

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 119/2024
[2025] NZSC 16

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| BETWEEN | VINCENT ROSS SIEMER Applicant |
| AND | ATTORNEY-GENERAL First Respondent |
| AND | REGISTRAR OF SUPREME COURT Second Respondent |
| Counsel: | Applicant in person |
| Judgment: | 20 March 2025 |

JUDGMENT OF MILLER J

The application for review of the decision of the Deputy Registrar declining to waive the filing fee is dismissed.

REASONS

[1] Mr Siemer has applied for a fee waiver on the grounds that he has not been granted legal aid and wholly depends on New Zealand superannuation (NZ Super) to meet his living expenses.¹ He provided evidence of receipt of NZ Super dated 14 September 2021. The Deputy Registrar asked for more recent evidence. Mr Siemer then provided a letter from the Ministry of Social Development | Te Manatū Whakahiato Ora, dated 25 November 2024. The letter confirms that while Mr Siemer is eligible for NZ Super, he receives a United States pension that is greater than his NZ Super entitlement so his NZ Super payments are currently suspended.

¹ Supreme Court Fees Regulations 2003, reg 5(2)(a) and (3)(b)(ii). Mr Siemer seeks leave to appeal from *Attorney-General v Siemer* [2024] NZCA 435 (French, Mallon and Wylie JJ).

[2] The Deputy Registrar determined that the application and supporting evidence did not satisfy him that Mr Siemer is wholly dependent for payment of his living expenses on NZ Super. I note here that the Deputy Registrar did not expressly consider:

- (a) whether Mr Siemer would otherwise suffer undue financial hardship if he paid the fee;² or
- (b) whether the appeal concerns a matter of genuine public interest (as defined in the Supreme Court Fees Regulations 2003) and is unlikely to be commenced or continued unless the fee is waived.³

However, Mr Siemer has not claimed undue financial hardship. At that point, he also did not claim the matter was one of genuine public interest.

[3] Mr Siemer then lodged a “plea for ancillary declaratory relief”, which I directed be treated as an application for review of the Deputy Registrar’s decision. The general grounds of review are based on perceived conflict of interest and alleged corruption. He also lodged a second fee waiver application, this time on a different form to be used where the applicant does not wholly depend on NZ Super. He now claims public interest grounds as the reason for the fee waiver application. He says the proceedings will clarify a question of law relating to the admission of court judgments as untested evidence in other proceedings, which he says is in plain contravention of the Evidence Act 2006. He is also concerned about the lack of a fair process in the proceedings to date.

[4] The question is whether Mr Siemer has established that he falls within either reg 5(2)(a) or 5(2)(b) of the Supreme Court Fees Regulations.

[5] On the evidence before me, Mr Siemer has not shown that he is unable to pay the fee. He has not provided any evidence that he is wholly dependent for the payment of his living expenses on NZ Super (for the purposes of reg 5(3)(b)(ii)). He is in

² Regulation 5(3)(b)(iii).

³ Regulation 5(2)(b) and (4).

receipt of an overseas pension of a greater amount. And he has not established he is entirely reliant on the pension to meet his living expenses. He has not relied on the broader ground in reg 5(3)(b)(iii) that he would otherwise suffer undue financial hardship if he paid the fee.

[6] I turn to the alternative ground of public interest.⁴ I am prepared to assume (without deciding) that the proceeding concerns a matter of genuine public interest. I am not persuaded that the proceeding is unlikely to continue if the fee is not waived.⁵ He complains that he has been denied a fair process, but his application for leave to appeal has been permitted to proceed in parallel and, should he continue, it will be assessed on its merits.

[7] The application for review is dismissed. If Mr Siemer wishes to have the application for leave to appeal continue to determination, he must pay the requisite filing fee.

⁴ Regulation 5(2)(b) and (4).

⁵ Regulation 5(2)(b)(ii).