

IN THE SUPREME COURT OF NEW ZEALAND

SC 96/2014  
[2014] NZSC 161

BETWEEN                      NICHOLAS PAUL ALFRED REEKIE  
                                         Applicant

AND                              ATTORNEY-GENERAL (sued on behalf  
                                         of the Department of Corrections)

                                         ATTORNEY-GENERAL  
                                         Second Respondent

                                         DISTRICT COURT AT WAITAKERE  
                                         Third Respondent

Court:                      McGrath, William Young and Glazebrook JJ

Counsel:                      Applicant in person  
                                         J Foster for the First, Second and Third Respondents

Judgment:                      11 November 2014

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**JUDGMENT OF THE COURT**

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

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**REASONS**

**The application**

[1] Mr Reekie is seeking leave to appeal against a decision of O'Regan P declining to review the decision of the Registrar of the Court of Appeal refusing to waive security for costs and fixing security at \$5,880.<sup>1</sup>

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<sup>1</sup> *Reekie v Attorney-General* [2014] NZCA 374.

[2] O'Regan P considered that Mr Reekie's appeal is "one where the benefits to be obtained are substantially outweighed by the costs of the exercise".<sup>2</sup> This meant that it was not an appropriate case for dispensing with security for costs.<sup>3</sup>

### **The underlying appeal**

[3] The underlying appeal is against a costs judgment of Wylie J dated 24 October 2012.<sup>4</sup> The costs decision relates to a substantive claim alleging false imprisonment and unlawful treatment in Mr Reekie's conditions of imprisonment in 2002 and 2003.<sup>5</sup>

[4] In his costs judgment, Wylie J awarded Mr Reekie \$1,000 towards the costs incurred for counsel's fees in preparing the original statement of claim.<sup>6</sup> Wylie J did not allow Mr Reekie to recover for any other claimed disbursements as the Judge did not accept these were incurred by Mr Reekie personally and/or that they were properly claimed.

### **Our assessment**

[5] The proposed appeal to this Court does not involve a matter of general or public importance and there is no substantial miscarriage of justice. O'Regan P applied the principles set out by this Court in *Reekie v Attorney-General*.<sup>7</sup>

[6] The application for leave to appeal is dismissed.

Solicitors:  
Crown Law Office, Wellington for First, Second and Third Respondents

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<sup>2</sup> At [8].

<sup>3</sup> At [8].

<sup>4</sup> *Reekie v Attorney-General* [2012] NZHC 2786.

<sup>5</sup> *Reekie v Attorney General* [2012] NZHC 1867. Mr Reekie succeeded on two of the ten causes of action pleaded.

<sup>6</sup> *Reekie v Attorney-General*, above n 4, at [16].

<sup>7</sup> *Reekie v Attorney-General* [2014] NZSC 63.