

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 15/2026  
[2026] NZSC 50

BETWEEN

ANTHONY DUNSTAN  
Applicant

AND

CREDIT UNION SOUTH (NOW UNITY  
CREDIT UNION)  
First Respondent

JANICE FREDRIC, PETER MCKNIGHT,  
LOUISE EDWARDS, PETER BOOTH  
AND SHONA CUMMING  
Second Respondents

Court: Ellen France, Williams and Miller JJ

Counsel: Applicant in person  
I Rosic and B J Dominikovich for First and Second Respondents

Judgment: 6 May 2026

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**JUDGMENT OF THE COURT**

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- A The application for an extension of time to apply for leave to appeal is dismissed.**
- B The applicant must pay the respondents one set of costs of \$2,500.**
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**REASONS**

[1] Mr Dunstan seeks leave to appeal a judgment of the Court of Appeal which was delivered on 3 December 2021.<sup>1</sup> The Court dismissed his appeal from a High Court decision declining to interfere, on judicial review, with a decision of the Credit Union South Board (the Board) that he was ineligible to stand for election to

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<sup>1</sup> *Dunstan v Credit Union South* [2021] NZCA 656 (Clifford, Thomas and Muir JJ) [CA judgment].

the Board in 2017.<sup>2</sup> The reason given by the Board was that he did not meet its “fit and proper” standard for directors.<sup>3</sup>

[2] The proposed appeal is nearly three years out of time, and Mr Dunstan has not formally sought an extension.<sup>4</sup> His application for leave to appeal indicates that he chose to bring a claim before the Human Rights Review Tribunal instead. We understand that that claim was struck out several days after Mr Dunstan applied for leave to appeal in this Court.<sup>5</sup>

[3] We conclude that the delay has been inordinate and an extension of time should be declined for that reason.<sup>6</sup>

[4] We add we would not have granted leave in any event. The High Court and Court of Appeal recognised that the issue mattered to Mr Dunstan because it went to his fitness to be a director and his reputation. But on the merits, the Board had followed its prescribed processes and had given him an opportunity to comment, and it considered what he had to say.<sup>7</sup> That being so, the outcome of the proposed appeal would not turn on the question of principle which Mr Dunstan invites us to decide: whether the actions of an unincorporated body such as Credit Union South were judicially reviewable and if so on what basis. It is not an issue that merits consideration in the particular circumstances of this case.

[5] The application for an extension of time to apply for leave to appeal is dismissed.

[6] Mr Dunstan must pay the respondents one set of costs of \$2,500.

Solicitors:  
Gilbert Walker, Auckland for First and Second Respondents

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<sup>2</sup> *Dunstan v Credit Union South* [2020] NZHC 1063 (Dunningham J) [HC judgment].

<sup>3</sup> At [2].

<sup>4</sup> Supreme Court Rules 2004, r 11(1)–(2).

<sup>5</sup> *Dunstan v Unity Credit Union* [2026] NZHRRT 3.

<sup>6</sup> Supreme Court Rules, r 11(4); and *Almond v Read* [2017] NZSC 80, [2017] 1 NZLR 801 at [38(a)].

<sup>7</sup> HC judgment, above n 2, at [79], [84]–[89], [103]–[108], [115]–[117] and [130]–[132]; and CA judgment, above n 1, at [43], [49]–[51], [56] and [59].