



8 July 2011

Ms Penelope M Bright
86A School Road, Kingsland
Auckland
Fax 846 9825

Dear Ms Bright,

Re: Application for order

I refer to your document called "Application for order", with yourself listed as applicant and "The Queen" as respondent, that you left at the Court registry on 7 July 2011.

I do not intend to take any action in respect of the document.

The document was presented for filing at the criminal jurisdiction counter of the Court registry. However the provision for the proceeding number to appear is commenced "CIV 2011-404-", which might indicate an intention to apply in the civil jurisdiction of the Court.

While there is legislation providing for non-parties to request access to criminal proceeding documents, there does is not basis (that I am aware of) on which a non party can apply in a criminal proceeding to lift a suppression order. I also note that no specific authority for that, legislative or in caselaw, is referred to in your application as far as you can tell.

If the document is intended for filing in the civil jurisdiction it could not be accepted because it does not meet the procedural requirements for a proceeding commenced in the civil jurisdiction of the Court.

As you will be aware, the High Court Rules govern the procedure of the Court in civil cases, and set out the essential requirements of applications and other documents filed in Court proceedings. Meeting the minimum requirements of the relevant rules helps to ensure that parties to proceedings are treated fairly, and that the other parties can respond to the matters at issue. Your documentation would also need to comply with any special requirements provided for in relevant statutes.

You will also be aware that fees are payable for the filing of applications in the Court registry, and the fees payable would need to be paid or waived as provided for in legislation. Details of most fees payable, and the form for applications to waive or refund fees, can be obtained from the Court registry or from the Ministry of Justice website (www.justice.govt.nz).

I draw your attention to Rule 2.11 of the High Court Rules which provides a right of review of the refusal of a Registrar to file any document or perform a duty in the civil jurisdiction of the Court. Rule 2.11 of the High Court Rules provides as follows:

HIGH COURT

Corner Waterloo Quadrant and Parliament Street, Auckland, 1015, P.O. Box 60, Auckland, New Zealand.
Telephone: (09) 916 9600 Fax: (09) 916 9611

"2.11 - Review of Registrar's decision

(1)An affected party to a proceeding or an intended proceeding may apply to a Judge by interlocutory application for a review of any of the following:

(a)a Registrar's exercise of jurisdiction:

(b)a Registrar's refusal to file a document tendered for filing:

(c)a Registrar's refusal to perform a duty placed on him or her under these rules.

(2)The Judge may, on review, make any orders he or she thinks just.

(3)It is not necessary to apply for an order for an extraordinary remedy under Part 30 or to make an application for review under Part 1 of the Judicature Amendment Act 1972 when seeking a review under subclause (1)(b) or (c).

(4)Notice of an application for review must be filed,—

(a)if it is made by a party who was present or represented when the decision or refusal of the Registrar was given, within 5 working days of the decision or refusal; or

(b)if it is made by a party who was not present or represented, within 5 working days after the receipt by the party of notice of the decision or refusal.

(5)An application for review under this rule is not a stay of proceeding or a step in the proceeding, unless a Judge, or a Registrar acting under rule 2.5, so directs".

Yours faithfully



G A Mortimer
Registrar

*** ERROR TX REPORT ***

TX FUNCTION WAS NOT COMPLETED

TX/RX NO	2523
DESTINATION TEL #	8469825
DESTINATION ID	
ST. TIME	08/07 16:38
TIME USE	00'00
PAGES SENT	0
RESULT	NG #0018 BUSY/NO SIGNAL



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Rosted
D.

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