

**IN THE SUPREME COURT OF NEW ZEALAND**

**[2015] NZSC 21**

BETWEEN                      VINCENT ROSS SIEMER  
   Applicant

AND                              REGISTRAR OF THE SUPREME  
   COURT  
   First Respondent

   MINISTRY OF JUSTICE  
   Second Respondent

Court:                      Elias CJ, William Young, Glazebrook, Arnold and O'Regan JJ

Counsel:                      Applicant in person

Judgment:                      11 March 2015

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**JUDGMENT OF THE COURT**

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**The application for review is dismissed.**

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**REASONS**

**Background**

[1]     On 27 January 2015, Mr Siemer attempted to file in this Court an application for leave to appeal against a decision of the Deputy Registrar of the Court of Appeal refusing to accept for filing certain applications made by Mr Siemer.

[2]     On 28 January 2015, the Registrar of this Court refused to accept Mr Siemer's application for leave to appeal against the Deputy Registrar's decision for want of jurisdiction.

[3] On 10 February 2015, Glazebrook J dismissed Mr Siemer’s application, under s 28(2) of the Supreme Court Act 2003, for a review of the Registrar’s decision. This was on the basis that this Court had no jurisdiction to hear the proposed appeal.<sup>1</sup>

[4] On 12 February 2015, Mr Siemer applied, under s 28(3) of the Supreme Court Act, for a review of Glazebrook J’s decision.

### **Decision**

[5] It is doubtful whether s 28 (2) and (3) reviews are available in circumstances where an applicant does not have a substantive proceeding before this Court.<sup>2</sup>

[6] However, even assuming a s 28(3) application for review is available in the present circumstances, the application must be dismissed. Glazebrook J was correct to uphold the Registrar’s decision not to accept Mr Siemer’s application for filing on the basis of lack of jurisdiction.<sup>3</sup>

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<sup>1</sup> *Siemer v Registrar of the Supreme Court* [2015] NZSC 1 at [5] and [6]. We comment that there are doubts whether, in refusing to accept an application for filing, the Registrar is acting under a power conferred by a rule of Court and therefore whether s 28(2) was applicable.

<sup>2</sup> See *Howard v Accident Compensation Corporation* [2014] NZSC 31, (2014) 21 PRNZ 815 at [3] and *Siemer v Stiassny* [2014] NZSC 70 at n 3.

<sup>3</sup> Glazebrook J has participated in the review of her decision under s 28(3) on the basis of *Howard v Accident Compensation Corporation* [2014] NZSC 31, (2014) 21 PRNZ 815 at [3] and *Siemer v Stiassny* [2014] NZSC 80 at [6].