

IN THE COURT OF APPEAL OF NEW ZEALAND

**CA104/2013
[2014] NZCA 2**

BETWEEN VINCENT ROSS SIEMER
Appellant

AND MICHAEL PETER STIASSNY AND
KORDA MENTHA (FORMERLY
FERRIER HODGSON)
Respondents

Court: Wild J

Judgment: 7 February 2014 at 10 am
(On the papers)

**JUDGMENT OF WILD J: REVIEW OF REGISTRAR'S DECISION ON
SECURITY FOR COSTS**

The Registrar's decision on security for costs is upheld. The security for costs of \$5,880 is to be paid by 28 February 2014.

REASONS OF WILD J

[1] By application dated 27 June 2013, filed on 1 July, the appellant applies for review of the Registrar's decision declining to dispense with, or reduce to \$200, security for the costs of this appeal. The Registrar made her decision on 18 June 2013. Security had been fixed at \$5,880 on 21 February. The review application was referred to me on 29 January.

[2] Having reviewed the Registrar's decision I uphold it, for the reasons the Registrar gave.

[3] Dealing briefly with the grounds the appellant advances in seeking a review:

- There is nothing in the point that the filing fee on this appeal was waived, whereas security for costs was not dispensed with. As the appellant well knows, the criteria are different.
- There is nothing in the point that some four months elapsed between receipt by the Court on 26 February of the appellant's application (which was incorrectly dated 25 November 2013) to dispense with security and the Registrar's decision. On the considerations established in decisions under r 35(6), the Registrar was either correct or incorrect in not dispensing with or reducing security.
- The appellant's invocation of the New Zealand Bill of Rights Act 1990 and the UNICCPR is misguided. Security for costs necessarily involves the balancing of the rights of the appellant and the respondents.
- While the grounds of the appeal may be "self evident" (in that they are set out in the notice of appeal), the merits are not and it is the latter that are relevant.
- I do not consider the Registrar had a conflict of interest which debarred her from making the decision under review.
- While the Registrar's decision appears on Supreme Court letterhead, through some administrative error, the decision is clearly that of this Court's Registrar. It was made under her name and signature.

Result

[4] I uphold the Registrar's decision that security for costs of \$5,880 must be paid.

[5] I direct that it be paid by *28 February 2014*.