

IN THE SUPREME COURT OF NEW ZEALAND

SC 67/2011  
[2011] NZSC 73

BETWEEN

JOHN ANTHONY EDWARDS  
Applicant

AND

WELLINGTON REGIONAL COUNCIL  
Respondent

Court: Elias CJ, Blanchard and McGrath JJ

Counsel: Applicant in Person  
J W Tizard for Respondent

Judgment: 5 July 2011

---

JUDGMENT OF THE COURT

---

**The applications for leave to appeal are dismissed. The applicant must pay costs of \$2500 to the respondent.**

REASONS

[1] The applicant seeks leave to appeal against the judgment of a Judge of the Court of Appeal upholding the decision of the Acting Registrar of that Court<sup>1</sup> fixing security for costs on an appeal from the High Court.<sup>2</sup> The underlying appeal is against an interlocutory decision of a High Court Judge staying the proceedings until a further statement of claim with adequate pleadings is submitted and the leave of a Judge to file it is granted.<sup>3</sup>

[2] Subsequently the applicant filed a supplementary notice in which he seeks leave to appeal directly against the judgment of the High Court mentioned and another judgment, in a separate proceeding issued by the applicant, traversing the same ground.

---

<sup>1</sup> *Edwards v Wellington Regional Council* [2011] NZCA 260.

<sup>2</sup> *Edwards v Wellington Regional Council* HC Wellington CIV-2010-485-2192, 28 March 2011.

<sup>3</sup> *Edwards v Wellington Regional Council* HC Wellington CIV-2010-485-2192, 11 March 2011.

[3] The effect of the decision of the Court of Appeal Judges upholding the security for costs order was that security for costs of \$5560 had to be paid within 20 working days of the judgment. The judgment of the Court of Appeal is said to be an expansion of, and to provide support for, the High Court judgment. There are also many criticisms of the policy and decisions of the respondent in relation to the lakes that form part of the Wellington region water supply. There is, however, no attempt to challenge the principles on which security for costs orders are based and the application of those principles by the Court of Appeal. In those circumstances, the application in relation to the Court of Appeal judgment cannot succeed and is dismissed.

[4] In relation to the other matters, it is sufficient to say that s 14 of the Supreme Court Act 2003 directs the Court not to give leave to appeal directly against decisions of a court other than the Court of Appeal unless satisfied there are exceptional circumstances. There is no attempt in the applicant's submissions to point to such circumstances and we are satisfied that there are none. The application is accordingly also dismissed in respect of the decisions of the High Court as well as that of the Court of Appeal.

Solicitors:  
Oakley Moran, Wellington for Respondent