

**IN THE SUPREME COURT OF NEW ZEALAND**

**I TE KŌTI MANA NUI**

**SC 68/2021  
[2021] NZSC 120**

BETWEEN                      VINCENT ROSS SIEMER  
   Applicant

AND                              AUCKLAND HIGH COURT  
   First Respondent

   MATTHEW SIMON RUSSELL PALMER  
   Second Respondent

Court:                      Glazebrook, O'Regan and Ellen France JJ

Counsel:                      Applicant in person  
   A M Powell and R M McMenamin for Respondents

Judgment:                      20 September 2021

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**JUDGMENT OF THE COURT**

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- A        The application for leave to appeal is dismissed.**
- B        The applicant must pay the respondents costs of \$2,500.**
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**REASONS**

**Background**

[1]        Mr Siemer filed judicial review proceedings seeking an order in the nature of mandamus against a Judge of the Auckland High Court. The proceedings were struck out under rr 5.35A–C of the High Court Rules 2016.

[2]        Mr Siemer then filed a notice of appeal to the Court of Appeal along with an application to dispense with the requirement to lodge security for costs. The Deputy Registrar declined to waive the security for costs requirement. Mr Siemer then

sought a review of the Deputy Registrar’s decision, which was dismissed.<sup>1</sup> This was on the basis that the proceedings could be viewed as “frivolous, vexatious and an abuse of process of the Court”.<sup>2</sup>

[3] Mr Siemer now seeks leave to appeal the Court of Appeal’s decision which upheld the Deputy Registrar’s decision to decline to waive security for costs. He argues that his proposed appeal raises access to justice issues and that the fact that the proceedings were struck out without giving notice to or hearing from the applicant means that this Court’s decision in *Reekie v Attorney-General* needs to be reconsidered.<sup>3</sup>

### **Our assessment**

[4] Nothing raised by Mr Siemer satisfies the criteria in s 74(2) of the Senior Courts Act 2016. *Reekie v Attorney-General* is a recent decision of this Court and there is no reason to reconsider it. That decision was applied in this case and therefore the proposed appeal does not raise a matter of general or public importance and relates only to the particular circumstances of this case.<sup>4</sup> Nor is there a risk of a substantial miscarriage of justice.<sup>5</sup>

### **Result**

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

[6] The applicant must pay the respondents costs of \$2,500.

Solicitors:  
Crown Law Office, Wellington for Respondents

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<sup>1</sup> *Siemer v Auckland High Court* [2021] NZCA 194 (Brown J).

<sup>2</sup> At [18].

<sup>3</sup> *Reekie v Attorney-General* [2014] NZSC 63, [2014] 1 NZLR 737.

<sup>4</sup> Senior Courts Act 2016, s 74(2)(a).

<sup>5</sup> Section 74(2)(b). For the threshold required for a miscarriage of justice in civil cases, see *Junior Farms Ltd v Hampton Securities Ltd (in liq)* [2006] NZSC 60, (2006) 18 PRNZ 369 at [5].