

IN THE SUPREME COURT OF NEW ZEALAND

SC 99/2014
[2014] NZSC 179

BETWEEN VINCENT ROSS SIEMER
Applicant

AND REGISTRAR OF THE SUPREME
COURT
First Respondent

MINISTRY OF JUSTICE
Second Respondent

SC 108/2014

BETWEEN VINCENT ROSS SIEMER
Applicant

AND REGISTRAR OF THE SUPREME
COURT
First Respondent

MINISTRY OF JUSTICE
Second Respondent

Court: McGrath, Glazebrook and O'Regan JJ

Counsel: Applicant in person
H M Carrad and S J Humphrey for the Respondents

Judgment: 8 December 2014

JUDGMENT OF THE COURT

- A The applications for leave to appeal in SC 99/2014 and SC 108/2014 are dismissed.**
- B Costs of \$2,500 are awarded to the respondents with regard to each application.**
-

REASONS

Background

[1] Mr Siemer applies for leave to appeal against two decisions of French J in the Court of Appeal.

[2] Both decisions stem from judicial review proceedings initiated in the High Court where Mr Siemer sought judicial review of the decision by the Registrar of this Court to decline Mr Siemer access to court documents. On 29 May 2014, in a judgment by Clifford J, the proceedings were struck out.¹

[3] Mr Siemer appealed against that judgment and the notice of appeal was accepted for filing by the Court of Appeal on 13 June 2014.

[4] On 16 June 2014, Mr Siemer also applied for leave to appeal directly to the Supreme Court against Clifford J's judgment. On 5 August 2014, this Court dismissed Mr Siemer's application for leave to appeal.²

[5] On 25 June 2014, the Registrar of the Court of Appeal ordered Mr Siemer to pay \$5,880 security for costs in relation to his appeal to that Court.

[6] On 2 July 2014, Mr Siemer applied for a dispensation of security for costs under r 35(7) of the Court of Appeal (Civil) Rules 2005. On 21 August 2014, the Registrar of the Court of Appeal declined to dispense with the security for costs.

[7] Mr Siemer then, on 21 August 2014, applied for a direction by a single judge of the Court of Appeal under s 61A(1) of the Judicature Act as to security for costs.

[8] On 28 August 2014, French J released a minute declining Mr Siemer's application under s 61A(1) of the Judicature Act 1908 for want of jurisdiction.

¹ *Siemer v Registrar, Supreme Court* [2014] NZHC 1179.

² *Siemer v Registrar of the Supreme Court* [2014] NZSC 100.

Mr Siemer applied to this Court for leave to appeal against this minute and on 15 September 2014, leave was refused.³

[9] In accordance with the direction by French J's minute dated 28 August 2014, Mr Siemer applied on 2 September 2014 for a review of the Registrar's decision under s 61A(3) of the Judicature Act.

[10] On 16 September 2014, French J issued her judgment dismissing the application for review of the Registrar's decision.⁴ This judgment is the basis of the application for leave to appeal in SC 99/2014 which was filed in this Court on 22 September 2014.

[11] On 22 September 2014, Mr Siemer applied for a recall of French J's judgment. On 6 October 2014, French J dismissed Mr Siemer's application for recall.⁵ This recall judgment is the basis of the application for leave to appeal in SC 108/2014 which was filed in this Court on 9 October 2014.

SC 99/2014

[12] In reviewing the Registrar's decision not to dispense with security for costs, French J applied the principles set out by this Court in *Reekie v Attorney-General*.⁶ She pointed to two valid reasons why Mr Siemer's appeal would not sensibly be pursued by a solvent litigation.

[13] Nothing Mr Siemer has raised indicates that there is a risk of a miscarriage of justice. Nor does the application cover any matters of general or public importance.

SC 108/2014

[14] In dealing with the recall application, French J applied the settled principles governing the recall of judgments as set out by Wild CJ in *Horowhenua County v*

³ *Siemer v Registrar of the Supreme Court* [2014] NZSC 125.

⁴ *Siemer v Registrar of the Supreme Court* [2014] NZCA 456.

⁵ *Siemer v Registrar of the Supreme Court* [2014] NZCA 491.

⁶ *Reekie v Attorney-General* [2014] NZSC 63.

Nash (No 2).⁷ Nothing Mr Siemer has raised indicates that there is a risk of a miscarriage of justice. Nor does the application cover any matters of general or public importance.

Result

[15] Both the applications for leave to appeal in SC 99/2014 and SC 108/2014 are dismissed.

[16] Costs of \$2,500 are awarded to the respondents with regard to each application.

Solicitors:
Crown Law Office, Wellington for the Respondents

⁷ *Horowhenua County v Nash (No 2)* [1968] NZLR 632 (SC) at 633.