

**IN THE COURT OF APPEAL OF NEW ZEALAND
I TE KŌTI PĪRA O AOTEAROA**

**CA132/2021
CA357/2021**

BETWEEN KELLY ALEXANDRA ROE
Appellant

AND UNIVERSITY OF AUCKLAND
Respondent

Counsel: Applicant in person
I Rosic and Z Brentnall for Respondent

Date of Minute: 26 October 2021

MINUTE OF GODDARD J

[1] In CA132/2021 Ms Roe appeals against a High Court judgment dismissing her application for judicial review of decisions made by the University of Auckland.¹ In CA357/2021 Ms Roe appeals against the High Court costs decision in relation to her judicial review proceedings.²

[2] In CA132/2021, Ms Roe applied to dispense for security for costs. That application was declined by the Deputy Registrar, whose decision was upheld by Miller J on review.³ Ms Roe has applied for leave to appeal to the Supreme Court against that decision. In CA132/2021, the date for compliance with r 43 of the Court of Appeal (Civil) Rules 2005 has been extended to 18 November 2021.

¹ *Roe v University of Auckland* [2021] NZHC 368.

² *Roe v University of Auckland* [2021] NZHC 1331.

³ *Roe v University of Auckland* [2021] NZCA 423.

[3] In CA357/2021, Ms Roe applied for security for costs to be dispensed with. On 8 October 2021 the Deputy Registrar held that security for costs should not be dispensed with in this appeal as a reasonable and solvent litigant would not proceed with it and no issue of public interest arises. However if the appeal is consolidated or heard together with the substantive appeal CA 132/2021, security for costs should not be required in this appeal.⁴

[4] Ms Roe has applied for the two appeals to be heard together. The respondent agrees to the appeals being heard together, subject to security for costs remaining payable in respect of each appeal.

[5] It is plainly sensible for the appeal from the substantive High Court decision and the appeal from the High Court costs decision to be heard together. I will make a direction to that effect.

[6] In these circumstances, the Deputy Registrar considered that security for costs should not be required in respect of the costs appeal (CA357/2021). I agree: a single set of security for costs will be sufficient in respect of the two appeals, if heard together. I will therefore make a direction dispensing with security for costs in CA357/2021.

[7] It is also necessary to align the timeframes for complying with r 43 in the two appeals, if they are to be heard together. As noted above, in CA132/2021 r 43 has been suspended to 18 November 2021. The time for complying with r 43 in CA357/2021 was 21 October 2021. I will extend that date to 18 November 2021, to align it with CA132/2021.

[8] I make the following directions:

- (a) CA132/2021 and CA357/2021 are to be heard together;
- (b) Security for costs is dispensed with in CA357/2021;

⁴ At [16].

- (c) The date for compliance with r 43 in CA357/2021 is extended to 18 November 2021.

Goddard J