NOTE: ANY REPORT OF THIS PROCEEDING MUST COMPLY WITH SS 11B, 11C AND 11D OF THE FAMILY COURT ACT 1980. FOR FURTHER INFORMATION, PLEASE SEE https://www.justice.govt.nz/family/about/restriction-on-publishing-judgments/ ORDER PROHIBITING PUBLICATON OF NAMES OR IDENTIFYING PARTICULARS OF THE APPLICANT AND SECOND RESPONDENT.

IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY

I TE KŌTI MATUA O AOTEAROA
TĀMAKI MAKAURAU ROHE

CIV-2020-404-1800
[2021] NZHC 2326

UNDER	The Judicial Review Procedure Act 2016 Family Court Care Act 1980 Care of Children Act 2004
IN THE MATTER OF	An application for Judicial Review
BETWEEN	D Applicant
AND	FAMILY COURT AT MANUKAU First Respondent
	N Second Respondent

Date: 19 July 2021 (further submissions filed 27 July 2021)

Appearances: Applicant in person, via video link
V McCall as counsel assisting

Judgment: 7 September 2021

JUDGMENT OF HARLAND J

This judgment was delivered by me on 7 September 2021 at 9:00 am
Pursuant to Rule 11.5 High Court Rules

Registrar/Deputy Registrar *Date:……..*

Counsel:
G Taylor and A Lawson Crown Law
V McCall, Crown Law
Copy to the applicant and the second respondent

Introduction

[1] D and N have been involved in proceedings in the Family Court since 2018. These proceedings have largely, but not entirely, concerned the parenting arrangements for two children aged eight and six. In this proceeding D applies to judicially review two decisions made by Judge Mahon in relation to applications filed by her after the Family Court's final parenting and other related orders were made on 24 August 2020 by Judge Adams.[1] The principal basis upon which she challenges the decisions is that she alleges the Judge was biased against her.

[2] The first respondent abides the decision of the Court and N has not participated in the proceedings. Ms McCall appeared as counsel to assist the Court.

The claim

[3] Judicial review proceedings are governed by the Judicial Review Procedure Act 2016. An application must be commenced by filing a statement of claim and a notice of proceeding.[2] In this case, there is an amended statement of claim which outlines the basis of D's claim and the relief she seeks.[3] The amended statement of claim refers to the decisions made by Judge Mahon in relation to two applications D made to the Family Court. They are:

(a) a decision dated 11 September 2020 dismissing D's application for enforcement of the Family Court's final parenting orders;[4] and

(b) decisions dated 12 January and 17 March 2021 in relation to D's application for leave to vary the parenting orders.[5]

[4] D filed her application for judicial review on 17 September 2020 shortly after the first decision referred to above. She then filed an amended statement of claim

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1 *N v D* [2020] NZFC 7185.
2 Judicial Review Procedure Act 2016, s 8.
3 Filed 3 May 2021.
4 *D v N* [2020] NZFC 7809.
5 *D v N* [2021] NZFC 2308, Tab 17.

dated 2 April 2021 in which she expanded her claim to include the decision of 17 March 2021.[6]

[5] By way of relief D asks the Court to:

(a) Direct that Judge Mahon recuse himself or that he not be involved in any further proceedings concerning D, N and/or the children;

(b) Order the Manukau Family Court to make a decision regarding her active complaint against lawyer for the children;

(c) Bring this matter to the attention of the Attorney General for direction to consider admonishment of the Judge for failing in his duty of care and due diligence in accordance with s 150A of the Crimes Act 1961.

[6] During the hearing it also became evident from D's submissions that she felt the Court had not treated her applications with the same degree of urgency as those which had been filed by N and that this was part of her claim of bias. At my request, Ms McCall obtained details about the applications filed by both D and N for me to consider this point further. This list is attached as Annexure A.

[7] Since the hearing D has also sought to update me about further matters relating to the ongoing management of the remaining proceedings in the Family Court as evidence of continuing bias. These do not come within the claim D has made, as judicial review proceedings are "ring-fenced" by the pleadings, in this case the amended statement of claim.

Legal principles

[8] It is important to start by outlining the matters the Court can deal with on judicial review. It is especially important to distinguish it from an appeal.

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6 *D v Family Court at Manukau* HC Auckland CIV 2020-404-001800, 4 March 2021.

[9] Judicial review is the exercise of the Court's inherent jurisdiction to rule on the legality of public acts;[7] rights of appeal are statutory.[8] The essential difference between judicial review and an appeal is that on review the High Court has no power to vitiate a decision that is "intra vires" (within the power of the decision-maker).[9] Judicial review is properly concerned with the decision-making process rather than the decision itself.[10] It is narrower than a general appeal, in which the Court can assess whether a decision is correct on its merits.[11]

[10] Regarding judicial review, the Supreme Court has said:[12]

> Judicial review is a supervisory jurisdiction which enables the courts to ensure that public powers are exercised lawfully. In principle, all exercises of public power are reviewable, whether the relevant power is derived from statute, the prerogative or any other source. The courts acknowledge limits, however. These limits are reflected primarily in the notions that the case must involve the exercise of a public power, that even if the court has jurisdiction, the exercise of power must be one that is appropriate for review and that relief is, in any event, discretionary.

[11] The Court's jurisdiction, therefore, is not concerned with the merits of any decision made by the Family Court. It is instead concerned with whether, in addressing D's applications to the Family Court, the Family Court has breached any statutory duty or acted unfairly towards D regarding her applications.

[12] The rule against bias forms an aspect of natural justice.[13] The applicable test in the New Zealand courts for apparent bias, adopting that laid down in Australia, is that a Judge is disqualified "if a fair-minded lay observer might reasonably apprehend

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7 The High Court's inherent jurisdiction derives from the original constituent instruments of the Supreme Court (now the High Court) (see the Supreme Court Ordinances of 1841 and 1844), which exercised the jurisdiction of the common law and equity Courts in England. Section 12 of the Senior Courts Act 2016 carries over and preserves all of the jurisdiction of the High Court provided by the earlier instruments.

8 *Hawke v Accident Compensation Corporation* [2015] NZCA 195, [2015] NZAR 897; *Guy v Medical Council of NZ* [1995] NZAR 67 at 93 and 94.

9 *Peters v Davison* [1999] 2 NZLR 164 (CA) at 209.

10 *Attorney-General v Car Haulaways (NZ) Ltd* [1974] 2 NZLR 331 (CA).

11 *Daewoo Automotive Australia Pty Ltd v Motor Vehicle Dealers Institute Inc* (High Court, Wellington, AP 18-/99, CP 24/99, 1 September 1999).

12 *Ririnui v Landcorp Farming Ltd* [2016] NZSC 62, [2016] 1 NZLR 1056 at [1]. See also *Chief Constable for North Wales v Evans* [1982] 1 WLR 1155 at 1174, [1982] 3 All ER 141 at 155 (HL): "[j]udicial review, as the words imply, is not an appeal from a decision, but a review of the manner in which the decision was made".

