

**NOTE: PURSUANT TO S 139 OF THE CARE OF CHILDREN ACT 2004, ANY REPORT OF THIS PROCEEDING MUST COMPLY WITH SS 11B, 11C AND 11D OF THE FAMILY COURT ACT 1980. FOR FURTHER INFORMATION, PLEASE SEE <https://www.justice.govt.nz/family/about/restriction-on-publishing-judgments/>**

**NOTE: HIGH COURT ORDER MADE IN [2021] NZHC 2080 PROHIBITING PUBLICATION OF NAMES OR IDENTIFYING PARTICULARS OF DFT AND RMC REMAINS IN FORCE.**

**IN THE SUPREME COURT OF NEW ZEALAND**

**I TE KŌTI MANA NUI O AOTEAROA**

**SC 18/2023  
[2023] NZSC 78**

BETWEEN	DFT Applicant
AND	AUCKLAND HIGH COURT First Respondent
	ATTORNEY-GENERAL Second Respondent
	NEW ZEALAND LAW SOCIETY Third Respondent

Court:	O'Regan, Williams and Kós JJ
Counsel:	Applicant in person No appearance for First Respondent D Jones for Second Respondent P N Collins for Third Respondent
Judgment:	29 June 2023

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### **JUDGMENT OF THE COURT**

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- A**     **The application for recall (*DFT v Auckland High Court* [2023] NZSC 57) is dismissed.**
- B**     **The applicant must pay to each of the second and third respondents costs of \$500.**
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## REASONS

[1] On 17 May 2023, this Court issued a judgment dismissing an application by the applicant for leave to appeal against aspects of a decision of the Court of Appeal.<sup>1</sup> This Court ordered the applicant to pay each of the second and third respondents costs of \$1,250.

[2] On 26 May 2023, the applicant filed an application for recall of this Court's judgment and a cancellation of the costs order.

[3] None of the matters raised by the applicant provide a basis for recall of the judgment. The application for recall is therefore dismissed.

[4] As the second and third respondents were put to the trouble of filing submissions responding to the application for recall, they are entitled to costs. We make an order that the applicant must pay to each of the second and third respondents costs of \$500 in respect of the present application.

Solicitors:

Crown Law Office, Wellington for Second Respondent

G D Smith, New Zealand Law Society, Wellington for Third Respondent

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<sup>1</sup> *DFT v Auckland High Court* [2023] NZSC 57. The decision of the Court of Appeal was *DFT v JDN* [2023] NZCA 15 (Cooper P, Courtney and Goddard JJ).