

NOTE: ORDER MADE IN [2021] NZHC 1090 PROHIBITING PUBLICATION OF THE NAMES, ADDRESSES, OCCUPATIONS OR IDENTIFYING PARTICULARS OF THE APPELLANTS AND THIRD RESPONDENT IN SC 58/2019 PURSUANT TO S 200 OF THE CRIMINAL PROCEDURE ACT 2011 REMAINS IN FORCE.

NOTE: ORDER MADE IN [2020] NZSC 97 PROHIBITING PUBLICATION OF THE JUDGMENT AND ANY PART OF THE PROCEEDINGS IN NEWS MEDIA OR ON THE INTERNET OR OTHER PUBLICLY AVAILABLE DATABASE UNTIL FINAL DISPOSITION OF TRIAL REMAINS IN FORCE. PUBLICATION IN LAW REPORT OR LAW DIGEST PERMITTED.

NOTE: ORDER CONFIRMED IN [2019] NZSC 97 THAT NO SEARCH OF THE COURT FILE IS PERMISSIBLE EXCEPT BY ANY OF THE PARTIES WITHOUT THE PERMISSION OF A JUDGE REMAINS IN FORCE.

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

**SC MA 6/2021
[2021] NZSC 111**

IN THE MATTER OF Application by VINCENT ROSS SIEMER
to vary suppression orders

Court: Winkelmann CJ, Glazebrook, O'Regan, Ellen France and
 Williams JJ

Counsel: Applicant in person
 J R Billington QC and A C Skelton for Appellants in SC 58/2019
 D P H Jones QC and S S McMullan for First Respondent in
 SC 58/2019
 T M Molloy for Third Respondent in SC 58/2019

Judgment: 9 September 2021

JUDGMENT OF THE COURT

**The application for recall of this Court's judgment of 25 June 2021
(*Re Siemer* [2021] NZSC 72) is dismissed.**

REASONS

[1] The applicant seeks a recall of this Court's judgment of 25 June 2021,¹ in which the Court declined an application to recall the Court's earlier judgment of 28 May 2021 in *Re Siemer*.² The application is brought principally on the basis that the Court, in dismissing the application, relied on a materially incorrect premise and that recall is in the public interest.³

[2] Nothing raised by the applicant provides any basis for recall of the judgment.⁴

[3] The application for recall of this Court's judgment of 25 June 2021 is dismissed.

[4] We add that the exception to the order suppressing the judgment in [2020] NZSC 97 applies only to publication in a law report or law digest. Apart from such publication, publication prior to the final disposition of trial would be a breach of the Court's orders.

Solicitors:

Kensington Swan, Wellington for Appellants in SC 58/2019

Gilbert Walker, Auckland for First Respondent in SC 58/2019

Spencer Legal, Auckland for Third Respondent in SC 58/2019

¹ *Re Siemer* [2021] NZSC 72.

² *Re Siemer* [2021] NZSC 50.

³ Amongst other matters, the applicant says he should have been heard in relation to the Court's initial decision dismissing the application to vary suppression orders in *Re Siemer*, above n 2.

⁴ *Saxmere Co Ltd v Wool Board Disestablishment Co Ltd (No 2)* [2009] NZSC 122, [2010] 1 NZLR 76 at [2], citing *Horowhenua County v Nash (No 2)* [1968] NZLR 632 (SC) at 633. See also *Craig v Williams* [2019] NZSC 60 at [10].