13 *Judicial Review: A New Zealand Perspective* (4th ed, LexisNexis, Wellington, 2018) at [13.57].

that the judge might not bring an impartial mind to the resolution of the question the judge is required to decide".[14] It is therefore an objective not a subjective test.

[13] The remedies available in judicial review proceedings are discretionary.[15]

The factual background

[14] I next outline the factual background briefly, not because it is unimportant, but because as I have mentioned, the scope of these proceedings is constrained by the amended statement of claim. Nonetheless it is important to consider the decisions of the Judge under review in context.

[15] The proceedings before the Family Court have been acrimonious. The list of the applications filed by both parties since 2018 obtained by Ms McCall and attached as Annexure A speaks for itself. In the main they involve applications brought by both parties under the Care of Children Act 2004 (COCA), however they have also included proceedings by both parties under the Family Violence Act 2018. Both parties have been representing themselves, at least in relation to the proceedings I am being asked to review.

[16] The proceedings have largely involved D's two children (currently eight and six years old), the younger child of which is N's biological child and the elder child, who was referred to by Judge Adams as N's child in every other sense except the biological.

[17] In January 2020, D attempted to file charging documents in the District Court, seeking to privately prosecute N and teachers at the children's school. The proposed charges alleged offending under s 195 of the Crimes Act 1961 which relates to ill-treatment or neglect of a child and related to a fall by the elder child from playground equipment in May 2019.

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14 *Saxmere Co Ltd v Wool Board Disestablishment Co Ltd* [2009] NZSC 122; [2010] 1 NZLR 76 at [4], citing *Ebner v Official Trustee in Bankruptcy* (2000) 205 CLR 337.

15 Judicial Review Procedure Act, s 16, provided for in the High Court Rules 2016, pt 30 (rr 30.1–30.4).

[18] The charging documents were placed before Judge Johns who in a decision dated 16 January 2020 directed that they not be accepted for filing. D attempted to file the same or substantially similar charging documents in other Courts including in the Auckland, Hawera and Papakura District Courts. In each case, the Judge reviewing the papers concluded there was insufficient evidence to justify a trial.

[19] D then applied to the High Court to judicially review Judge Johns' decision.

[20] Judge Adams heard the substantive proceedings concerning the care of the children in August 2020. In his reserved decision of 24 August 2020, he made detailed orders including:

(1) a parenting order specifying that D and N share the care and control of the children week about subject to conditions;

(2) an order appointing N as an additional guardian of the elder child;

(3) an order preventing the removal of the children from New Zealand; and

(4) an order discharging the temporary protection order obtained by N against D and dismissing his application for a final order.

[21] The Judge also dismissed D's applications for orders admonishing or otherwise punishing N for alleged breaches of orders. The parties were directed to attend counselling and there were conditions addressing when Police welfare checks and notifications to Oranga Tamariki might be appropriate.

[22] Judge Adams drew D and N's attention to s 139A of the Care of Children Act 2004 which as he said, "places a brake on similar applications (concerning children) filed within two years from these orders." Section 139A provides that a proceeding may not be commenced under section 46R, 48, or 56 without the leave of the Court if that new proceeding is substantially similar to a proceeding previously filed in the

Family Court by any person; and is to be commenced less than two years after the final direction or order was given in the previous proceeding.

[23] D appealed Judge Adams' decision to the High Court. The appeal was dismissed.[16] In his judgment dated 31 March 2021, Powell J referred to the Family Court's decision as "thoughtful and humane" and found the orders were "clearly appropriate".[17]

[24] There have also been two habeas corpus applications filed in the High Court by D; the first on 2 September 2020[18] and the second on 11 November 2020.[19] Both applications were dismissed. Both of these decisions were appealed by D to the Court of Appeal, where they were also dismissed.[20] D attempted to file an application for leave to appeal both Court of Appeal decisions to the Supreme Court, but that application was rejected for filing in a Minute of William Young J on 27 April 2021.[21]

[25] The application for judicial review against Judge John's decision declining to receive the charging documents in relation to D's proposed private prosecution of N and teachers from the children's school was heard in the High Court on 25 November 2021. In her reserved decision of 26 February 2021, Fitzgerald J dismissed the application for review.[22]

[26] As can be seen from the relief sought by D, and in her submissions before me she also has complaints about the conduct of the lawyer for the children appointed by the Court and in the context of this proceeding she claims that the Judge allowed these complaints to go unrecognised, which she says is further evidence of bias against her.

[27] These complaints were addressed by Toogood J in judicial review proceedings brought by D in the High Court against the New Zealand Law Society and lawyer for the children, which were the subject of an application to strike out. This was heard in

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16 *[D] v [N]* [2021] NZHC 691.
17 At [45].
18 *D v Adams* [2020] NZHC 2253.
19 *Re [D]* [2020] NZHC 2972.
20 *D* (CA 504/2020) *v Adams* [2020] NZCA 454; *D* (CA 654/2020) *v High Court Auckland* [2020] NZCA 605.
21 *D v Justice Powell* SCUR/2021.
22 *[D] v District Court at Manukau* [2021] NZHC 311.

the High Court on 27 April 2021 with Toogood J delivering his judgement in respect of it on 11 August 2021. Toogood J struck out the claim and he also made an order preventing D from filing any further proceedings in the High Court without the leave of a judge.[23]

The decisions under review

[28] I now turn to the specific decisions under review.

11 September 2020 decision

[29] Despite the reference in Judge Adams judgment to s 139A COCA, just over two weeks later D applied without notice to enforce the final parenting order because of what she said were breaches of the order by N. She did not file an application for leave to bring her application, although as D represents herself, she may not have been aware of the need to do so. I do not have a copy of D's application, but it is referred to in Judge Mahon's decision of 11 September 2020.[24] Unfortunately the Judge's decision was issued in error as it was not the final proof-read version.[25] A final copy was issued the following day.[26] The latter is the Judge's decision, not the earlier one issued in error.[27]

[30] In the Judge's decision, he recorded D's allegations that N had breached the order as:

(a) N failed to include sufficient clothing and belongings for the children in their bags on the Monday school changeover; and

(b) N had talked to the children in an inappropriate manner, which D characterised as "the children had been verbally abused and exposed to inappropriate language which has made them feel scared and affected their self-confidence."

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23 *DFT v The New Zealand Law Society* [2021] NZHC 2080 at [46] and [51].
24 *[D] v [N]* [2020] NZFC 7809.
25 Memorandum of Judge Mahon dated 14 September 2020.
26 *[D] v [N]* [2020] NZFC 7809.
27 Section 204 of the Family Court Rules 2002 allows the court to correct a judgment containing a clerical error.

[31] The Judge also noted that D had asked the Court to remedy the breaches by:

(a) varying the order made by Judge Adams to change the parenting routine from "week about" to one under in which she has the children fulltime in her day-to-day care, with N having contact with them every second weekend;

(b) requesting a further s 133 report (a psychologist's report) assessing "N's suitability to be left unattended with the children after the children have disclosed several concerning matters regarding the way N speaks to them."; and

(c) requiring N to enter into a bond for an unspecified sum with the Court to ensure compliance with the terms of the order.[28]

[32] The Judge referred to the Court's power to make the orders sought, its ability to direct other remedies under ss 68 to 77 and the guiding principles relevant to the exercise of the Court's discretion as set out in s 64. These sections are all contained in the part of the COCA entitled "Making parenting orders work". He then referred to s 56 (dealing with the variation or discharge of parenting orders), s 139(A) (referred to above) and to case law to explain what amounts to "a material change in circumstances" under s139A and the threshold that must be met to enable the review of a parenting order within the two year time limit set out in that section.

