[2025] NZSC 52

BETWEEN STEWART ROBERT COULSON
Applicant

AND HIGH COURT AT AUCKLAND
Respondent

Court: Ellen France, Williams and Kós JJ

Counsel: Applicant in person
No appearance for Respondent

Judgment: 14 May 2025

JUDGMENT OF THE COURT

- A The application for leave to appeal is dismissed.**
B There is no order as to costs.

REASONS

[1] The applicant, Stewart Coulson, seeks leave to appeal directly to this Court from a decision of the High Court striking out a proposed proceeding challenging a Family Court decision making protection and interim parenting orders.¹

[2] The High Court in its minute striking out the proceeding noted that the proceeding was one of a number of proceedings referred to the Judge by the Registrar under r 5.35A of the High Court Rules 2016 for consideration if “plainly an abuse of the process of the court”.² The Judge noted that in an earlier decision, this proceeding

¹ *Coulson v Family Court at Waihi* HC Auckland CIV-2024-404-2378, 13 November 2024 (Jagose J) [High Court minute].
² High Court Rules 2016, r 5.35B(1).

(alone of the ones referred to the Judge) had not been struck out as “not abusive in the first instance”.³ Since that decision, the High Court had been advised that the interim orders challenged by Mr Coulson had been replaced by final orders. The High Court considered that given the proceeding was now moot, it too was abusive and the proceeding was struck out accordingly under rr 5.35B and 15.1. The Judge also advised Mr Coulson of his right to appeal to the Court of Appeal as of right against the strike out decision as the order had been made without him being heard.

[3] On the proposed appeal, the applicant wishes to raise a number of matters, including the following:

- (a) a challenge to the ability to strike out under r 5.35B as he says the initiating proceedings had been served prior to the date of the strike out decision;
- (b) a challenge to the power to make the interim orders;
- (c) allegations of breach of natural justice and of bad faith;
- (d) complaints relating to enforcement of orders made in the Family Court; and
- (e) challenges in relation to the setting up of the Family Court.

[4] We received memoranda on the leave application from the named respondents in the decision of the High Court. The first respondent, the Family Court at Waihi, and the third respondent, the Secretary for Justice and Chief Executive of the Ministry of Justice, in the High Court abide the decision of this Court.⁴ Counsel for the second respondent, who has custody of the children, has provided this Court with an email from her client which asks this Court to recognise the present application as indicative of the applicant’s ongoing harassment of her.

³ High Court minute, above n 1, at [2]; and see *Coulson v Family Court at Waihi* [2024] NZHC 2929 at [5(a)] and [7].

⁴ The applicant names a sole respondent, the Auckland High Court, and the memorandum filed for the Family Court addresses which of the Courts is the appropriate respondent. We need take no steps in this regard given our decision.

[5] The applicant has a right of appeal to the Court of Appeal, albeit he would now need to seek an extension of time from that Court. In these circumstances, nothing raised by the applicant makes it necessary in the interests of justice for this Court to hear and determine the proposed appeal and nor is there anything that would comprise exceptional circumstances justifying that course.⁵

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

[7] There is no order as to costs.

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⁵ Senior Courts Act 2016, s 75.