

**IN THE COURT OF APPEAL OF NEW ZEALAND**

**[2014] NZCA 5**

BETWEEN

VINCENT SIEMER  
Intended Appellant

AND

DEPUTY REGISTRAR OF THE COURT  
OF APPEAL  
Intended Respondent

Judgment: 10 February 2014 at 10 am

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**JUDGMENT OF O'REGAN P  
(Review of Registrar's Decision)**

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**The application for review of the decision of the Registrar to accept a notice of appeal filed by the intended appeal is dismissed.**

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**REASONS**

[1] This is an application for review of a decision of the Registrar to refuse to accept for filing a purported notice of appeal.

[2] The application is made under r 7(2) of the Court of Appeal (Civil) Rules 2005. I intend to address the substance of the application but do not express a view on the scope of r 7(2) or its applicability to decisions of this nature.

[3] The purported notice of appeal provides as follows: "I, Vince Siemer, the appellant, give notice that I am appealing against the order of Cooper J dated 11/12/2013 rejecting my application for judicial review of the Deputy Registrar of the Court of Appeal sitting in Auckland for filing in the Auckland High Court".

[4] The Registrar of this Court did not accept the purported notice of appeal because she said that the “order” to which it related was not a judgment, decree or order in terms of s 66 of the Judicature Act 1908, and was not therefore an appealable decision.

[5] The background to the “order” to which the purported notice of appeal relates is that Mr Siemer wished to file an application for judicial review at the High Court in Auckland. The subject of the proposed judicial review application is the Deputy Registrar of this Court. The Deputy Registrar of the High Court at Auckland asked Cooper J for guidance as to whether the proposed judicial review application could be accepted for filing in the Auckland Registry of the High Court. Cooper J made a direction to the Deputy Registrar that the proceedings should not be accepted for filing in the Auckland Registry of the High Court, because under the High Court Rules the appropriate Registry for the filing of the application was the Wellington Registry.

[6] The Deputy Registrar of the High Court at Auckland notified Mr Siemer of this. Rather than posting the documents to the Wellington Registry of the High Court, Mr Siemer purported to appeal to this court.

[7] The direction made by Cooper J was a direction made to the Deputy Registrar about the administrative arrangements for the reception of an application to the High Court. It was not an order relating to a proceeding that was before the Court and it was not an order that was directed to Mr Siemer or any other party to a High Court proceeding. It did not prevent the commencement of the proceeding but outlined the administrative arrangements for its commencement. It was not a judgment order or decree to which s 66 relates.

[8] In my view, therefore, the Registrar was correct to refuse to accept the purported notice of appeal for filing.

[9] I therefore dismiss the application for review and uphold the decision of the Registrar.