IN THE SUPREME COURT OF NEW ZEALAND

SC 30/2014
[2014] NZSC 69

BETWEEN	VINCENT SIEMER Applicant
AND	NEW ZEALAND COURT OF APPEAL First Respondent
	ATTORNEY-GENERAL Second Respondent

Court: William Young, Glazebrook and Arnold JJ

Counsel: Applicant in person
A M Powell for Second Respondent

Judgment: 11 June 2014

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] The applicant issued High Court proceedings against the Court of Appeal and the Attorney-General challenging a decision made by Wild J in the Court of Appeal as to security for costs. These proceedings were struck out in the High Court and he then appealed to the Court of Appeal. Security for costs was fixed in the sum of $5,880. The applicant then applied (under s 61A(1) of the Judicature Act 1908) for an order, by a judge, waiving the requirement to provide security. The Registrar of the Court of Appeal rejected the application on the basis that the correct procedure was for such an application to be made to the Registrar. The applicant then applied under r 7(2) of the Court of Appeal (Civil) Rules 2005 for a review of the Registrar's decision. The result was an email from the Registry to the applicant which recorded:

Justice French directs:

> *"I uphold the Registrar's decision. Application to review dismissed for the reasons articulated in Siemer v Official Assignee [2014] NZCA 3."* French J, 11/03/2014

[2] The applicant seeks leave to appeal against this decision. The basis of the proposed appeal is that it was not open to French J to dismiss his application for review in this comparatively informal way, by what he claims was a "Secret Judgment".

[3] Under the Court of Appeal (Civil) Rules 2005, there is no prescribed method for the delivery of interlocutory orders which can be, and often are, noted in handwriting on the file. The applicant relies on the Public Records Act 2005 but this merely requires that full and accurate records are maintained. Moreover, where an application in a case raises an issue that is identical to the issue raised in a previous case, a judge is entitled to refer to the reasoning in the earlier case as the basis for his or her decision in the present case rather than setting out again the full reasoning. We therefore see no point of law of public or general importance. As well there is no appearance of a miscarriage of justice.

Solicitors:
Crown Law Office, Wellington for Second Respondent