

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC MA 7/2022  
[2022] NZSC 73

IN THE MATTER OF Applications by VINCENT ROSS SIEMER  
for review of the decisions of the Registrar

Judgment: 10 June 2022

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JUDGMENT OF O'REGAN J

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**The applications for review are dismissed.**

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REASONS

[1] The Registrar has referred to me three matters on which the applicant challenges her decisions and either explicitly or implicitly seeks review of the decisions under s 82(3) of the Senior Courts Act 2016 (the challenged decisions). I have reviewed the challenged decisions. I dismiss the applications for review in relation to all three of them. My reasons follow.

[2] The first challenged decision relates to an application by the applicant under r 8 of the Senior Courts (Access to Court Documents) Rules 2017 (the Rules) for a copy of the formal Court record in SC 80/2015 *Greer v Smith & Harrison*.<sup>1</sup>

[3] There is an extensive history to this application, summarised in a minute of the Court dated 25 November 2016 (the 2016 minute). At the end of that minute, the Court said:

[3] One aspect of the jurisdiction of the Court which is now engaged is its entitlement to deal with abuse of its processes. We say this given:

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<sup>1</sup> The judgment for this case was *Greer v Smith* [2015] NZSC 136.

- (a) the repeated in-substance challenges to the judgment of 18 December 2015 which come on top of the two unsuccessful recall applications;
- (b) the absence of any other apparent point to Mr Siemer's recent conduct; and
- (c) Mr Siemer's persistence in advancing s 28(3) arguments which have previously been rejected by us.

[4] Accordingly, we direct the Registrar not to accept for filing any further application by Mr Siemer by way of, or relating to:

- (a) his application for access to Mr Greer's application for leave to appeal;
- (b) challenge, direct or indirect, to the judgments of this Court of 18 December 2015, 10 February 2016 or 10 March 2016;
- (c) the minutes of 20 October 2015, 28 October 2016 or 9 November 2016; or
- (d) this minute.

[4] Despite that direction, the applicant made a further application in 2019.<sup>2</sup>

[5] The application to which the first challenged decision responded was vexatious and an abuse of the Court's process. The Registrar was indulging the applicant by accepting it and responding to it, given the direction made at [4] of the 2016 minute.

[6] She provided the applicant with a link to the judgments on the file, but the applicant argued that her response was deficient because she did not provide a copy of an index with her emailed reply. The Registrar explained that the index is an index of all cases rather than any individual case, and indicated that it could be inspected during office hours. The right under r 8 of the Rules is to access (as that term is defined in the Rules) the formal court record *relating to a civil proceeding*. In this case, "index" means the entry in the index *relating to the Greer v Smith & Harrison* file. The information relating to that proceeding that is contained in the index is duplicated on the Courts of New Zealand website so is already publicly available. I see no error in the Registrar's decision.

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<sup>2</sup> *Re Siemer* [2019] NZSC 52.

[7] The second challenged decision also relates to *Greer v Smith*. The applicant claimed he was entitled to access documents from the file because he was a party to SC 80/2015 *Greer v Smith & Harrison*. This was because the 2016 minute dealing with the applicant's 2016 applications in relation to the *Greer v Smith & Harrison* file used the intituling of the *Greer v Smith* judgment. The Registrar advised that the only parties to *Greer v Smith* were Mr Greer, Mr Smith and Mr Harrison: the applicant did not become a party to *Greer v Smith* by the making of a request for access to the file for that case. That is undoubtedly correct.

[8] The third challenged decision is essentially a subset of the first one. The applicant continues to argue that the Registrar is failing to comply with the Rules by not providing an index of the file for both SC 80/2015 *Greer v Smith & Harrison* and SC 136/2021 *Siemer v Auckland High Court*. The Registrar's explanation is set out above. It is correct. As noted above, the information contained in the Court's global index in relation to these files is duplicated on the Courts of New Zealand website.

[9] I reiterate that no further applications from the applicant that relate in any way to *Greer v Smith* or to the present applications should be accepted.