

[2] The basis of the recall application is that there was no evidence of such “entitlement” nor of any right of “veto” vested in the principal case manager. The application was supported with a mass of evidential material as to how the parole assessment reports are prepared.

[3] The application for recall is misconceived and the material relied on in support of it beside the point. The Court of Appeal held that the contents of the report are for the Department to determine and in particular that it “was open to the Department to view the information [in question] ... as not relevant to the Board’s task”.³ This is the same approach as we took, save that we personalised the process by treating the principal case manager as the Departmental decision-maker. This personalisation was immaterial to the outcome of the application for leave to appeal. This is because the question which the applicant wished to raise on appeal (namely that the Department was required to include his contribution) did not depend on the identity of the person who decided that it should not be included. To the extent that the applicant’s complaint is that the Department was not entitled to exclude his contribution, this is just a re-run of the argument already addressed in the leave judgment.

[4] Accordingly, the application for recall is dismissed.

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³ *Gilmour v Chief Executive of the Department of Corrections* [2017] NZCA 250 (Harrison, Winkelmann and Asher JJ).