

IN THE SUPREME COURT OF NEW ZEALAND

**SC 60/2012
[2012] NZSC 92**

BETWEEN	VINCENT ROSS SIEMER Applicant
AND	JUDICIAL CONDUCT COMMISSIONER First Respondent
AND	SIAN SEERPOOHI ELIAS Second Respondent
AND	PETER BLANCHARD Third Respondent
AND	JOHN MCGRATH Fourth Respondent
AND	WILLIAM YOUNG Fifth Respondent
AND	ANDREW TIPPING Sixth Respondent

Court: Chambers and Glazebrook JJ

Counsel: Applicant in Person
D J Goddard QC and L Theron for First Respondent

Judgment: 1 November 2012

JUDGMENT OF THE COURT

A The application for leave to appeal is dismissed.

B The applicant is to pay to the first respondent costs of \$2,500 plus all reasonable disbursements to be fixed, if necessary, by the Registrar.

REASONS

[1] Mr Siemer complained to the Judicial Conduct Commissioner about the conduct of judges of the Supreme Court. The Commissioner concluded the complaints were not within his jurisdiction. Mr Siemer applied for judicial review of that determination. The Commissioner applied for summary judgment on the basis that judicial review could not succeed. Toogood J acceded to that application and entered judgment for the Commissioner on 27 June this year.¹ Mr Siemer has appealed that decision. The Registrar of the Court of Appeal fixed security for costs in the sum of \$5,880. Mr Siemer applied for review of that decision. Wild J conducted the review and upheld the Registrar's decision.² Mr Siemer now seeks leave to appeal from the judgment of Wild J.

[2] Wild J carefully reviewed Mr Siemer's arguments as to why he should not be required to pay security. The Judge applied well-established criteria. The proposed appeal does not raise an issue of public or general importance and there is no appearance of error. The criteria specified in s 13(2) of the Supreme Court 2003 are not met.

[3] We also note that this is the fifth occasion on which Mr Siemer or his wife has sought leave to appeal from a Court of Appeal judge's determination that security for costs must be paid.³ Mr Siemer has on this occasion presented essentially the same submissions as previously put forward and rejected. For instance, he raises again the argument that, because the respondent is an officer of state, he (Mr Siemer) should not be required to give security for costs. Mr Siemer knows this argument has previously been rejected.⁴ It is an abuse of this Court's process to continue to file applications for leave based on grounds which Mr Siemer must know have limited or no chance of success.

¹ *Siemer v Judicial Conduct Commissioner* [2012] NZHC 1481.

² *Siemer v Judicial Conduct Commissioner* CA442/2012, 5 September 2012.

³ For earlier cases, see *Siemer v Fardell* [2011] NZSC 30, *Siemer v Chief Justice of New Zealand* SC15/2012 and *Siemer v Solicitor-General* SC14/2012 (both applications being dealt with in [2012] NZSC 37) and *Siemer v Heron* [2012] NZSC 91.

⁴ *Siemer v Solicitor-General* [2012] NZCA 68 at [10]; aff'd [2012] NZSC 37; *G v Chief Executive of the Ministry of Social Development* [2010] NZSC 141, (2010) 20 PRNZ 705; *Easton v Wellington City Council* [2010] NZSC 10, (2010) 20 PRNZ 360.

Mr Siemer, having failed on the application for leave, must pay costs to the Commissioner in the sum of \$2,500.

Solicitors:
Gault Mitchell Law, Wellington, for First Respondent