

IN THE SUPREME COURT OF NEW ZEALAND

SC 84/2014
[2014] NZSC 124

BETWEEN THE WANAKA GYM LIMITED
Applicant

AND QUEENSTOWN LAKES DISTRICT
COUNCIL
Respondent

SC 85/2014

BETWEEN FIONA CAROLINE GRAHAM
Applicant

AND QUEENSTOWN LAKES DISTRICT
COUNCIL
Respondent

Counsel: Applicants in person
R S Cunliffe and T J Surrey for Respondent

Judgment: 12 September 2014

JUDGMENT OF WILLIAM YOUNG J

- A An extension of time to file submissions is granted.**
- B Submissions in support of the applications for leave to appeal must be filed on or before 28 November 2014.**
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REASONS

[1] The applicants seek an extension of time to file submissions in support of the applications for leave to appeal. Dr Fiona Graham also seeks what in effect is a stay in relation to the payment of the fines imposed in the District Court. Dr Graham was fined \$24,000 and will be arrested if she returns to New Zealand, as she wishes to do

for the purpose of preparing submissions in support of the applications for leave to appeal. She is currently living and working in Japan.

[2] In issue are convictions entered and sentences imposed in the District Court in respect of offending under the Building Act 2004.¹ The applicants' appeals against conviction and sentence were dismissed in the High Court.² Subsequent applications for leave to appeal to the Court of Appeal were dismissed by the High Court³ and Court of Appeal.⁴ There being no right of appeal in respect of the leave decisions, the applicants seek leave to appeal directly to this Court against the judgment of the High Court dismissing their appeals from the District Court. Leave to appeal against the judgment of the High Court will only be granted in exceptional circumstances under s 14 of the Supreme Court Act 2003.

[3] Dr Graham is seeking legal aid for the proposed appeal and I would be prepared to extend the time for filing submissions in any event. The deadline for filing submissions is extended until 28 November 2014.

[4] I am not prepared to issue a stay in relation to the fines. It seems to me that submissions as to whether leave to appeal should be granted should be able to be made based on the judgments of the District Court, High Court and Court of Appeal.

Solicitors:
Macalister Todd Phillips, Queenstown for Respondent

¹ *Queenstown Lakes District Council v The Wanaka Gym Ltd* DC Queenstown CRN-8059500156, 19 April 2010.

² *The Wanaka Gym Ltd v Queenstown Lakes District Council* [2012] NZHC 284.

³ *The Wanaka Gym Ltd v Queenstown Lakes District Council* [2012] NZHC 2662.

⁴ *The Wanaka Gym Ltd v Queenstown Lakes District Council* [2013] NZCA 397.