

IN THE SUPREME COURT OF NEW ZEALAND

SC 130/2014
[2015] NZSC 89

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: 23 June 2015

JUDGMENT OF THE COURT

The application for recall is dismissed.

REASONS

[1] Mr Siemer has filed an application for recall of the Court's judgment refusing him leave to appeal in SC 130/2014¹ and for recall of the Court's reissued judgment on that application.² The ground for the application is that the Court could not, in the circumstances, properly make an order for costs in favour of the Attorney-General.

[2] This application is an abuse of process. We make two points. First, as the Court said in *Deliu v New Zealand Law Society*, costs normally follow the event.³ Where that occurs, and the costs awarded are within the normal range, no reasons are

¹ *Siemer v O'Brien* [2015] NZSC 13. This is Mr Siemer's third application for recall of that judgment.

² *Siemer v O'Brien* [2015] NZSC 79.

³ *Deliu v New Zealand Law Society* [2015] NZSC 75.

required.⁴ Of necessity, the Attorney-General had to intervene in the present proceedings as the first respondent, who is the Registrar of the Court of Appeal, abided the decisions of the courts, and a contradictor was required. Counsel for the Attorney-General filed written submissions opposing Mr Siemer's application for leave to appeal. The Court declined Mr Siemer's application. In those circumstances, Mr Siemer was at risk of an award of costs against him, in accordance with the normal practice. Given his extensive experience in this Court, Mr Siemer ought to have been well aware of that.

[3] Second, Mr Siemer has attempted to raise in a sequence of recall applications points that could and should have been raised in the first application. A party seeking recall of a judgment must raise all points in support of the application together: where the points raised could have been raised at the outset, serial attempts at recall of the same judgment are an abuse of process.

[4] The application for recall is dismissed. There is no order for costs.

[5] The Registrar is directed not to accept any further applications for recall from Mr Siemer in relation to this matter.

Solicitors:
Crown Law Office, Wellington for Respondents

⁴ At [7].