[33] After considering the application made by D, the Judge concluded that the breaches were minor and "more an indication of the inability of the parties to communicate".[29] He determined that a substantive variation of the final parenting order sought by D to place the children in her day-to-day care would be "a wholly disproportionate response to what has allegedly occurred".[30] He found that the requirements of ss 56 and 139A had not been met and determined it would not be in

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28 *[D] v [N]*, above n 26,at [3].
29 At [24].
30 At [27].

the welfare and best interests of the children to change the orders if the alleged breaches by N of the conditions of the parenting order were found to have occurred.[31]

[34] He said the following:

> [29] There was evidence before Judge Adams of numerous similar applications by D [sic], none of which had been successful, an indication of the propensity of D [sic] to act in an impulsive manner when it came to issues regarding the children and their father.
>
> …
>
> [33] The application does not meet the threshold for any orders directions or other actions to be taken under s 68. There was a plethora of similar applications by D [sic] prior to the August hearing and final orders were later made that the children live in the shared care of their parents.
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> …
>
> [35] The number of unmeritorious applications D [sic] has filed in this court since these proceedings commenced, is a significant concern. The time required by the Court and judges to consider each application and D's [sic] constant communications with staff in the Family Court registry, is type of behaviour about which Judge Adams warned D [sic] when making the comments referred to above.

[35] The Judge dismissed the application for orders under s 68, stating that it did not meet the threshold for a remedy under that section. Section 68 allows the Court to, if satisfied that another party to the order has contravened the order, admonish the party who has contravened the order or vary or discharge the parenting order under s 56.[32] He then said, "[t]here is accordingly no requirement for service of the application on the respondent."[33]

[36] In her amended statement of claim for judicial review, D claimed the basis for the dismissal included "the respondent has not been served."

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31 At [28].
32 Care of Children Act, s 68.
33 *[D] v [N]*, above n 26, at [37].

[37] D's statement of claim requests that the Court overturn Judge Mahon's decision of 11 September 2020, because:

(a) He made an error of law referring to N not having been served whereas her application was made without notice (but he nonetheless dismissed the application after that error had been corrected in the erratum judgment that followed).

(b) She had not been "warned by Judge Adams about filing further applications before the Court". D categorised this as having been "falsely stated".

(c) He characterised her previous applications as "meritless", such observation being untrue.

(d) After issuing the amended decision, a copy of it and "the minutes" were provided to N, which D said:

> Shows gross lack of judgment or insight with regards to documented controlling behaviours and abusive power as remarked on by Judge Adams in the notes remarking "it is if you are standing on her neck."

[38] Dealing with D's first point, because the application had been brought by D on a without notice basis, but had been substantively dismissed by the Judge, the Judge was correct to say that it did not need to be served on the respondent. Service would only have needed to occur if the Judge considered there was a substantive claim that required a response, in which case he would have directed D's application to be placed on notice and made directions for D to be served with it. D's interpretation of the meaning of the word "known" in the draft judgment issued in error is mistaken. It was simply a typographical error and was corrected in the reissued final judgment as "no".

[39] It is necessary to return to Judge Adams' decision to address D's second and third points.[34] Judge Adams said:

> This Court file is clogged with multiple interlocutory and substantive applications. The bundle of documents well exceeds 2000 pages. In a busy court, with the best will, judges do not have the opportunity to review a file like this satisfactorily unless directed by good submissions. They are too busy coping with the inflow of applications and material. The alternative narrative never emerged sufficiently until this hearing. Now it is apparent, I think what happened to D[sic] has been unfair, and unfairly prolonged. Her experiences of justice in New Zealand, and the Police, have been painful. True, she has contributed significantly by an ongoing course of poor behaviour. And N's [sic] anxious over-reactions contributed too. But I acknowledge that the court system failed to set this case to better rights at an early stage. For that even though I understand how this inadvertent failing developed, I am sorry. Beyond that, I must do my duty and make my orders.

[40] D is correct that Judge Mahon did not completely reflect Judge Adams' observations about the number of applications filed. Judge Adams did not attribute them solely to D and he did not "warn" her as was suggested. In relation to D's third point, the Judge described her previous applications as "unmeritorious". In the context of this case the adjective used was not helpful. The Judge could have been more careful in the way he expressed himself, however, the number of applications was fairly noted by him as a significant concern and D and N's manner of dealing with situations concerning the children was also noted by Judge Adams in his decision.[35]

[41] D's last point relates more to D's misunderstanding about the legal process than anything else. Even though filed without notice, N as a party to the proceedings generally concerning the children, was entitled to have a copy of the proceedings' documents provided to him, even though D had filed her application without notice and even though the Judge had dismissed it. This is part of ensuring the process is procedurally fair to all parties.

[42] D's complaints about alleged errors of law in relation to the decision of 11 September 2020 are matters more properly dealt with on appeal rather than review, but in any event, I do not consider them to be errors of law. Even though the judge could have been more careful in relation to the way he expressed the two matters I

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[34] [2020] NZFC 7185, at [65]
[35] [2020] NZFC 7185 at [44], [45]-[49] and [57]

have referred to above, there is nothing in my view to suggest that a fair-minded observer might reasonably apprehend that he did not bring an impartial mind to this decision or was in any way biased against D.

Applications filed between September and December 2020

[43] After the decision of 11 September 2020, other applications were filed by D and dealt with by several judges. These are set out in Annexure A and include:

(a) On 23 October 2020 an application for a protection order because of alleged disclosures made by the children (initially brought without notice but placed on notice by Judge Goodwin).

(b) On 6 November 2020, an application on notice under s 68 COCA relating to alleged contraventions by N of the parenting order, which Judge Mahon dealt with and determined was substantially similar to the application he had dismissed on 11 September. He directed that the application not be accepted for filing and was to be returned to D.

(c) On 9 November 2020 a without notice application for leave to apply for an interim parenting order which were declined by Judge Mahon and placed on notice. The application was based on conversations the children were alleged to have had with D in which they disclosed abuse to them by N. Judge Mahon noted this was the subject of the application determined by Judge Goodwin and was being investigated by Oranga Tamariki. The Judge directed a directions conference and appointed the lawyer for the children previously engaged to represent them.

(d) On 1 December 2020, various memoranda filed by D and described as urgent dated 9, 19 and 30 November were placed before Judge Goodwin relating to service of Family Violence proceedings filed by D against N. He directed that a judicial conference be convened.

(e) On 8 December 2020 Judge Adams declined a request by D for access to the Notes of Evidence from the trial before him describing it as a "fishing expedition".

