

**ORDER PROHIBITING PUBLICATION OF THIS JUDGMENT OR THE
REASONS IN NEWS MEDIA OR ON THE INTERNET OR OTHER
PUBLICLY AVAILABLE DATABASE UNTIL 5 PM ON 1 DECEMBER 2014**

IN THE SUPREME COURT OF NEW ZEALAND

**SC 84/2014
[2014] NZSC 170**

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: Applicant in SC 85/2014 in person
R S Cunliffe and T J Surrey for Respondent

Judgment: 24 November 2014

JUDGMENT OF WILLIAM YOUNG J

- A Time for filing and serving submissions in support of the applications for leave to appeal is extended until 5.00pm on 5 December 2014.**
- B The further application for a stay in relation to the fines is dismissed.**
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REASONS

[1] Dr Fiona Graham seeks a further extension for the filing of submissions and a stay in respect of the fines.

[2] As is apparent from my judgment of 12 September 2014, I do not accept that she is unable to prepare submissions in support of the leave application without coming to New Zealand. I nonetheless did grant an extension of time until 28 November 2014. At the time, Dr Graham was applying for legal aid. As well, not being aware of any other timing issues, I could see no reason for not extending time as requested. It is fair to say, however, that had submissions been made in a timely way, the present leave applications would have been finalised, one way or the other, some time ago.

[3] Although the application for an extension is opposed by the respondent, I grant a further extension of time for the filing of submissions. This is because I think that in the current circumstances it is unlikely that Dr Graham would be able to complete her submissions by 28 November. The submissions are to be filed and served by 5 pm on 5 December 2014. If submissions are not filed and served by then, the respondent is to lodge submissions in response to the material which is already to hand.

[4] Since the issue of my minute of 30 October 2014, it has become apparent that if the property is sold, the proceeds of sale may be insufficient to clear the secured indebtedness. That is material to the options available to Dr Graham in terms of her ability to provide assurance that the fines can and will be paid. I am, nonetheless, still not prepared to grant a stay. Nothing has been said which allays my reservations whether there is jurisdiction to do so. As well, I have seen nothing to suggest a willingness on her part to engage in a co-operative way with those responsible for enforcement of the fines. Providing she is prepared to do so, I would have thought that she could return to New Zealand without incurring consequences of the kind to which she has referred in her communications with the Court.

[5] Accordingly, I extend time for filing and serving submissions in support of the applications for leave to appeal until 5 pm on 5 December 2014 and dismiss the further application for a stay in relation to the fines.

[6] In the ordinary course of events, this judgment would be published on the internet. Given Dr Graham's concern about publicity associated with my judgment of 12 September, I direct that the judgment not be published before 5 pm on 1 December 2014.

Solicitors:
Macalister Todd Phillips, Queenstown for Respondent