

IN THE MATTER OF An application by VINCENT SIEMER for
a review of the decision of the Registrar
declining to accept for filing an application
for leave to appeal

BETWEEN VINCENT ROSS SIEMER
Applicant

AND FERRIER HODGSON
First Respondent

AND MICHAEL PETER STIASSNY
Second Respondent

Judgment: 17 September 2008

JUDGMENT OF McGRATH J

The Registrar's decision is confirmed.

REASONS

[1] Mr Siemer has applied under s 40 of the Supreme Court Act 2003 and reg 5 of the Supreme Court Fees Regulations 2003 for a review of the decision of the Registrar to decline Mr Siemer's application for waiver of the filing fee in respect of a proposed appeal against a judgment of the Court of Appeal.

[2] On 24 July 2008 the Court of Appeal dismissed an appeal by Mr Siemer against a number of interlocutory rulings made in the High Court in defamation proceedings brought against Mr Siemer by Ferrier Hodgson, a firm of chartered accountants, and Mr Stiassny, one of its principals. Mr Siemer wishes to seek leave to appeal against the Court of Appeal judgment. He applied for a waiver of the filing fee on the application on the basis that the appeal concerns a matter of genuine

public interest and is unlikely to be commenced unless the fee is waived. Under reg 5(4) of the Supreme Court Fees Regulations 2003 he is required to show that the appeal, in broad terms, raises matters of significant public interest.

[3] Two points are raised. First, Mr Siemer wishes to argue in the appeal that the presiding Judge in the Court of Appeal, Hammond J, should not have sat on the appeal because of a connection with Mr Stiassny. As no proper foundation has been made out in the application for leave and written submissions for Mr Siemer's assertions concerning the Judge, I am satisfied that there is no basis on which it could be said that there is an appeal point of actual or apparent judicial bias arising at all in this case. It is unnecessary to consider that matter any further. Mr Siemer's second point concerns a complaint over the administration by the High Court Judge of the Rules of Discovery. It is a complaint related to the circumstances of the particular case. I am satisfied that there is nothing in this point which raises a matter of significant public interest in terms of the Regulations.

[4] I conclude that the decision of the Registrar was correct and it is confirmed.