

**IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY**

CIV 2009-404-002277

UNDER the Judicature Amendment Act 1972
IN THE MATTER OF a decision of the Minister of Immigration
dated 12 March 2009
BETWEEN YIBO WANG
Plaintiff
AND MINISTER OF IMMIGRATION
First Defendant
AND ATTORNEY-GENERAL OF NEW
ZEALAND
Second Defendant

Hearing: On the papers.

Judgment: 19 May 2009

**JUDGMENT OF ANDREWS J
[Costs]**

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Meredith Connell, Crown Solicitor, PO Box 2213, Shortland Street, Auckland 1140

[1] At [35] of my judgment delivered on 27 April 2009, in respect of Mr Wang's application for interim orders, I said that if costs were an issue, memoranda were to be filed. Counsel have now filed memoranda.

[2] On behalf of the defendants, Mr Harborow seeks costs as for an opposed interlocutory application, on a 2B basis. Although in his memorandum Mr Harborow raised the possibility of an award of increased costs, such costs are not sought.

[3] On behalf of Mr Wang, Mr Wu does not oppose an award of costs, but asks that certain factors be taken into account in the exercise of the court's discretion as to costs. In particular, he notes Mr Wang's legal right to bring judicial review proceedings, and the significance of procedural rights in that context.

[4] In this case it is appropriate that costs be awarded in favour of the defendants, as for an opposed interlocutory application, on a 2B basis, together with disbursements as fixed by the Registrar. I order accordingly. I note that the hearing occupied approximately 1½ hours.

Andrews J