

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

SC UR 10/2021
[2021] NZSC 80

RE KATHRYN LEE CULLUM
Applicant

Counsel: Applicant in person

Judgment: 2 July 2021

JUDGMENT OF GLAZEBROOK J

- A The application for recall of this Court’s judgment of 11 June 2021 (*Re Cullum* [2021] NZSC 61) is dismissed.**
- B The application for name suppression is dismissed.**
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REASONS

Introduction

[1] Ms Cullum applies for the recall of my decision to uphold the Deputy Registrar’s decision to refuse to waive filing fees.¹ She also applies for name suppression in relation to that decision, as well as the decisions of all lower courts.

Recall application

[2] The circumstances in which recall of a judgment is appropriate was summarised by this Court in *Craig v Williams*:²

¹ *Re Cullum* [2021] NZSC 61 (Glazebrook J).

² *Craig v Williams* [2019] NZSC 60 at [10].

The case law has ... identified three categories of case in which a judgment may be recalled. These are an amendment after the hearing to relevant legislation or a new judicial decision of “high authority”, where counsel has failed to draw the Court’s attention to a relevant legislative provision or decision and “where for some other very special reason justice requires that the judgment be recalled”.³

[3] The first two categories do not apply. Nothing raised by Ms Cullum suggests this case comes within the third category. Indeed, the history of the matter set out in my judgment shows that there have been serial applications, many containing abusive material.⁴ In the circumstances, the application for leave to appeal to this Court was also an abuse of process.⁵

Suppression application

[4] To the extent that the name suppression application relates to the lower courts, the appropriate place to file those applications is in those respective courts.

[5] As to the application for name suppression with respect to my judgment, the presumption is that proceedings should be conducted in public. Ms Cullum has not raised any valid grounds to counter the presumption of open justice. In any event, there is no extant proceeding before this Court, the filing fee not having been paid or waived.

Result

[6] The application for recall of my decision to uphold the Deputy Registrar’s decision refusing to waive the filing fee is dismissed.

[7] The application for name suppression is dismissed.

[8] I direct the Registrar to reject any further applications or other documents relating to this matter.

³ *Saxmere Company Ltd v Wool Board Disestablishment Company 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.

⁴ *Re Cullum*, above n 1, at [4]–[6].

⁵ At [8].