

requirement to pay security for costs under r 35(6)(c) of the Court of Appeal (Civil) Rules 2005. The Deputy Registrar of the Court of Appeal declined the application. The applicant sought review of that decision by a Judge of the Court of Appeal. In a judgment delivered on 18 November 2021, Brown J dismissed the application for review and directed the applicant to pay security for costs of \$7,060.³

[3] The applicant seeks leave to appeal against the decision of Brown J.⁴

[4] Brown J applied the principles relating to dispensation from security for costs set out in this Court's judgment in *Reekie v Attorney-General*.⁵ He determined that the Deputy Registrar was correct to find that the applicant's proposed appeal to the Court of Appeal did not qualify as genuine public interest litigation.⁶ In addition, there was no evidence on which to conclude that the applicant was impecunious.⁷

[5] The applicant argues that, although the case relates to her treatment by the University of Waikato, the issues she seeks to raise affect other students and other universities and are therefore matters of public interest. She also submits to this Court evidence to the effect that she is impecunious.

[6] We agree with Brown J that the case involves issues that are personal to the applicant and, contrary to the applicant's submission, we do not consider that broader issues of public interest are engaged by her proposed appeal. We do not think it is reasonably arguable that the test set out in *Reekie* is met in the present case, even taking into account the material provided as to the applicant's impecuniosity.

[7] We are not satisfied that it is in the interests of justice to grant leave to appeal.⁸ The appeal does not raise a matter of general or public importance and we see no appearance of a miscarriage of justice in the way the matter was dealt with by Brown J.

³ *Roe v University of Waikato* [2021] NZCA 612 (Brown J) [CA judgment].

⁴ This Court recently dealt with three other applications for leave to appeal by the applicant relating to decisions of Court of Appeal Judges dismissing applications for review of decisions declining to waive security for costs or to accept documents for filing: *Roe v New Zealand Vice-Chancellors Committee* [2021] NZSC 158.

⁵ *Reekie v Attorney-General* [2014] NZSC 63, [2014] 1 NZLR 737.

⁶ CA judgment, above n 3, at [12].

⁷ At [14].

⁸ Senior Courts Act 2016, s 74.

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

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