(f) A minute from a judicial conference held before Judge Otene on 14 December 2020 dealing with D's application for a protection order against N and N's mother which the judge directed be allocated a 3-hour hearing and D's application for leave to apply for and to substantively vary the parenting order and for a warrant, for which the judge declined to direct a hearing given N had filed his response 2 days late, but allocated a one hour submissions only hearing in relation to the leave application.

(g) On 17 December, D filed another without notice application for leave to vary the parenting order which was dealt with by Judge Mahon. He directed the application be made on notice and that it required leave, a matter he said D was aware of. He said, "[t]he current application is yet one more application of a similar nature in which she seeks to substantially revisit the judgment of Judge Adams."

[44] The arrangements for the children over Christmas and the holidays that followed led to a further application being filed in the Family Court.

[45] On 23 December 2020, N applied without notice for an interim order varying the final parenting order in relation to the care arrangements for the children over the Christmas period and for a warrant to enforce the order as sought. He also sought that D pay a bond to ensure compliance with the orders. N sought these orders because he claimed that D had retained the children in her care in breach of the parenting order. The parenting order provided that the week about care arrangements would apply even during the holidays and over Christmas unless the parties could agree otherwise. D's position was that she had set out her proposal which provided a departure from the order in an email to N and had indicated that if he did not reply, his reply would be deemed to be compliance. N did not reply. D kept the children.

[46] N's application was granted on a without notice basis on 23 December 2020 by Judge Mahon on the papers.

[47] The effect of the 23 December 2020 order was that:

(a) A warrant was issued requiring D to return the children to N by 31 December 2020;

(b) A hearing was allocated for 12 January 2021;

(c) There was an interim variation of the parenting order requiring the children to remain in N's care until the hearing on 12 January 2021 as "make up time" under s 68(1)(b);

(d) The hearing on 12 January 2021 would determine whether there should be a further extension of the period the children were to remain with N (until 31 January 2021 as sought by N) and N's application for a bond against D. The Judge noted that D's compliance with the interim variation described in (c) would be a significant consideration at the upcoming hearing.

(e) The hearing on 12 January would also determine D's application for leave by to vary the parenting order.

[48] There is nothing in any of the minutes issued by Judge Mahon to suggest that he was biased or predisposed against D. The minutes are appropriate.

Hearing on 12 January 2021

[49] On 12 January 2021 the hearing proceeded before Judge Mahon. Although reserving his decision, the Judge issued a Minute on that date recording his decisions to:

(a) allow N "make up time" with the children for them to continue in his care until Monday, 25 January 2021 (under s 68 COCA) following

which, he directed that the parenting arrangements in the final parenting order would recommence;

(b) declining the application by N for a bond against D;

(c) placing D's without notice applications of 19 November 2020 and 6 January 2021 on notice, declining that they proceed without notice, noting that the applications were each seeking substantive variations of the final parenting order and that leave was required for them to proceed;[36] and

(d) reserving his decision on the application for leave to recommence proceedings.

Other judicial decisions between 12 January and 17 March 2021

[50] On 26 January 2021 Judge Goodwin dealt with an urgent memorandum and email from D asking for the hearing in relation to the protection order she was seeking against N and his mother be allocated a hearing before the appeal from Judge Adams decision, due to be heard in the High Court on 10 February and for the Court to address parenting matters and allegations concerning the children's safety on the basis of the memorandum. Reference was also made to an outstanding complaint against the lawyer for the children and a private prosecution against Judge Mahon.

[51] In his Minute, the Judge noted that the protection order proceedings were on the "ready for allocation list" and were awaiting available Court time; the parenting and safety issues were part of the hearing on 12 January and were awaiting a decision; the complaint against lawyer for the children was referred to Judge Mahon given that he heard the matter to which the latest complaint related; and the Judge noted that in relation to the private prosecution, the waiver fee application had been declined and the application returned.

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[36] I have no information in the material provided to me about these applications, but it is possible that the reference to the 19 November application should have been to the application filed on 9 November 2020.

[52] On 3 March 2021, Judge Mahon granted N's without notice application for a warrant enforcing the parenting order thereby enabling the children to be returned to N despite the Government's order that Auckland was at COVID-19 Alert Level 3.[37] The Judge noted that "[t]he respondent's [sic D] pattern of retaining the children in her care in breach of the court order is concerning and unacceptable."

17 March 2021 decision

[53] Judge Mahon issued his reserved decision on 17 March 2021.[38] He reviewed the parties' evidence and their submissions and referred to memorandum filed by lawyer for the children updating the Court on the children's views (a matter which he was required to have regard to under s 6(2) of the COCA).

[54] The Judge also referred to lawyer for the children's submissions including the following:

(a) A concern about "the unrelenting crusade by D to varying the parenting arrangements";

(b) A concern that D had videoed the children making allegations against their father; reference also being made to a "current Police investigation" which was said to include the allegations (I infer) covered by the video and allegations that N and his mother had abducted the children, that investigation still not having been completed;

(c) recording opposition to D being granted leave to commence to file substantive proceedings, which was described as relitigating the COCA proceedings resolved by Judge Adams in August 2020, not raising any new allegations, and not raising issues about the welfare, best interests or safety of the children;

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37 COVID-19 Public Health Response (Alert Level Requirements) Order (No 4) 2021.
38 *[D] v [N]* [2021] NZFC 2308.

(d) noting her submission that nothing in D's application establishes a material change in the circumstances of either parent and the facts relied on by D were substantially similar to those addressed in the hearing before Judge Adams;

(e) noting her submission that D had failed to meet the threshold in s 139A for leave to be granted;

(f) expressing a concern about either child being able to continue to cope with the ongoing conflict between their parents;

(g) recording an increasing concern for the emotional stability of the children after hearing from staff at the children's school.

[55] The Judge then noted the steps D had taken since the order was made on 24 August 2020 as follows:

> [41] The steps D [sic] has taken since the parenting order was made have included:
>
> (a) filing applications for variation of the parenting order and enforcement of the order in this Court;
>
> (b) lodging a third complaint about the conduct of lawyer for the child;
>
> (c) seeking a writ of habeas corpus;
>
> (d) judicially reviewing Family and Criminal Court decisions;
>
> (e) seeking leave to bring private prosecutions against this Judge and the children's paternal grandmother;
>
> (f) communicating with the media about this case;
>
> (g) lodging complaints with the Judicial Complaints Commissioner against several Family and Criminal Judges;
>
> (h) appealing the 24 August 2020 judgment;
>
> (i) continuing with applications in the Australian Family Court;
>
> (j) making notifications to Oranga Tamariki;

(k) filing memoranda seeking directions from the Court which can only be accepted for filing by the Court if they are deemed to include an application which they haven't included;

(l) constantly emailing the Family Court Registry.

[56] The Judge found that the numerous grounds raised by D did not justify further Court intervention to substantially change the parenting order as they were:[39]

(a) A repetition of concerns raised by D and addressed in the August 2020 hearing; and

(b) further allegations in respect of the effect of N's parenting of the children since the final order which did not meet the threshold of being a material change in circumstances which would justify the Court's intervention within the two-year period set out in s 139A.

