

IN THE SUPREME COURT OF NEW ZEALAND

SC 32/2015
[2015] NZSC 64

BETWEEN VINCENT ROSS SIEMER
 Applicant

AND CLARE O'BRIEN
 First Respondent

 ATTORNEY-GENERAL
 Second Respondent

Court: Elias CJ, William Young and O'Regan JJ

Counsel: V R Siemer in person
 D L Harris for First and Second Respondents

Judgment: 15 May 2015

JUDGMENT OF THE COURT

- A The application for leave to appeal is dismissed.**
- B We make no award of costs.**
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REASONS

[1] The applicant seeks leave to appeal against a procedural direction given by White J¹ in the Court of Appeal dismissing a challenge by the applicant to the participation by the second respondent in an appeal to the Court of Appeal.

[2] White J said the applicant's challenge to the position of the second respondent was unarguable. The applicant had suggested that Crown counsel had misrepresented the position of the second respondent. White J found there had been no misrepresentation.

¹ *Siemer v O'Brien* CA 693/2014, 26 March 2015.

[3] This Court has already ruled that the applicant's argument against the second respondent's participation in the proceedings was not an arguable point, in a decision dealing with an application for leave to appeal directly to this Court, *Siemer v O'Brien*.² This Court said:³

... the application does not raise any arguable point. It is commonplace for judicial and other officers to abide the decision of the court and, if there is no other contradictor, for the Attorney-General to appear and make submissions.

[4] The present application is essentially a re-litigation of the same point. As the point the applicant seeks to raise in his intended appeal to this Court is unarguable, his application for leave to appeal is dismissed.

[5] Costs of \$2,500 were awarded to the second respondent in relation to another application, SC 24/2015.⁴ As the second respondent's submissions related to both that matter and this one, only one award of costs is warranted. We therefore make no award in relation to the present application.

Solicitors:
Crown Law Office, Wellington for the Respondents

² *Siemer v O'Brien* [2015] NZSC 13.

³ At [5].

⁴ *Siemer v O'Brien* [2015] NZSC 63 at [4].