

IN THE SUPREME COURT OF NEW ZEALAND

SC 130/2014
[2015] NZSC 78

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: 5 June 2015

JUDGMENT OF THE COURT

The applicant's second application for recall is dismissed.

REASONS

[1] Mr Siemer applied for leave to appeal directly to this Court from the judgment of Williams J in *Siemer v O'Brien*.¹ We dismissed his application.² Mr Siemer then asked that the Court recall its judgment, on the basis that the Court did not properly understand the basis for his leave application. We dismissed that application also.³ Mr Siemer has now filed a second application for recall of our judgment dismissing his application for leave.

[2] The basis of the further application is that in the formal judgment of the Court set out in the judgment band, Mr Siemer is ordered to pay the respondents

¹ *Siemer v O'Brien* [2014] NZHC 2886.

² *Siemer v O'Brien* [2015] NZSC 13.

³ *Siemer v O'Brien* [2015] NZSC 23.

(plural) costs of \$2,500 plus reasonable disbursements, whereas in the body of the judgment the order is recorded as being that Mr Siemer pay the respondent (singular) costs of \$2,500 plus reasonable disbursements. Mr Siemer submits that this makes the judgment “incomprehensible on the order of costs” and says that “there is no way of comprehending from reading the Judgment as issued to whom costs were awarded in favour”.

[3] Obviously, there is a typographical error in the leave judgment, but it is one which is immaterial in the present case. As we recorded in the leave judgment, Mr Siemer has issued judicial review proceedings in respect of certain decisions of the first respondent, who is the Registrar of the Court of Appeal. She has not played an active part in the proceedings but, rather, has abided the courts’ decisions. Accordingly, as commonly occurs in such situations, the Attorney-General appeared before the High Court to act as contradictor, and has maintained that role subsequently. Given that the Crown Law Office is the solicitor on the record for both respondents, Mr Siemer can meet his obligation to pay costs by paying the \$2,500 plus reasonable disbursements to the Office.

[4] Given that the error is immaterial, we see no reason to recall our judgment, but will re-issue it with the typographical error removed, by virtue of our implied power to correct such slips.

Solicitors:
Crown Law Office, Wellington for Respondents