[57] Despite this, the Judge said:

> [60] However, recent evidence and developments for the children concerns me, not for the reasons advanced by D [sic] but because …
>
> (a) D's [sic] behaviour shows the same pattern which so concerned psychologist and Judge Adams last year. D [sic] continues to challenge any person in authority, N [sic] or his mother for any actions taken by any of these people with which she does not agree.
>
> (b) The difference since the hearing is that the children are now living in the shared care of their parents whereas they were living in their father's day-to-day care and had very limited contact with their mother last August.
>
> (c) Judge Adams made a predictive assessment based on the recommendations of the psychologist and his assessment of the parties when taking the 'leap of faith' to radically change the parenting routine which had been in place for some time when he heard the case.
>
> (d) The children's direct involvement D [sic] refers to in her own conversation with the children, which she claims show how unhappy even afraid they are in their father's care. However, the children raise no such concerns in either discussions with their lawyer or in interviews with Oranga Tamariki.

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39 At [59].

(e) The children's involvement in the conflict between their parents has significantly increased since they resumed substantial unsupervised care with their mother and example of the extent of their involvement are:

(i) The letters D [sic] has arranged for the children to write in these proceedings and in D's [sic] application for a final protection order. In the letters both of the children expressed concern, even fear about being in the unsupervised care of their father yet they expressed no such concern when recently talking to their lawyer or Oranga Tamariki social worker.

(ii) D's [sic] decision to video a discussion she had with them about their father.

[61] These concerns together show a material change in circumstances to those presenting at the time of the hearing last year. The children were not then in the shared care of their parents, rather the sole care of their father with limited supervised contact with their mother and periods of no contact.

[58] For these reasons, the Judge decided that it was essential for him to have further psychological evidence to independently assess the current emotional and psychological health of the children. In order to obtain that evidence under s 133, he observed it was necessary for him to grant leave to D to progress her application for variation of the parenting orders.

[59] Accordingly, D's application for leave to vary the parenting orders was successful but not for the reasons she advanced. A further s 133 report was directed.

[60] However, the Judge went on to say the following:

[70] There is to be a further one-hour conference scheduled for after the anticipated date of the further psychological report and to make any further directions required.

[71] It is important that the parties understand that while leave has been granted to enable the court to request further psychological evidence, no further applications or affidavits are to be filed unless directed by the court.

[72] Nor are there to be any communications with the Family Court registry by email, by filing memorandums or otherwise. This Court has on numerous occasions raised concerns about the multiple number of unmeritorious applications filed by D [sic], both before the hearing last August and since the final orders were made following the hearing.

[73] The Court will make directions setting a timetable for filing any further evidence on receipt of the psychological report and pending those directions, the Family Court registry:

(a) Will return any documents filed by either party.

(b) Will not respond to email or telephone enquiries as the number of email enquiries from D [sic] has been overwhelming for the registry.

[74] An exception to these prohibitions is if the children's welfare is at risk to such a degree that urgent court intervention is required for their protection. In these circumstances an application for leave would need to accompany any further application.

[61] D's challenges to the decisions of 12 January and 17 March 2021 are outlined in her amended statement of claim at [7] – [25].

[62] In relation to the decision of 12 January they include:

(a) A challenge to the substantive outcome of the hearing, because N was awarded more than "makeup time" over Christmas for a period of six weeks care, which D said was a variation of the same parenting order the Judge had refused to vary 4 months before.

(b) A complaint that the Judge refused to accept for filing her guardianship application at the hearing despite reading the affidavit and attachments accompanying it including one from the Court appointed counsellor stating she would not be continuing and would let the courts know D required "a greater level of protection".

(c) A complaint that because the Judge refused to accept D's guardianship application concerns for the children's well-being and on-going communication issues could not be addressed.[40]

(d) A complaint that the Judge ignoring N's evidence that he would not facilitate contact between the children and D while they were in his care I infer during the "makeup time" thereby further isolating them from her, which is child abuse.

[40] This application was returned to D by the Registry on 14 January 2021.

(e) A complaint that the Judge ignored what D described as lawyer for the children's:

(i) false allegations that there were no concerns for the children's well-being when both parties expressed concerns for their deteriorating behaviour;

(ii) dishonest accounts that Oranga Tamariki had completed their investigation regarding safety concerns for the children in N's care, even though such investigations were still underway.

[63] In relation to the reserved decision of 17 March 2021, D's submissions include allegations that the Judge:

(a) attempted to conceal lawyer for the children's "dishonest accounts that Oranga Tamariki had completed their investigation" by stating that lawyer for the children during the hearing on 12 January had informed him investigations were still underway, whereas she had said the investigations had been completed; and

(b) made what D described as "several outlandish rulings … that do not comply with the Bill of Rights Act 1990" by making the orders preventing her from filing further applications or communicating in any way with the Family Court Registry;

[64] Subsequent to the 17 March 2021 decision, D alleges further bias because the Judge:

(a) granted a without notice warrant in favour of N that did not comply with the directions from the decision issued 17 March 2021 and which was made without, D says, any concern for the children's safety and without an accompanying application for leave; and

(b) accepted for filing an application by N for a bond against D when D's request for a bond against N was dismissed by the Judge in his Minute of 12 January 2021.

Has D's claim of bias been made out?

[65] The Court of Appeal has described the inquiry into bias as a two-step process.[41] First, the actual circumstances which have a direct bearing on a suggestion that the Judge was or may be seen to be biased must be established. This factual inquiry should be rigorous, in the sense that complainants cannot lightly accuse a Judge of bias. The second inquiry is to then ask whether those established circumstances might lead a fair-minded lay observer to reasonably apprehend that the Judge might not bring an impartial mind to the resolution of the instant case.[42] The emphasis is therefore placed on how others would view the Judge's conduct.

[66] The Court goes on to state four broad principles to consider when assessing bias:[43]

> First, a Judge should not decide a case on purely personal considerations. Secondly, there should not reasonably be room for a perception that the Judge will decide the case on anything but the evidence in front of him or her. Thirdly, a Judge must be in a position to consider all potentially relevant arguments. Fourthly, there may conceivably be a series of events or rulings which reasonably warrant an inference that the challenged Judge's perception is warped in some way.

[67] This test was approved by the Supreme Court in *Saxmere Co Ltd v Wool Board Disestablishment Co:* a Judge is disqualified "if a fair-minded lay observer might reasonably apprehend that the Judge might not bring an impartial mind to the resolution of the question the Judge is required to decide".[44]

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41 *Muir v Commissioner of Inland Revenue* [2007] NZCA 334, [2007] 3 NZLR 495.
42 At [62].
43 At [64].
44 *Saxmere Co Ltd v Wool Board Disestablishment Co Ltd* [2009] NZSC 122; [2010] 1 NZLR 76 at [4], citing *Ebner v Official Trustee in Bankruptcy* (2000) 205 CLR 337.

[68] I have decided to deal with the allegation of bias in the following way:

(a) I first deal with each decision, namely, the decision of 11 September 2020 and the subsequent decisions of 12 January and 17 March 2021 and assess them against the legal test for bias.

(b) Next, I analyse D's claim that N's applications have been dealt with promptly but hers have not, which I assess together in the round with the conclusions I have reached about the allegations concerning the Judge's decisions.

