

**IN THE HIGH COURT OF NEW ZEALAND  
WELLINGTON REGISTRY**

**CIV-2013-485-000303  
[2013] NZHC 1079**

UNDER Section 174 of the Family Proceedings Act  
1980

BETWEEN ARTHUR WILLIAM TAYLOR  
Appellant

AND CRAIG SHANE CONNELLY  
Respondent

Hearing: On papers

Counsel: Appellant in person  
C Nicholls for Respondent

Judgment: 14 May 2013

*In accordance with r 11.5, I direct the Registrar to endorse this judgment  
with the delivery time of 11:00am on the 14<sup>th</sup> May 2013.*

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**JUDGMENT OF WILLIAMS J**

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[1] Following receipt of memoranda from Mr Taylor and Ms Cobcroft, I appointed the latter as counsel for the child over Mr Taylor's objections. Mr Taylor initially applied for leave to appeal my order to the Court of Appeal on 7 May 2013 but on 13 May he advised that having read *Siemer v Heron*<sup>1</sup> he no longer felt that leave was necessary. He has therefore refiled in the Court of Appeal and asked that I treat his application to this court as an application under r 7.49 to rescind an order considered wrong.

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<sup>1</sup> *Siemer v Heron* [2012] 1 NZLR 309 (SC).

[2] Mr Taylor does not provide any additional reasons to those contained in his memorandum of 26 March 2013. That is that his case is a standard natural justice case and participation by counsel for the child would add no value and that even if it would, Ms Cobcroft has been found guilty of minor professional misconduct, and so is unsuitable. I considered those matters and, like Kos J, disagreed with the points raised.

[3] I am no more satisfied now than I was when making the order, that it is wrong. The child needs representation on a matter that clearly affects her and I am not at all satisfied that the matters of which Mr Taylor complains disqualify Ms Cobcroft from acting.

[4] The amended application is dismissed accordingly.

[5] While Mr Taylor undoubtedly has a right of appeal against any interlocutory decision in this case, the procedural effect of any such appeal is a matter for this court absent a stay. In my view, this matter is able to be proceed on the date set down and should not be adjourned. If the Court of Appeal subsequently comes to the view that this court should not have appointed Ms Cobcroft, then the appeal can be reheard. As always, the effect of interlocutory appeals is going to be a matter of balancing various interests including, in this case, the respondent and the child. In this case, the balance favours proceeding.

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**Williams J**