

IN THE SUPREME COURT OF NEW ZEALAND

SC 3/2014
[2014] NZSC 66

BETWEEN GRAHAM EDWARD MCCREADY
 Applicant

AND ABC AND ANOTHER
 Respondents

Court: McGrath, William Young and Arnold JJ

Counsel: Applicant in person
 J K Scragg for Respondents

Judgment: 9 June 2014

JUDGMENT OF THE COURT

- A The application for leave to appeal is dismissed.**
- B The applicant is to pay costs of \$2,500 together with disbursements to be fixed, if necessary, by the Registrar.**
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REASONS

[1] The applicant seeks leave to appeal against a judgment of Stevens J dismissing his challenge to a decision by the Registrar of the Court of Appeal not to dispense with security for costs.¹ The security required of the applicant was \$5,880. The appeal to the Court of Appeal is against an order of adjudication in bankruptcy made against the applicant based on non-payment of an order for costs made against him in earlier proceedings.²

[2] We have anonymised the respondents because of suppression orders made in the High Court in related proceedings. We also note that the applicant sought an order disqualifying counsel for the respondents because of his complaint about the

¹ *McCready v ABC* [2013] NZCA 646.

² *McCready v ABC* [2013] NZHC 2594.

conduct of a partner in the same firm in relation to his conduct in those related proceedings. There is nothing in this application as it is clear that the conduct of the partner is not relevantly “in issue in the matter” presently before this Court for the purposes of r 13.5.3 of the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008.

[3] The principles relating to the discretion to dispense with security for costs have been reformulated in the judgment of this Court in *Reekie v Attorney-General*.³ The proposed appeal thus does not raise any question of public or general importance. In his judgment, Stevens J accepted, at least by implication, that the applicant was impecunious. As it turns out, however, the applicant could have provided security as he received an ACC payment of \$8,001 early this year. In those circumstances, we can see no appearance of a miscarriage of justice.

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

Solicitors:
Duncan Cotterill, Wellington for Respondents

³ *Reekie v Attorney-General* [2014] NZSC 63.