

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC UR 9/2026
[2026] NZSC 4

RE

TANYA FELICITY DUNSTAN
Applicant

Counsel: Applicant in person

Judgment: 16 February 2026

JUDGMENT OF KÓS J

The application for review of the decision of the Deputy Registrar not to accept the application for leave to appeal for filing is dismissed.

REASONS

[1] The proceeding here in issue was filed in the High Court by Tanya Felicity Dunstan, using the pseudonym Melanie Rolls. Ms Dunstan/Rolls is the subject of a civil restraint order under s 166 of the Senior Courts Act 2016. The effect of that order is that she required leave of the Court prior to filing the proceeding. No such leave was obtained. Wilkinson-Smith J struck the proceeding out.¹

[2] Ms Dunstan/Rolls sought to appeal to the Court of Appeal, but that appeal was not accepted for filing due to the s 166 order. Now a leapfrog application for leave to appeal to this Court has been presented by one James Philip Donellan, said to be litigation guardian for two interested persons.

[3] A Deputy Registrar of this Court declined to accept that application for filing because of the s 166 order. While uncertain whether Mr Donellan was simply a further

¹ *Dunstan v Attorney-General* [2026] NZHC 6.

pseudonym of Ms Dunstan/Rolls, the Deputy Registrar found the s 166 order applied to the proceeding, and that the application was filed in an attempt to bypass the order. Without leave having been given, the Court had no jurisdiction to accept the application.

[4] An application for review by a Judge has been filed. In essence it is said Mr Donellan is not subject to the s 166 order.

Discussion

[5] The decision of the Deputy Registrar was correct. First, I am satisfied that the proceeding was filed in the High Court in breach of the s 166 order against Ms Dunstan/Rolls. Secondly, that proceeding cannot then be given substance by its carriage being assumed instead by a third person, even assuming Mr Donellan has separate legal identity from Ms Dunstan/Rolls.

Result

[6] The application for review of the decision of the Deputy Registrar not to accept the application for leave to appeal for filing is dismissed.