

**IN THE COURT OF APPEAL OF NEW ZEALAND**

**I TE KŌTI PĪRA O AOTEAROA**

**CA171/2018  
[2018] NZCA 255**

BETWEEN GRACE HADEN  
Applicant  
AND NEW ZEALAND POLICE  
Respondent

Court: French, Duffy and Katz JJ

Counsel: Applicant in person  
H G Max for Respondent

Judgment: 16 July 2018 at 11 am  
(On the papers)

---

**JUDGMENT OF THE COURT**

---

**The application for leave to appeal is declined.**

---

**REASONS OF THE COURT**

(Given by Duffy J)

[1] Following trial by Judge alone in the District Court, Grace Haden was found guilty and convicted of five charges of breaching suppression orders contrary to ss 240 and 263 of the Lawyers and Conveyancers Act 2006.<sup>1</sup>

[2] The New Zealand Lawyers and Conveyancers Disciplinary Tribunal (“the Tribunal”) has permanently suppressed the identity of a practitioner who was

---

<sup>1</sup> *Police v Haden* [2017] NZDC 28419.

found guilty of one charge of negligence.<sup>2</sup> Ms Haden believed she knew the identity of the practitioner and so she posted the identity in a blog post on her website “Transparency New Zealand”. This was followed by four further posts to the same effect.

[3] Ms Haden’s appeal against her convictions to the High Court was dismissed.<sup>3</sup> She now seeks leave to bring a second appeal to this Court.

[4] Section 237(2) of the Criminal Procedure Act 2011 provides that this Court must not give leave for a second appeal unless satisfied that:

- (a) the appeal involves a matter of general or public importance; or
- (b) a miscarriage of justice may have occurred, or may occur unless the appeal is heard.

[5] Ms Haden is self-represented. She relies upon both limbs of s 237(2) and advances the following arguments based on a breach of the rule of law:

- (a) the Tribunal did not make a specific order granting name suppression which means it is being applied to an anonymous person by undefined means;
- (b) the form of the charging documents is incorrect; and
- (c) there was no proper basis for the charges laid against her.

[6] Ms Haden’s arguments were rejected in the Courts below. We agree with their reasoning. The Tribunal is clearly empowered to make suppression orders which suppress the identity of those who appear before the Tribunal.<sup>4</sup> Such orders do not

---

<sup>2</sup> *Waikato Bay of Plenty Standards Committee No 2 v M* [2016] NZLCDT 34 [penalty decision] at [28]; following an interim decision on name suppression: *Waikato Bay of Plenty Standards Committee No 2 v W* [2016] NZLCDT 19 [interim decision].

<sup>3</sup> *Haden v Police* [2018] NZHC 498 [HC decision].

<sup>4</sup> Lawyers and Conveyancers Act 2006, s 240.

require any specific form. Here the Tribunal's decision identifies the subject of the suppression order as well as the basis for making it.<sup>5</sup>

[7] We agree with Clark J that the form of the charging documents gave Ms Haden adequate notice of the charges she faced.<sup>6</sup> There is no question of non-compliance with the requirements of the Criminal Procedure Act.<sup>7</sup>

[8] We find Ms Haden's argument there was no proper basis for laying the charges against her to be misconceived. There was sufficient evidence to support the findings of guilt reached by Judge Adeane and affirmed by Clark J. The first post referred directly to the suppression order and then suggested (correctly) who the subject practitioner might be. The subsequent posts referred back to the first post, thus compounding the first breach of the suppression order.

[9] In conclusion, we are satisfied none of the arguments which Ms Haden advances raises a matter of general or public importance. All the issues Ms Haden raises are case-specific. Nor do Ms Haden's arguments suggest a miscarriage of justice has occurred or may occur if the proposed appeal is not heard.

[10] Accordingly, the application for leave to appeal is declined.

Solicitors:  
Crown Law Office, Wellington for Respondent

---

<sup>5</sup> Interim decision, above n 2, at [2]–[5] and [7]; penalty decision, above n 2, at [22]–[28].

<sup>6</sup> HC decision, above n 3, at [31].

<sup>7</sup> Criminal Procedure Act 2011, ss 14–17.