(c) Finally, I analyse the directions made by the Judge effectively preventing the Registry from receiving any communications from D and analyse it in the context of the overall allegation of bias.

The decisions

11 September 2020 decision

[69] D filed her application less than two weeks after Judge Adams' substantive decision was made. Section 139A COCA therefore applies.[45] Judge Mahon dismissed D's application to deal with her application for variation on a without notice basis and on the merits. He held that the alleged breaches, if they took place, were minor, and the variations sought would be a disproportionate response. He therefore held that the application had failed to meet the threshold requirement of a s 139A material change in circumstances.

[70] I have read the decision carefully and I have referred to and deal with D's submissions in relation to them above. There is no basis for a claim of bias (actual or apparent) against the Judge in relation to this decision.

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[45] Care of Children Act, s 139A: certain proceedings may not be commenced without the leave of the court if that new proceeding is substantially similar to a proceeding previously filed in the Family Court by any person; and is to be commenced less than two years after the final direction or order was given in the previous proceeding.

12 January and 17 March 2021 decisions

[71] As outlined above, the hearing on 12 January 2021 dealt with the breakdown of the care arrangements that had occurred over Christmas and D's application for leave to vary the order made by Judge Adams. The decision in issued in two parts – the first by way of minute on 12 January and the more substantive decision given on 17 March. The allegations of bias seem to relate to a refusal by the Court to accept additional applications for filing, disagreements D had with submissions made by lawyer for the children in the proceedings, and D's allegations that the Judge accepted these when he ought not to have.

[72] Complaints that go to the substance of the Judge's finding where D disagrees with them are not themselves amenable to judicial review, nor are they evidence of actual or presumptive bias. As stated above, but reiterated here for completeness, judicial review is properly concerned with the decision-making process rather than the decision itself.[46]

[73] It is therefore clear that I cannot make any findings regarding the substantive decision itself. Certainly, having regard to that principle and having carefully considered the material before me, there is nothing to suggest that the decision-making process was biased. The process followed by the Judge in arriving at his decisions was fair and impartial, and thus there is nothing to substantiate D's claim of bias by the Judge against her in the written decisions.

[74] D succeeded in her application, albeit not for the reasons she put forward, because the Judge granted leave to her to file a variation application.

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[46] *Attorney-General v Car Haulaways (NZ) Ltd* [1974] 2 NZLR 331 (CA); *Re Erebus Royal Commission (No 2)* [1981] 1 NZLR 618 (CA); *Fraser v State Services Commission* [1984] 1 NZLR 116 (CA) at 127; *R v Sloan* [1990] 1 NZLR 474 at 479; *Timmins v Governor-General* [1984] 2 NZLR 298 at 302; *Whale Watch Kaikoura Ltd v Transport Accident Investigation Commission* [1997] 3 NZLR 55 at 61 (upheld on appeal: (Court of Appeal, CA 87-97, 12 May 1997)); and *Burchell v North Shore District Court* [2014] NZHC 2099; [2014] NZAR 1205.

Allegations about lawyer for the children

[75] This leads me to D's complaints about lawyer for the children and her allegation that the Judge did not deal with her complaints about them or accepted submissions from lawyer for the children when he ought not to have.

[76] These have been independently investigated following D's complaint to the Law Society and the Family Court. The decision of the Law Society in respect of the complaint was judicially reviewed by D following an outcome with which she did not agree. Toogood J delivered his decision in respect of this judicial review on 11 August 2021.[47] He struck out the judicial review proceeding on the basis that there was no reasonably arguable case that the Law Society either through a Standards Committee or the Legal Complaints Review Office had made any error that was amenable to review by the High Court. Toogood J concluded that the proceeding was an abuse of the Court's process.

[77] Regarding ancillary applications filed by D in relation to the manner in which the Family Court dealt with the additional complaints D made about lawyer for the child, the Judge described these as "evidence of DFT's time-wasting and irrational approaches to this Court to assist her in a matter which is squarely before the Family Court".[48] Toogood J exercised his inherent jurisdiction to prevent an abuse of process by directing the Registrar of the High Court not to receive for filing any further applications by D for relief regarding her litigation before the Family Court under the Care of Children Act 2004, whether by way of appeal, judicial review or otherwise without the leave of a Judge.[49]

[78] The complaints D has made against lawyer for the children have been thoroughly investigated and dismissed. There is nothing in her claim that Judge Mahon was biased against her because of the way he dealt with D's complaints about lawyer for the children.

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47 *DFT v The New Zealand Law Society* [2021] NZHC 2080.
48 At [51].
49 At [51].

Other alleged procedural unfairness

[79] D's submissions, however, that N's applications have been given priority whereas hers have not, requires a closer analysis. The example drawn to the Court's attention was in relation to D's application for a bond against N which she filed in September 2020, but which was dismissed by the Judge in January 2021.[50] A similar application by N was dealt with by the Court on 5 May 2021. Although not referred to in her amended statement of claim (because it was filed in April 2021), there was no objection to the Court considering this reference in D's submissions as they may be relevant to her general complaint of bias. In her statement of claim, D said:

> There is a pattern of judicial bias by the Manukau Courts whereby N [sic] seems to have indemnity against any legal consequence for abuse or contravention of Court orders and I continue to be persecuted, criticised and penalised for seeking that Courts act justly in accordance with the Court orders and evidence of offending/safety concerns.

[80] In relation to the bond issue, as I have made plain above, I am not able to examine whether the bond made in relation to D in May 2021 was appropriately made, as that is a matter for appeal, not review. However, the fact that a bond was made against D in May is not evidence of bias towards her by the Judge. I also observe that even though D's application for a bond against N was dismissed in January 2021, a previous application by N for a bond against D was also dismissed.

[81] As to D claims that her applications have been given less priority than N's, this is where Annexure A is instructive and it is why I have set out in considerable detail the applications filed by both parties since Judge Adams decision. Of the applications filed after Judge Adams' decision, eight sets of proceeding have been filed by D and three by N. Two of the proceedings filed by D have been filed are for without notice protection orders. If they are taken out of the mix, six sets of proceedings have been filed by D relating to the parenting orders. The three applications filed by N have been applications for warrants to enforce parenting order. In other words, N's applications have been to enforce the existing orders, but D's have been in the main to seek to vary or change the existing order contrary to s 139A, or they have sought to collaterally challenge it. This was not what Judge Adams had in mind when he issued his decision.

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50 *D v N* FC Manukau FAM-2018-092-000058, 12 January 2021.

He intended that the detailed orders would provide the framework for the parties to adhere to and that with the assistance of specialist counselling, communication would improve such that "the court will no longer be the agency of reference."[51]

[82] Over this period, there is nothing to suggest D's applications have not been treated fairly, although I have no doubt that her perception is that they have not, based on the substance of the orders and her view of the facts. This does not mean however that D's perception is correct and in any event a person's subjective perception is not enough to meet the legal test for a finding of bias.

[83] All of D's applications apart from the first two have been determined, but these applications are not languishing within the system.

