

IN THE SUPREME COURT OF NEW ZEALAND

SC 55/2013  
[2013] NZSC 112

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

Court: Glazebrook and Arnold JJ

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

Judgment: 14 November 2013

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**JUDGMENT OF THE COURT**

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- A The application for leave to appeal is dismissed.**
- B The applicant is to pay costs of \$2,500 plus all reasonable disbursements (to be fixed, if necessary, by the Registrar) to the first respondent**
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## REASONS

[1] Mr Siemer seeks leave to appeal against a decision of Wild J of 6 June 2013.<sup>1</sup> In that judgment, Wild J upheld the decision of the Registrar of the Court of Appeal refusing to accept for filing an application for review of a decision he gave on 5 September 2012 reviewing the Registrar's decision declining to dispense with security for costs.

### Our Assessment

[2] As noted by Wild J in his judgment of 6 June 2013, his decision of 5 September 2012 was not made under s 61A(1) of the Judicature Act 1908. It was made under s 61A(3) of that Act. This is because it was a decision reviewing a decision of the Registrar, namely her decision declining to dispense with security for costs.<sup>2</sup>

[3] As outlined by Wild J in his judgment, the Court of Appeal's review powers under s 61A(2) are expressly limited to orders made by a single judge pursuant to s 61A(1). There is no power for the Court to review decisions made under s 61A(3).<sup>3</sup>

[4] Wild J was thus clearly correct to uphold the Registrar's decision. No issue of general or public importance arises and none of the arguments raised by Mr Siemer point to a risk of substantial miscarriage of justice.

### Result

[5] The application for leave to appeal is dismissed.

[6] Mr Siemer is to pay costs of \$2,500 plus all reasonable disbursements (as fixed, if necessary, by the Registrar) to the first respondent.

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<sup>1</sup> *Siemer v Judicial Conduct Commissioner* [2013] NZCA 205.

<sup>2</sup> At [4].

<sup>3</sup> At [5]. See *Siemer v Stiassny* [2013] NZSC 11 at [4]; and *Rabson v Chapman* [2013] NZSC 65. at [4].

Solicitors:

Gault Mitchell Law for First Respondent

Crown Law for Second, Third, Fourth, Fifth and Sixth Respondents