

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC UR 9/2026
[2026] NZSC 71

RE TANYA FELICITY DUNSTAN
(James Philip Donellan)
Applicant

Court: Ellen France, Miller and Cooke JJ

Counsel: Applicant in person

Judgment: 3 June 2026

JUDGMENT OF THE COURT

The application for review is dismissed.

REASONS

[1] This judgment responds to an application for review of a decision of Kós J upholding the Registrar’s decision to refuse to accept for filing a proposed application for leave to appeal direct from the High Court decision in [2026] NZHC 6.¹ The Court of Appeal previously declined to accept an appeal for filing in that Court.²

[2] The Registrar rejected the proposed appeal because the real applicant is Tanya Felicity Dunstan, not James Philip Donellan, and Ms Dunstan is subject to a general order under s 166 of the Senior Courts Act 2016. Ms Dunstan did not obtain leave of the High Court to bring the proceeding.

¹ *Re Dunstan* [2026] NZSC 4.

² At [2].

[3] Kós J agreed, reasoning that the proceeding cannot be given substance by its carriage being assumed by what appears to be a separate person.³

[4] The applicant responded by seeking recall. That has been treated as an application for review of Kós J's decision under s 82(4)(b) of the Senior Courts Act.

[5] The relief sought relates to the alleged detention of Ms Dunstan's children, who are subject to an order prohibiting their removal from New Zealand. There is no pleading identifying a relationship between the children and either Mr Donellan or Melanie Rolls (who ostensibly brought the application in the High Court). There is no reason to doubt that Ms Rolls and Mr Donellan are either pseudonyms or persons who have lent their names to Ms Dunstan's cause. Either way, she is the real applicant. The proposed appeal is an abuse of process because it is an attempt to evade the s 166 order.

[6] The application for review is dismissed.

³ At [5].