

IN THE SUPREME COURT OF NEW ZEALAND

SC 130/2014
[2015] NZSC 23

BETWEEN VINCENT ROSS SIEMER
Applicant

AND CLARE O'BRIEN
First Respondent

ATTORNEY-GENERAL
Second Respondent

Court: Glazebrook, Arnold and O'Regan JJ

Counsel: Applicant in person
D L Harris for First and Second Respondents

Judgment: 10 March 2015

JUDGMENT OF THE COURT

The application for recall is dismissed.

REASONS

[1] Mr Siemer asks the Court to recall its judgment in *Siemer v O'Brien*,¹ in which the Court rejected Mr Siemer's application to appeal directly to this Court from a decision of the High Court.² The essential basis of the recall application is that the Court did not properly understand the basis for the leave application.

[2] Contrary to Mr Siemer's assertions, the Court did understand that his intended appeal sought to challenge the role of the Attorney-General in the proceedings and addressed that point to the extent necessary.

¹ *Siemer v O'Brien* [2015] NZSC 13.

² *Siemer v O'Brien* [2015] NZHC 2886.

[3] More fundamentally, as the Court noted in its earlier judgment, where an applicant seeks to appeal directly to this Court, by-passing the Court of Appeal, the applicant must, by virtue of s 14 of the Supreme Court Act 2003, establish that there are exceptional circumstances justifying that course. The only explanation Mr Siemer gave for his leave application was to avoid the “oppressive” security for costs regime in the Court of Appeal. Obviously, that cannot qualify as an exceptional circumstance, so that his application for leave to appeal could not succeed in any event.

[4] The application for recall is dismissed.

Solicitors:
Crown Law Office, Wellington for Respondents