[84] The substantive hearing in relation to D's application for variation has been timetabled for a hearing dependant but awaits the up-to-date s 133 report directed by Judge Mahon on 17 March 2021 Given the Government's orders placing the Auckland Region into and directing that it remain at COVID-19 Alert Level 4, this application may be further delayed simply by this externality.[52]

[85] In relation to the protection order sought by D, a hearing took place on 24 June 2021 before Judge Tan. The hearing was adjourned part-heard but completed on 27 July 2021. Judge Tan has reserved her decision.

[86] So far, decisions in relation to the proceedings between D and N have been made by a number of Family Court Judges over the life of the file including Judges Adams, Harrison, Whitehead, Goodwin, Tan and Mahon, as well as Deputy Registrars of the Family Court. Judge Mahon appears to have been involved in some of the proceedings since 19 February 2020.

[87] I can see nothing in the material provided to me which indicates any evidence of bias against D, either actual or apparent, in relation to the treatment of her applications by Judge Mahon. Her claim in this regard is dismissed.

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51 At [55]

52 COVID-19 Public Health Response (Alert Level Requirements) Order (No 10) 2021.

Other matters

[88] There is, however, a matter which requires some comment. This relates to [71]– [74], and [78] of the decision of 17 March 2021 set out in paragraph [60] above.

[89] The Judge ordered that:

(a) No further applications or affidavits are to be filed by the parties (D and N) unless "directed" to do so by the Court. It seems this order although expressed generally, was designed to "hold" the position until after the psychological report had been received when further directions about the filing of evidence would then be made (paragraphs [71] and [73]); and

(b) There are to be no communications with the Family Court Registry by email, by filing memoranda or otherwise. These appear to only be directed at D (paragraphs [72] and [73]).

[90] There is nothing to indicate in the decision of 17 March 2021 that the Judge was contemplating making such orders or that the parties, but especially D, had an opportunity to be heard in relation to them.

[91] The issue with some of these orders is that they arguably breach s 163 of the Family Proceedings Act 1980, which provides:

> **163 Vexatious proceedings**
>
> (1) The District Court or the Family Court may dismiss any proceedings before it under this Act if it is satisfied that they are frivolous or vexatious or an abuse of the procedure of the court.
>
> (2) The District Court or the Family Court may, if it is satisfied that a person has persistently instituted vexatious proceedings under this Act or any former Act (whether against the same person or against different persons), after giving the first-mentioned person an opportunity of being heard, order that no proceedings under this Act, or no such proceedings of any specified kind or against any specified person, shall be commenced by the first-mentioned person without the leave of the court.

[92] Section 163 was considered by the Court of Appeal in *Hirstich v The Family Court at Manukau*.[53] It said that although the Family Court has the inherent jurisdiction to regulate its own procedure, the exercise of that jurisdiction must be consistent with its statutory powers.[54] In other words, the Family Court cannot use its inherent jurisdiction as a way to deny a litigant access to the Courts without following the s 163 process, as to do so would impact that person's right to natural justice.

[93] In *Hirstich*, although finding that the Court had not given Ms Hirstich an opportunity to be heard in relation to the direction made and that the direction ought to have been tailored to meet the specific concern in issue, the Court ultimately concluded that it did not affect Ms Hirstich's substantive rights and did not warrant setting the direction aside.

[94] In this case, both parties are prevented from filing any applications or evidence unless "directed" by the Judge. The use of the word "directed" does not accord with s 163 which refers to "leave". In relation to further evidence in the current proceeding, I agree that this direction amounts to case management and is appropriate. However, in relation to other applications, it is likely too broad as it does not follow the wording or the process to be followed under s 163, unless the order was intended to apply only to proceedings to which s 139(A) COCA applies. Given the "exception" outlined in paragraph [74] I am prepared to find that the order was intended to only apply to proceedings covered by s 139A COCA.

[95] Further, the orders specifically in relation to D's ability to interact with the Registry are problematic, even if, as the Judge notes, her interactions have been "overwhelming for the registry". It is unclear where the jurisdiction to make such an order is found, but if there is jurisdiction to do so, the person who is the subject such orders, in this case D, should be given an opportunity to be heard in relation to them. This did not happen here. To this extent there was a breach of natural justice.

[96] Despite this finding, and to be clear, I do not consider that it adds to or supports D's case that the Judge is biased against her. Rather, it is indicative of the Judge trying

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53 *Hirstich v The Family Court at Manukau* [2014] NZCA 305.
54 *Genge v Visiting Justice at Christchurch Men's Prison* [2019] NZCA 583.

to manage as Judge Adams noted in paragraph [65] of his decision and as Annexure A reveals, a Court file that is "clogged with multiple interlocutory and substantive applications" and to ensure that others engaging with the Registry also get a fair opportunity to access the available staff resources.

[97] I have considered how I ought to deal with the relief that should follow from the finding I have made in [95] above. Although there is the power under ss 17(2)and (3) of the Judicature Procedure Act 2016 to direct the decision-maker to reconsider and determine any part of any matter to which the application relates, on balance I consider it more appropriate to set aside the parts of the order preventing D from communicating with the Family Court Registry and directing the Registry to return or not respond to her email or telephone enquiries. This does not mean that the Court cannot revisit such orders, but if it does it must do so with the matters I have referred to in mind.

[98] Counsel to assist suggested that it was open to the Court to make a civil restraint order against D under ss 166-169 of the Senior Courts Act 2016. I am not persuaded to make such an order at this time. There are two further proceedings in the Family Court that await determination. In my view, it is appropriate to await the outcome of them before considering an application such as this and Toogood J's order applies to any further proceedings in the High Court.

Result

[99] Apart from as outlined in [95]-[97] above, D's claim for judicial review is dismissed.

[100] I decline to make a civil restraint order against D under ss 166-169 of the Senior Courts Act 2016 at this time for the reasons outlined in paragraph [98] above.

[101] It is likely to be appropriate for costs to lie where they fall in this proceeding, as none of the respondents took an active part in it and Ms McCall was appointed as Counsel to assist the Court. Should any party seek costs, they may file a memorandum no more than three pages in length within five working days of this judgment. If this

occurs, D may then file a memorandum in response no more than three pages in length within a further five working days.

