

IN THE SUPREME COURT OF NEW ZEALAND

SC 47/2013
[2014] NZSC 98

BETWEEN NICHOLAS PAUL ALFRED REEKIE
Applicant

AND ATTORNEY-GENERAL
First Respondent

DISTRICT COURT AT WAITAKERE
Second Respondent

SC 102/2013

BETWEEN NICHOLAS PAUL ALFRED REEKIE
Applicant

AND DEPARTMENT OF CORRECTIONS
AND VISITING JUSTICE TO SPRING
HILL CORRECTIONAL FACILITY
Respondents

Court: Elias CJ, McGrath, William Young, Glazebrook and Arnold JJ

Counsel: Applicant in person
C R Gwyn and J Foster for Respondents on 27 November 2013
C R Gwyn and R D Garden for Respondents on 5 December
2013
A S Butler and O C Gascoigne as Amicus Curiae

Judgment: 30 July 2014

JUDGMENT OF THE COURT

The application for recall is dismissed.

REASONS

[1] Mr Reekie seeks a recall of the judgment delivered on 29 May 2014 dismissing an appeal and an application for leave to appeal in respect of decisions

made by single judges of the Court of Appeal as to security for costs.¹ The application is based on a mix of particular and general challenges to the judgment.

[2] We see none of the arguments advanced as warranting recall of the judgment.

[3] The allegations of torture were not ignored as the conduct said to amount to torture was referred to, as were the associated findings of fact made in the High Court. The Court noted the apparent inconsistency between the practice which obtained before the Court of Appeal (Civil) Rules 2005 and the approach taken in *Siemer v Heron*.² There was no inconsistency between the conclusion that the wrongful detention claim was arguable and the conclusion that Mr Reekie had suffered no detriment because if all issues had been appropriately addressed, he would have remained in custody for the relevant period.

[4] The more general challenges (to the difficulties identified by the Court as to the role of the Registrar, the general principles set out in the judgment and the engagement by the Court with the merits of the appeals to the Court of Appeal) raise nothing new.

Solicitors:
Crown Law Office, Wellington for Respondents

¹ *Reekie v Attorney-General* [2014] NZSC 63.

² *Siemer v Heron* [2012] NZSC 91.