

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC UR 13/2023  
[2023] NZSC 91

RE

SANDY ZHUJUN DAI  
Applicant

Counsel: Applicant in person

Judgment: 27 July 2023

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JUDGMENT OF O'REGAN J

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**The application for review of the decision of the Deputy Registrar declining to consider a further application for waiver of the filing fee is dismissed.**

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REASONS

[1] The applicant wished to file an application for leave to appeal against a decision of the Court of Appeal.<sup>1</sup> She sought a waiver of the Supreme Court filing fee. This was declined by the Deputy Registrar. She then applied for a review by a Judge of the Deputy Registrar's decision. The review application was dismissed.<sup>2</sup>

[2] The applicant then filed a new application for waiver of the filing fee. She claimed in her application that her circumstances had changed and she wanted to apply again. The Deputy Registrar declined to consider the new application.

[3] The initial application for review had been advanced on the ground that the proposed appeal to this Court involved a matter of genuine public interest and was

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<sup>1</sup> *Dai v Professional Conduct Committee of the New Zealand Institute of Chartered Accountants* [2023] NZCA 132 (Brown and Collins JJ).

<sup>2</sup> *Re Dai* [2023] NZSC 69 (Ellen France J).

unlikely to be commenced unless the fee were waived.<sup>3</sup> In her review judgment, Ellen France J upheld the view of the Deputy Registrar that the proposed appeal did not concern a matter of genuine public interest.<sup>4</sup>

[4] The new application was advanced on the same ground. The Deputy Registrar ruled that the new arguments the applicant wished to raise in support of that ground did not indicate any change in the applicant's circumstances. Hence, there was no basis for the new application.

[5] The applicant now seeks a review of the Deputy Registrar's ruling in relation to the new application, contending that application contained additional public interest grounds. It is, at least, questionable whether any right of review exists. But it is not necessary to decide whether it does, because it is clear beyond argument that the Deputy Registrar is correct. There has been no change of circumstances. Rather, the applicant is simply re-arguing a point already rejected.

[6] The application for review is dismissed.

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<sup>3</sup> Supreme Court Fees Regulations 2003, reg 5(2)(b).

<sup>4</sup> *Re Dai*, above n 2, at [8].