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Harland J

Annexure A

Date Filed	Filed By	Application Filed and Description	Outcome
18/01/2018	N	Application for Parenting Order FP35A	Granted 24/08/2021
18/01/2018	N	Application for Leave to Apply for Parenting Order	Dismissed 19/01/2018
18/01/2018	N	Application for Order Preventing Removal of Child from NZ	Granted 24/08/2021
18/01/2018	N	Application for Court-Appointed Guardian	Granted 24/08/2021
22/01/2018	N	Application for Substituted Service/Dispense with Service	Granted 02/02/2018
19/04/2018	D	Application for Discharge of Parenting/Other Orders	Dismissed 24/08/2021
10/05/2018	N	Application for Without Notice Protection Order - Family Violence Proceedings	Discontinued 18/08/2020
21/05/2018	N	Application for Substituted Service/Dispense with Service	Granted 21/05/2018
25/05/2018	D	Objection to Direction to Attend Programme - Family Violence Proceedings	Discontinued 18/08/2018
23/11/2018	D	Application for Variation of Parenting/Other Orders	Dismissed 24/08/2020
26/11/2018	D	Application to Discharge Order Preventing Removal of Child from NZ	Dismissed 24/08/2020

26/11/2018	**D**	**Application for Orders for Contravention of Parenting Order**	**Dismissed 24/08/2020**
26/11/2018	**N**	**Application for Court-Appointed Guardian**	**Granted 24/08/2020**
26/11/2018	**N**	**Application for Substituted Service/Dispense with Service**	**Granted 26/11/2018**
26/11/2018	**N**	**Application for Warrant to Enforce Role of Providing Day to Day Care**	**Granted 26/11/2018**
26/11/2018	**N**	**Application for Variation of Parenting/Other Orders**	**Granted 24/08/2020**
30/11/2018	**D**	**Application to Discharge Order Preventing Removal of Child from NZ**	**Dismissed 24/08/2020**
05/12/2018	**D**	**Application for S139A Leave to commence proceedings within 2years**	**Granted 05/12/2018**
05/12/2018	**D**	**Application for Variation of Parenting/Other Orders**	**Dismissed 24/08/2020**
05/12/2018	**D**	**Application to Discharge Order Preventing Removal of Child from NZ**	**Dismissed 24/08/2020**
05/12/2018	**D**	**Application for Orders for Contravention of Parenting Order**	**Dismissed 24/08/2020**
05/12/2018	**D**	**Fee: Waiver Application**	**Granted**
14/12/2018	**D**	**Application for Without Notice Protection Order – Family Violence**	**Dismissed 18/08/2020**

19/12/2018	N	Application for Warrant to Enforce Role of Providing Day to Day Care	Granted 19/12/2018
19/12/2018	N	Application for Substituted Service/Dispense with Service	Granted 19/12/2018
30/01/2019	D	Application - Other	Granted 20/05/2019
30/01/2019	D	Application for Variation of Parenting/Other Orders	Dismissed 24/08/2020
30/01/2019	D	Application for Orders for Contravention of Parenting Order	Dismissed 24/08/2020
11/02/2019	D	Application for Extended Time	
18/02/2019	D	Application for Orders for Contravention of Parenting Order	Dismissed 24/08/2020
18/02/2019	D	Application for Warrant to Enforce Order for Contact with Child	Dismissed 24/08/2020
15/05/2019	N	Application for S46R Dispute between Guardians	Granted 27/08/2019
15/05/2019	D	Application for Removal of Guardian	Dismissed 24/08/2020
15/05/2019	D	Application for Warrant to Enforce Order for Contact with Child	Dismissed 20/05/2019
15/05/2019	D	Application - Other	Granted 20/05/2019

10/06/2019	**N**	**Application for Extended Time**	**Granted 17/06/2019**
27/06/2019	**D**	**Application - Other**	**Struck Out 06/08/2019**
19/02/2020	**D**	**Application for Warrant to Enforce Order for Contact with Child**	**Dismissed 24/08/2020**
19/02/2020	**D**	**Application for Variation of Parenting/Other Orders**	**Dismissed 19/02/2020**
02/03/2020	**D**	**Application for Warrant to Enforce Order for Contact with Child**	**Dismissed 24/08/2020**
02/03/2020	**D**	**Application for Variation of Parenting/Other Orders**	**Dismissed 24/08/2020**
24/03/2020	**D**	**S29A Revocation of Appointment as Guardian: All in one Application dated 20/3/20**	**Dismissed 24/08/2020**
24/03/2020	**D**	**Application for Variation of Parenting/Other Orders: All in one Application date**	**Dismissed 24/08/2020**
24/03/2020	**D**	**Application for Orders for Contravention of Parenting Order: All in one Applicant**	**Dismissed 24/08/2020**
22/04/2020	**D**	**Application for Orders for Contravention of Parenting Order**	**Dismissed 24/08/2020**
06/05/2020	**N**	**Application for Extended Time**	**Granted 14/05/2020**

21/05/2020	**D**	**Application for Orders for Contravention of Parenting Order: Dated 21/5/2020 filed (Application returned to her on 26/5/2020)**	**Struck out 25/05/2020**
21/05/2020	**D**	**Application - Other: Interlocutory for Leave to Apply dated 21/5/2020**	**Dismissed 25/05/2020**
08/06/2020	**D**	**Application - Other: Interlocutory Application (dated 2/6/2020) Received 8/6/2020 - Interlocutory Application (dated 2/6/2020)** **Received 8/6/2020 (CMT)** **Various Applications: Leave to release Transcripts, Leave for High Court, leave to accept COCA Applications** **Original application posted back to D on 16/06/2020 as Judge Adams has refused the application.**	**Dismissed 15/06/2020** **Refused 15/06/2020**
08/06/2020	**D**	**Application for Orders for Contravention of Parenting Order: Original application posted back to D on 16/06/2020 as Judge Adams has refused the application.**	**Refused 15/06/2020**
08/06/2020	**D**	**S29A Revocation of Appointment as Guardian – Original application posted back to D on 16/06/2020 as Judge Adams has refused the application.**	**Refused 15/06/2020**
08/06/2020	**D**	**Application for Variation of Parenting/Other Orders - Original posted back to D 16/06/2020**	**Refused 15/06/2020**
26/06/2020	**D**	**Application to Discharge Protection Order**	**Granted 18/08/2020**

09/09/2020	**D**	**Application for Orders for Contravention of Parenting Order**	**Dismissed 11/09/2020**
30/10/2020	**D**	**Application for Orders for Contravention of Parenting Order**	**Dismissed 11/11/2020**
09/11/2020	**D**	**Application for Warrant to Enforce Role of Providing Day to Day Care**	**Pending**
22/10/2020	**D**	**Application for Without Notice Protection Order – Family Violence Proceedings**	**Pending**
17/12/2020	**D**	**Application for Variation of Parenting/Other Orders**	**Pending**
17/12/2020	**D**	**Fee: waiver application**	**Granted**
22/12/2020	**N**	**Application for Warrant to Enforce Role of Providing Day to Day Care**	**Granted 23/12/2020**
03/03/2021	**N**	**Application for Warrant to Enforce Role of Providing Day to Day Care**	**Granted 03/03/2021**
03/03/2021	**N**	**Application for Substituted Service/Dispense with Service**	**Granted 03/03/2021**
30/03/2021	**N**	**Application for Warrant to Enforce Role of Providing Day to Day Care**	**Granted 31/03/2021**
30/03/2021	**N**	**Application for Substituted Service/Dispense with Service**	**Granted 31/03/2021**
01/04/2021	**D**	**Application for Stay or Dismissal**	**Pending**

01/04/2021	**D**	**Application for Parenting Order FP35A**	**Pending**
01/04/2021	**D**	**Application for S139A Leave to commence proceedings within 2 years**	**Pending**
08/04/2021	**D**	**Application for Without Notice Protection Order – Family Violence Proceedings**	**Pending**
08/04/2021	**D**	**Application to Transfer Proceedings to Another Court**	**Pending**