

**IN THE SUPREME COURT OF NEW ZEALAND**

**SC 22/2014  
[2014] NZSC 43**

BETWEEN                      VINCENT ROSS SIEMER  
   Applicant  
  
AND                              DEPUTY REGISTRAR OF THE COURT  
   OF APPEAL  
   Respondent

Court:                      William Young, Glazebrook and Arnold JJ

Counsel:                      Applicant in person  
   P J Gunn for Respondent

Judgment:                      1 May 2014

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**JUDGMENT OF THE COURT**

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**The application for leave to appeal is dismissed.**

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**REASONS**

[1]     The proposed appeal arises out of an attempt by the applicant to file in the Auckland Registry of the High Court judicial review proceedings against a respondent identified as “Deputy Registrar of the Court of Appeal”. The papers appear to have been referred to Cooper J, who directed that they should not be accepted for filing and that the applicant should be advised to file his proceedings in the Wellington Registry of the High Court. The applicant attempted to appeal against the decision not to accept his proceedings for filing but the Registrar of the Court of Appeal declined to accept the appeal on the basis that the direction was not a “judgment, decree, or order” for the purposes of s 66 of the Judicature Act 1908. The applicant applied for a review of this decision and this application was dismissed by O’Regan P.<sup>1</sup>

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<sup>1</sup>     *Siemer v Deputy Registrar of the Court of Appeal* [2014] NZCA 5.

[2] The applicant seeks leave to appeal against the judgment of O'Regan P or, alternatively, against the direction of Cooper J.

[3] Under r 5.1 of the High Court Rules, Wellington was the appropriate registry of the High Court in which the proceedings were to be filed unless (a) a material part of the cause of action arose in Auckland and (b) the applicant followed the procedure stipulated in r 5.1(3). There is nothing in the papers to suggest that this procedure was followed.

[4] The proposed appeal raises three issues which are arguable, namely whether:

- (a) the proceedings should be rejected because the High Court Registrar or a judge is of the view that they have been filed in the wrong registry;
- (b) the decision to reject the proceedings ought to have been made without reference to the applicant; and
- (c) Cooper J's direction is a "judgment, decree, or order" for the purposes of s 66 of the Judicature Act so as to give rise to a right of appeal to the Court of Appeal.

But, given that it would have been as easy to re-file the application for review in the Wellington Registry of the High Court<sup>2</sup> as it was to file the notice of appeal in the Court of Appeal, there is no substantial point to the proposed appeal and it follows that:

- (d) these arguments do not, in the present case, give rise to points of public or general importance; and
- (e) there is no appearance of a miscarriage of justice.

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<sup>2</sup> If proceedings had been filed in the Wellington Registry, the applicant could have applied for them to be transferred to the Auckland Registry.

[5] For the same reasons, we see no good reason to grant leave to appeal direct to this Court from the direction given by Cooper J.

Solicitors:  
Crown Law Office, Wellington for Respondent